AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol. 43—No. 113
6-12-78
PAGES
25331-25411

federal register

MONDAY, JUNE 12, 1978



highlights

SUNSHINE ACT MEETINGS 25405

NONDISCRIMINATION BASED ON HANDICAP
HUD extends comments to 8-1-78 on proposal that sets forth procedures and policies to assure nondiscrimination in programs receiving Federal financial assistance (Part II of this issue) 25409

VALUATION OF PLAN BENEFITS
Pension Benefit Guarantee Corporation amends interim rule prescribing rates and factors used in valuing plan benefits terminated between 12-1-77 and 3-1-78; effective 6-12-78.. 25337

VENDING FACILITY PROGRAM FOR THE BLIND
DOD updates their policies that provide blind persons with employment and thereby encourage self-sufficiency; effective 4-7-78 25337

"SINGLE-WIDE" MOBILE HOME LOANS
HUD proposes to increase maturity period for loans; comments by 7-12-78 25349

HOUSING GUARANTEE PROGRAM FOR LEBANON
State/AID issues notice stating that they will guarantee repayment of principal and interest on a loan not exceeding $15 million by U.S. Investor to the Borrower 25399

STANDARDS OF CONDUCT
FTC improves its internal mechanisms for preventing, identifying, and resolving ethical problems with emphasis on conflicts of financial interests; effective 6-12-78 25333

PRESIDENT'S CUP REGATTA
DOT/CG issues regulations to ensure safety on Potomac River; effective from 10 a.m. EDST until 6 p.m. EDST on 6-15 through 6-18-78 25342

PRIVACY ACT
HUD/Secy publishes three new systems of records; comments by 7-12-78; effective 7-12-78 25386

MEETINGS—
Commerce/NBS: Energy Conservation Subcommittee of the Building Technology Advisory Committee, 7-18-78 25355
Integrated Approach to Safety Subcommittee of the Building Technology Advisory Committee, 7-17-78 25355
NFAH/NEA: Theatre Advisory Panel, 6-23 through 6-25-78 25389
NRC: Advisory Committee on Reactor Safeguards Subcommittee on Naval Reactors/Naval Operations, 6-28-78 . 25389
Advisory Committee on Reactor Safeguards Subcommittee on the New England Power Company Nuclear Project, 6-28 and 6-29-78 25389

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

federal register

Area Code 202 Phone 523-5240

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

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington. D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:

Subscription orders (GPO)	**202–783–3238**
Subscription problems (GPO)	**202–275–3050**
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	**202–523–5022**
Scheduling of documents for publication.	523–3187
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5237
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–3517
Code of Federal Regulations (CFR)	523–3419
	523–3517
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235

PUBLIC LAWS:

Public Law dates and numbers	523–5266
	523–5282
Slip Laws	523–5266
	523–5282
U.S. Statutes at Large	523–5266
	523–5282
Index	523–5266
	523–5282
U.S. Government Manual	523–5230
Automation	523–3408
Special Projects	523–4534

HIGHLIGHTS—Continued

Science and Technology Policy Office: Panel on Dam Safety Programs, 6–28–78 ..... **25392**

CHANGED MEETING—

Commerce/NOAA: New England Fishery Management Council's Scientific and Statistical Committee, 5–31–78 ... **25356**

CANCELLED MEETING—

DOT/NHTSA: 1971–76 Ford Pinto and 1975–76 Mercury Bobcat Fuel Systems proceeding, 6–14–78 ..... **25404**

HEARINGS—

Commerce/NOAA: Need for additional regulations for the protection of humpback whales in Hawaii, 6–26 and 6–29–78 ..... **25349**

ITC: Certain Roller Units, 6–21–78 ..... **25388**

CHANGED HEARING—

ITC: Certain Fishing Tackle, 6–13–78 now scheduled for 6–27–78 ..... **25388**

SEPARATE PARTS OF THIS ISSUE

Part II, HUD **25411**

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Housing guarantee program:
Lebanon, Republic of 25399

AGRICULTURAL MARKETING SERVICE

Rules

Peaches (fresh) grown in Ga..... 25331

Proposed Rules

Cranberries grown in Mass. et al 25348
Peaches (fresh) grown in Wash. 25347

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Farmers Home Administration; Science and Education Administration.

Notices

Committees; establishment, renewals, terminations, etc.:
National Poultry Improvement Plan General Conference Committee 25351

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices

Meetings:
Theatre Advisory Panel..... 25389

CIVIL AERONAUTICS BOARD

Rules

Practice and procedure, economic proceedings:
Briefs, format filing changes . 25332

Notices

Hearings, etc.:
Arizona Service investigation . 25351
DeLaval Turbine, Inc., et al 25351

COAST GUARD

Rules

Regattas, safety of life:
President's Cup Regatta, Washington, D.C.; special regulations 25342

COMMERCE DEPARTMENT

See Industry and Trade Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

COMPTROLLER OF CURRENCY

Proposed Rules

Fiduciary powers; National banks and collective investment funds:
Trust assets investment; variable amount notes, etc.; suspended 25348

DEFENSE DEPARTMENT

Rules

Blind; vending facility program on Federal property 25337

ENERGY DEPARTMENT

See also Federal Energy Regulatory Commission; Hearings and Appeals Office.

Notices

Interpretation requests filed with General Counsel's Office 25365

FARMERS HOME ADMINISTRATION

Rules

Association, community facility loans:
Water and waste disposal systems, development grants; inquiry; correction..... 25331

FEDERAL AVIATION ADMINISTRATION

Rules

Restricted areas..... 25331

FEDERAL COMMUNICATIONS COMMISSION

Rules

Fm broadcast stations; table of assignments:
New Mexico..... 25344
Frequency allocations and radio treaty matters:
Radio frequency bands, design of; minimization of interference to radio astronomy operations..... 25343

Notices

Satellite communications services; applications accepted for filing 25383

FEDERAL ENERGY REGULATORY COMMISSION

Notices

Land withdrawals:
Alaska 25366
Hearings, etc.:
Algonquin Gas Transmission Co. (2 documents)..... 25367
Arapahoe Production Co. et al 25369
Arizona Public Service Co 25370
Black Hills Power & Light Co. (2 documents)..... 25370
Cincinnati Gas & Electric Co . 25371
Commonwealth Edison Co 25371
Connecticut Yankee Atomic Power Co 25371
Drinkwater, Terrell C 25373
East Tennessee Natural Gas Co 25373
Fischer, Frank E 25373
Florida Power & Light Co. (2 documents) 25373
Georgia Power Co 25374
Griffin, Thomas A., Jr 25374
Homestead, Florida, City of, et al 25371
Idaho Power Co..... 25374
Iowa Southern Utilities Co 25374
Kansas Gas & Electric Co. (2 documents) 25375
Larkin, Frederick G., Jr..... 25375
Lesky, Stephen 25375
Montana-Dakota Utilities Co . 25376
Municipal Electric Utilities Association of New York State et al..... 25376
National Fuel Gas Supply Corp 25376
Natural Gas Pipeline Co. of America (2 documents)..... 25376, 25377
Northern States Power Co 25378
Panhandle Eastern Pipe Line Co 25378
Philadelphia Electric Co 25380
Pennzoil Louisiana & Texas Offshore Co., Inc. and Pennzoil Oil & Gas, Inc..... 25378
Public Service Co. of Oklahoma 25380
Puget Sound Power & Light Co 25380
Safe Harbor Water Power Corp 25380
Seifried, Dean B 25381
Smith, James F 25381
Smith, H. Russell 25381
Tampa Electric Co. (3 documents)..... 25381, 25382
Tennessee Natural Gas Lines, Inc 25382
Transcontinental Gas Pipe Line Corp. (2 documents)..... 25382
United Gas Pipe Line Co 25382
Upper Peninsula Generating Co. (2 documents)..... 25383

FEDERAL HOME LOAN BANK BOARD

Notices

Applications, etc.:
First Federal Savings and Loan Association of Suffolk 25383

FEDERAL MARITIME COMMISSION

Rules

Self-policing systems; denial of extension of time and for stay . 25343

Notices

Agreements filed, etc..... 25384
Casualty and nonperformance, certificates:
Delta Steamship Lines, Inc. (2 documents) 25385

FEDERAL RAILROAD ADMINISTRATION

Rules

Acquisition and modernization assistance; CFR part revoked . 25346

FEDERAL TRADE COMMISSION

Rules

Conduct standards 25333
Games of chance in food retailing and gasoline industries; one-time exemption granted to FNK Enterprises 25336

Proposed Rules
Consent orders:
Australian Land Title, Ltd., et al.; correction 25349
Public Service Co. of Colorado; correction 25349

Notices
Cigarette testing results; tar and nicotine contents; correction .. 25385

FISCAL SERVICE
Notices
Surety companies acceptable on Federal bonds:
Continental Reinsurance Corp 25400

FISH AND WILDLIFE SERVICE
Notices
Endangered and threatened species permits; applications (4 documents) 25387, 25388

GENERAL SERVICES ADMINISTRATION
Notices
Public utilities; hearings, etc.:
Public Service Co. of New Mexico 25385
Utah Power & Light Co 25385

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Notices
Organization, functions, and authority delegations:
Social Security Administration 25385

HEARINGS AND APPEALS OFFICE, ENERGY DEPARTMENT
Notices
Applications for exception, etc.; cases filed (4 documents) 25356-25362
Applications for exception, etc.; cases filed; correction 25361

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Proposed Rules
Mortgage and loan insurance programs:
Property improvement and mobile home loans; maturity period increase 25349
Nondiscrimination:
Handicapped in federally-assisted programs and activities 25411
Notices
Privacy Act; systems of records 25386

INDUSTRY AND TRADE ADMINISTRATION
Notices
Scientific articles; duty free entry:
Electric Power Research Institute et al 25352
Johns Hopkins University et al 25353
Ohio State University Research Foundation et al 25354
Sandia Laboratories 25355
University of Tennessee 25355

INTERIOR DEPARTMENT
See Fish and Wildlife Service.

INTERNATIONAL TRADE COMMISSION
Notices
Import investigations:
Fishing tackle; hearing change 25388
Roller units 25388

INTERSTATE COMMERCE COMMISSION
Notices
Fourth section applications for relief 25401
Hearing assignments 25401
Motor carriers:
Transfer proceedings 25401
Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications 25401

NATIONAL BUREAU OF STANDARDS
Notices
Meetings:
Building Technology Advisory Committee (2 documents) 25355

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Notices
Meetings:
1971-76 Ford Pinto and 1975-76 Mercury Bobcat Fuel Systems Proceeding; cancellation 25404
Motor vehicle safety standards; exemption petitions, etc.:
General Motors Corp.; fuel system integrity 25400

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Proposed Rules
Marine mammals and endangered species; interagency cooperation:
Whales, humpback, protection in Hawaii; hearing 25349
Notices
Fishery conservation and management:
Groundfish; New England Fishery Management Council; meeting 25356

NUCLEAR REGULATORY COMMISSION
Notices
Meetings:
Reactor Safeguards Advisory Committee (2 documents) 25389
Applications, etc.:
Duquesne Light Co. et al 25390
Energy Fuels Nuclear, Inc 25390
Florida Power & Light Co 25390
Iowa Electric Light & Power Co. et al 25390
Puget Sound Power & Light Co. et al 25391
Toledo Edison Co. et al 25391

PENSION BENEFIT GUARANTY CORPORATION
Rules
Plan benefits valuation; rates and factors 25337

SCIENCE AND EDUCATION ADMINISTRATION
Notices
Meetings:
National Poultry Improvement Plan General Conferences Committee 25351

SCIENCE AND TECHNOLOGY POLICY OFFICE
Notices
Meetings:
Dam Safety Programs Review Panel 25392

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
Federated Option Income Fund, Inc., et al 25392
Government Securities Trust, et al 25393
Lowell Gas Co., et al 25396
Vanderbilt Growth Fund, Inc 25397
Vanderbilt Income Fund, Inc . 25398

SMALL BUSINESS ADMINISTRATION
Notices
Applications, etc.:
Business Ventures, Inc 25398
City Capital Investors Corp ... 25398
Quidnet Capital Corp 25399
Disaster areas:
West Virginia 25399

STATE DEPARTMENT
See Agency for International Development.

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Aviation Administration; Federal Railroad Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See Comptroller of Currency; Fiscal Service.

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR

918 25331
1823 25331

PROPOSED RULES:

921 25347
929 25348

12 CFR

PROPOSED RULES:

9 25348

14 CFR

73 25331
302 25332

16 CFR

5 25333

16 CFR—Continued

419 25336

PROPOSED RULES:

13 (2 documents) 25349

24 CFR

PROPOSED RULES:

8 25411
201 25349

29 CFR

2610 25337

32 CFR

260 25337

33 CFR

100 25342

46 CFR

528 25343

47 CFR

2 25343
73 25344

49 CFR

257 25346

50 CFR

PROPOSED RULES:

216 25349
217 25349
220 25349
402 25349

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOE—Electric and hybrid vehicle research, development, demonstration, and production loan guaranties 20476; 5-12-78

EPA—Determination of harmful quantities for hazardous substances 10489; 3-13-78

Determination of removability of hazardous substances 10488; 3-13-78

Determination of units of measurement and rates of penalty for hazardous substances 10495; 3-13-78

Water programs; designation of hazardous substances 10474; 3-13-78

FCC—Definition of a cable television system and creation of classes of cable systems 20226; 5-11-78

Labor—Equal employment opportunity in apprenticeship and training; affirmative action for women 20760; 5-12-78

Treasury/BATF—Record retention requirements 20493; 5-12-78

List of Public Laws

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

[Last Listing: June 8, 1978]

H.R. 11662 ..... Pub. L. 95-290
To provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes. (Jun. 5, 1978; 92 Stat. 290) Price $.80

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

1 CFR

Ch. I 23701

4 CFR

331 24819
401 24820
402 24820
403 24820
404 24820
405 24820
406 24820
407 24820
408 24820
409 24820
410 24821
415 24821

5 CFR

213 ..... 25075, 25076

7 CFR

2 23983
226 25130
227 ..... 25130, 25132
230 25134
246 23986
301 25135
910 25136
905 24821
908 ..... 23701, 24822
910 23986
918 25331
932 24822
1079 24515
1434 24263
1800 23986
1822 24264
1823 25331
1904 24265

PROPOSED RULES:

210 25137
650 24222
917 23724
921 25347
929 25348
948 24846
980 24846
1062 24515
1126 23725
1430 25137
1701 ..... 24064, 25138

9 CFR

78 23987
113 ..... 25076, 25078

PROPOSED RULES:

11 24064
381 24064

10 CFR

205 ..... 23989, 25079
212 ..... 24265, 24822
430 24268

10 CFR—Continued

PROPOSED RULES:

211 24847
212 24847
465 24316

12 CFR

9 23990
217 24516
329 24269
526 24271
545 24271

PROPOSED RULES:

9 25348
226 23726
545 23727

14 CFR

39 ..... 24272, 24273, 24824-24827
71 ..... 24274, 24275
73 ..... 23703, 25331
75 23703
97 24275
121 24827
129 24827
221 24277
250 24277
298 25087
302 25332

PROPOSED RULES:

39 ..... 23727, 24847-24850
71 ..... 24324, 24851-24854
73 ..... 24854, 24855
75 24856
371 24542
241 25138
371 25141
1216 25317

15 CFR

315 23991
371 24517
399 24517

16 CFR

5 25333
13 23991
419 25336
456 23992

PROPOSED RULES:

Ch. II 24325
13 ..... 24066, 25349

17 CFR

32 23704
240 24287
249 24287

PROPOSED RULES:

1 23729
31 23729

19 CFR

10 23708

19 CFR—Continued

159 ..... 23709, 23710
171 23711

PROPOSED RULES:

4 23731
6 23731

20 CFR

404 25090
416 25090

PROPOSED RULES:

16 25142
20 25142
201 25142
410 24542
812 25142

21 CFR

101 24518
207 24008
540 24010

PROPOSED RULES:

Ch I 24066
146 24547
182 24067
186 24067
740 24070

22 CFR

PROPOSED RULES:

42 24547

24 CFR

203 23713
213 23713
234 23713
570 24656
1914 ..... 24011, 24013
1915 ..... 24019, 24021, 24022
1916 ..... 24049, 24050
1917 ..... 23713-23722, 24051-24061, 24289-24307, 24519-24526

PROPOSED RULES:

8 25411
201 25349
1710 23936
1715 23936
1917 ..... 23732-23743, 24070, 24548-24558

25 CFR

PROPOSED RULES:

54 23743

26 CFR

PROPOSED RULES:

301 25143

27 CFR

170 24234
201 24234

27 CFR—Continued

231 24243
252 24243

29 CFR

2610 25337

PROPOSED RULES:

70a 25145

30 CFR

PROPOSED RULES:

880 24326

31 CFR

103 24527

32 CFR

260 25337
1801 25092
1900 24527

32A CFR

634 24308

33 CFR

100 25342
117 24829

36 CFR

254 24830
904 24528

37 CFR

302 24528
304 25068

38 CFR

PROPOSED RULES:

18d 25146

39 CFR

111 25095
3001 24832

40 CFR

118 24309
120 24529
171 24834
180 ..... 24692, 25120

PROPOSED RULES:

35 24071
52 ..... 24071, 24857, 24858, 25146
65 ..... 24858, 25147
80 24331
180 ..... 24714, 24861
1500 25230
1501 25230
1502 25230
1503 25230
1504 25230
1505 25230

40 CFR—Continued

PROPOSED RULES—Continued

1506 25230
1507 25230
1508 25230

41 CFR

7-1 24839
7-3 ..... 24839, 24840
7-4 24840
7-16 24840
7-30 24840
8-3 24531
8-52 24531
8-74 24531
101-26 24533
101-30 24533
101-38 24062
101-39 24062
101-40 24063

PROPOSED RULES:

4 24559

42 CFR

PROPOSED RULES:

122 24072
405 ..... 24332, 24873, 24988
449 24873
450 24988

43 CFR

PROPOSED RULES:

428 24072
1600 24559

PUBLIC LAND ORDERS:

5638 24063

45 CFR

1067 24841

PROPOSED RULES:

130 24333
144 25149
175 25149
176 25149

46 CFR

401 24996
528 25343

PROPOSED RULES:

Ch. IV 24559
33 25000
35 25000
71 25000
75 25000
78 25000
91 25000
94 25000
97 25000

46 CFR—Continued

PROPOSED RULES—Continued

160 25000
189 25000
192 25000
196 25000
308 24075
502 24080

47 CFR

0 ..... 24310, 25122
1 25122
2 25343
15 25122
73 ..... 24533, 24534, 25344
76 25123
78 25125
89 25127
97 25122

PROPOSED RULES:

63 24861
64 24861
67 23746
73 ..... 24334, 24560, 24862, 24863
81 24863
83 24863
87 25150

49 CFR

171 24844
172 24845
252 25129
253 25129
254 25129
257 25346
571 24310
1033 ..... 23722, 23723, 24535-24539, 25129

PROPOSED RULES:

27 25016
171 24335
172 24335
173 24335
175 24335
176 24335
179 24865
191 ..... 24478, 24866
393 ..... 24871, 25156
531 24871
1124 25152

50 CFR

PROPOSED RULES:

216 25349
217 25349
220 25349
402 25349
656 23747
661 23748

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*	*Pages*	*Date*
23701-23982	June 1	24659-24818	7
23983-24261	2	24819-25073	8
24263-24514	5	25075-25330	9
24515-24658	6	25331-25411	12

rules and regulations

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

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

[3410-02]

Title 7—Agriculture

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

PART 918—FRESH PEACHES GROWN IN GEORGIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1978-79 fiscal period, to be collected from handlers to support activities of the Industry Committee which locally administers the Federal marketing order covering Georgia peaches.

DATES: Effective March 1, 1978, through February 28, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On May 16, 1978, notice was published in the FEDERAL REGISTER (43 FR 21003) inviting written comments not later than June 5, 1978, on proposed expenses, rate of assessment, and carryover of unexpended funds, under Marketing Order No. 918, as amended (7 CFR Part 918), regulating the handling of peaches grown in Georgia. None were received. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matter presented, including the proposals in the notice, it is found that:

§ 918.216 Expenses, rate of assessment, and carryover of unexpended funds.

(a) Expenses that are reasonable and likely to be incurred by the Industry Committee during the period March 1, 1978, through February 28, 1979, will amount to $16,042.50.

(b) The rate of assessment for said period payable by each handler in accordance with § 918.41 is fixed at $0.0125 per bushel (48 pounds net weight) of peaches.

(c) Unexpended assessment funds in excess of expenses incurred prior to February 28, 1978, up to a maximum of $20,000, shall be carried over as a reserve in accordance with § 918.44.

It is further found that good cause exists for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) as the order requires that the rate of assessment for a fiscal period shall apply to all assessable peaches handled from the beginning of the period.

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

Dated: June 7, 1978.

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

[FR Doc. 78-16236 Filed 6-9-78; 8:45 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 442.13]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart P—Development Grants for Community Domestic Water and Waste Disposal Systems

APPLICATION PROCESSING; CORRECTION

AGENCY: Farmers Home Administration, USDA.

ACTION: Correction.

SUMMARY: The Farmers Home Administration issues a correction to a document published in the FEDERAL REGISTER for May 11, 1978, 43 FR 20221. This action is taken to avoid confusion which might otherwise result. This action is only administrative and does not affect the substance of the amendment.

EFFECTIVE DATE: May 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Ken Lee, telephone 202-447-5717.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration published at page 20221 of the FEDERAL REGISTER for Thursday, May 11, 1978, an amendment to § 1823.472 of Subpart P, Part 1823, Chapter XVIII, Title 7 in the Code of Federal Regulations. Due to a typographical error the section numbers in the last sentence of the "Supplemental Information" section and the Section Heading were incorrectly printed as "1923.462" instead of the correct number "1823.472". Therefore, the last sentence of the "Supplemental Information" section and the section heading are corrected to read:

"Accordingly, § 1823.472 (e)(2) and (e)(2)(ii) are amended as follows:

§ 1823.472 Application processing."

* * * * *

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: June 5, 1978.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc. 78-16171 Filed 6-9-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 78-WE-9]

PART 73—SPECIAL USE AIRSPACE

Alteration of Special Use Airspace

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment increases the period of designation of two restricted areas identified as R-2304, Gila Bend, Ariz., and R-2305,

Gila Bend, Ariz. This action provides additional hours of U.S. Air Force training programs while providing for the safe and efficient use of the navigable airspace by prohibiting unauthorized flight operations within the designated areas during those periods.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On May 4, 1978, the FAA proposed to amend Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to alter two restricted areas identified as R-2304, Gila Bend, Ariz., and R-2305, Gila Bend, Ariz. (43 FR 19238). The purpose of the alterations is to permit the Department of the Air Force to more effectively use these restricted areas by providing additional training hours in the existing restricted areas. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. We received two responses to the NPRM in which the commenters posed no objections to the proposal. Section 73.23 was republished in the FEDERAL REGISTER on January 3, 1978, (43 FR 664).

THE RULE

This amendment to Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) increases the time of designation of R-2304 from sunrise to 2400 local time, Monday through Friday, to continuous and R-2305 from sunrise to sunset to continuous and adopts the airspace action proposed in the NPRM (43 FR 19238).

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (43 FR 664) is amended, effective 0901 G.m.t., July 13, 1978, as follows:

In § 73.23, under R-2304, Gila Bend, Ariz., "Sunrise to 2400 local time, Monday through Friday." is deleted and "Continuous." is substituted therefor; under R-2305, Gila Bend, Ariz., "Sunrise to sunset." is deleted and "Continuous." is substituted therefor.

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

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

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

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

[FR Doc. 78-15996 Filed 6-9-78; 8:45 am]

[6320-01]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Docket 32368; Regulation PR-174; amdt 39]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Changes in the Format for Filing Briefs to the Board

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 1, 1978.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This change in Rule 31 of the Board's Rules of Practice makes final two proposed changes in the format for filing briefs to the Board. See PDR-51, 43 FR 15334 (April 12, 1978). It is designed to focus the attention of the parties and the Board on the critical matters presented for decision and speed the overall decisional process at the Board level.

DATES: Effective: July 12, 1978; Adopted: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Gary J. Edles, Deputy General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5233. No comments have been filed; accordingly, for the reasons set forth in the summary above, the Civil Aeronautics Board amends section 302.31 as follows:

§ 302.31 Briefs before the Board.

* * * * *

(c) *Formal specifications of briefs*—(1) *Contents.* Each brief shall discuss every point of law, fact, or precedent which the party submitting it is entitled to raise and which it wished the Board to consider. Each brief shall include a summary of the argument not to exceed 5 pages. Support and justification for every point raised shall include itemized references to the pages of the transcript of hearing, exhibit or other matter of record, and citations of the statutes, regulations or principal authorities relied upon. If a brief or any point discussed in the brief is not in substantial conformity with the requirement for such support and justification, no motion to strike or dismiss such document shall be made but the Board may disregard the points involved.

(2) *Incorporation by reference.* Briefs to the Board shall be completely self-contained and shall not incorporate by reference any portion of any other brief or pleading: *Provided, however,* That instead of submitting a brief to the Board a party may adopt by reference specifically identified pages or the whole of his prior brief to the administrative law judge if the latter complies with all requirements of this section. In such cases, the party shall file with the Docket Section a letter exercising this privilege and serve all parties in the same manner as a brief to the Board.

(3) *Length and index.* Briefs shall comply with the formal specifications set forth in § 302.3(b). Except by permission or direction of the Board or the Secretary, brief shall not exceed 50 pages including pages contained in any appendix, table, chart, or other document physically attached to the brief, but excluding maps and the summary of the argument. In this case "map" means only those pictorial representations of routes, flight paths, mileage, and similar ancillary data that are superimposed on geographic drawings and contain only such text as is needed to explain the pictorial representation. Any brief that exceeds 10 pages shall contain a subject index of its contents, including page references.

(Section 204, 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-16239 Filed 6-9-78; 8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—ORGANIZATION, PROCEDURE AND RULES OF PRACTICE

PART 5—STANDARDS OF CONDUCT

Amendment of Employee Conduct Regulations

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending Part 5 of this chapter to improve its internal mechanisms for preventing, identifying, and resolving ethical problems that may be faced by its employees, with particular emphasis on conflicts of financial interests.

EFFECTIVE DATE: June 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Jerome A. Tintle, Office of General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580, 202-523-3487.

SUPPLEMENTARY INFORMATION: The provisions of Part 5 of this chapter are being amended as outlined below.

Subpart A—General Provisions

New

§ 5.1 *Purpose:* Former § 5.1 unchanged.

§ 5.2 *Authority:* Former § 5.2 unchanged.

§ 5.3 *Presidential policy:* Former § 5.3 unchanged.

§ 5.4 *Definitions:* Former § 5.4 unchanged.

§ 5.5 *Interpretation and advisory service:* Former § 5.5 revised to permit the General Counsel to provide legal advice on questions of interpretation.

§ 5.6 *Procedures for reporting and resolving conflicts of interest:* Former § 5.6 revised to establish a more detailed procedure for the handling of conflicts-of-interest situations, while preserving for each Commissioner the prerogatives established in section 1(b)(3) of Reorganization Plan No. 8 of 1950.

§ 5.7 *Disciplinary or other remedial action by the Chairman:* Former § 5.7 revised to operate in tandem with new § 5.6 and to detail further the procedure for resolving conflicts of interest.

§ 5.8 *Exemption of insubstantial financial conflicts:* Former § 5.52 revised to vest the Executive Director with "exemption" authority over all personnel except advisors to individual Commissioners and employees ranked GS-16 and above.

§ 5.9 *Publication of regulations:* Former § 5.8 renumbered.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

New

§ 5.10 *Proscribed actions:* Former § 5.10 unchanged.

§ 5.11 *Gifts, entertainment, and favors:* Former § 5.11 unchanged.

§ 5.12 *Outside employment and other activity:* Former § 5.12 unchanged.

§ 5.13 *Financial interests:* Former § 5.13 unchanged.

§ 5.14 *Criminal sanction for conflict of interest:* Former § 5.51 revised by changing the cross reference on exemptions to new § 5.8.

§ 5.15 *Use of Government property:* Former § 5.14 renumbered.

§ 5.16 *Misuse of information:* Former § 5.15 renumbered.

§ 5.17 *Indebtedness:* Former § 5.16 renumbered.

§ 5.18 *Gambling, betting, and lotteries:* Former § 5.17 renumbered. Former § 5.18 deleted as redundant and vague.

§ 5.19 *Miscellaneous statutory provisions:* Former § 5.19 is amended (1) to delete as obsolete the reference to the prohibition against the employment of a member of a Communist organization (former § 5.19(e)), and (2) to add a provision requiring employees to report suspected violations of statutes listed in § 5.19 or other relevant statutes.

Subpart C—Ethical and Other Conduct and Responsibilities of Special Government Employees: Former Subchapter C Unchanged.

Subpart D—Statements of Employment and Financial Interests

New

§ 5.31 *Form and content of statements:* Former § 5.31 unchanged.

§ 5.32 *Employees required to submit statements:* Former § 5.32 revised (1) to reflect changed job titles; (2) to delete obsolete positions; (3) to require statements of financial interests from additional employees; (4) to make clear that the provisions of this section apply to employees in the positions specified by this section whether or not they are serving in an acting capacity; and (5) to permit certain supervisors to require that financial statements be filed by additional subordinate employees.

§ 5.33 *Presidential appointees:* Former § 5.33 unchanged.

§ 5.34 *Time and place for submission of statements:* Former § 5.34 revised (1) to reflect that statements of some employees will be submitted to their unit supervisor for review; (2) to waive the requirement to submit a statement where the employee has submitted such a statement during the preceding twelve months; and (3) to elimimate obsolete time requirements for submitting statements.

§ 5.35 *Supplementary statements:* Former § 5.35 revised (1) to reflect that supplementary statements of some employees will now be submitted to the employee's unit supervisor for review; (2) to require the filing of supplementary statements on September 30 each year to coincide with the end of the fiscal year; and (3) to delete a redundant reference to the provisions of section 208 of Title 18, United States Code, and Subpart B of this part.

§ 5.36 *Interests of employees' relatives:* Former § 5.36 unchanged.

§ 5.37 *Information not known by employees:* Former § 5.37 unchanged.

§ 5.38 *Information prohibited:* Former § 5.38 unchanged.

§ 5.39 *Review of employees' statements:* Part of former § 5.42 renumbered and revised to provide for a more meaningful analysis of financial statements. Responsibility for reviewing statements will now be imposed upon the supervisors of the employees who are required to file. The revision also provides for notifying the Executive Director of any employees who have failed to file the required statement and for the custody of the statements.

§ 5.40 *Confidentiality of employees' statements:* Former § 5.39 renumbered and revised to permit the General Counsel and the General Counsel's designees to examine financial statements for the purpose of rendering informal advisory opinions.

§ 5.41 *Effects of employees' statements on other requirements:* Former § 5.40 renumbered.

§ 5.42 *Specific provisions for special Government employees:* Former § 5.41 renumbered and revised to permit the Executive Director to designate a subordinate to accept financial statements submitted by special employees.

§ 5.43 *Reviewing statements of special Government employees:* Part of former § 5.42, this provision parallels new § 5.39, and establishes responsibility for the review of financial statements filed by special employees.

The amendments are set forth below.

1. Section 5.5 is amended as follows:

§ 5.5 Interpretation and advisory services.

The Executive Director, with the assistance of persons designated by the Executive Director, shall serve as counselor for the Commission on matters covered by the regulations in this part. The regional directors shall serve as deputy counselors serving their regions. They shall be responsible for giving authoritative advice and guidance to each employee and special Government employee who seeks such advice or guidance on questions of conflicts of interest or other matters pertaining to the regulations of this part. Counselors and deputy counselors may seek advice or guidance concerning the interpretation of the regulations of this part from the General Counsel.

2. Section 5.6 is amended as follows:

§ 5.6 Procedures for reporting and resolving conflicts of interest.

(a) An employee or special Government employee who believes that his assignment to a matter may result in a conflict of interest or the appearance of a conflict of interest shall report all relevant facts to his bureau director or office head. Notwithstanding this section, conflicts of interest or apparent conflicts of interest arising in the immediate office of an individual Commissioner shall be reported and resolved as that Commissioner determines, and such determination shall be final.

(b) When a bureau director or office head believes that the assignment of an employee or special Government employee under his supervision to a particular matter may result in a conflict of interest or the appearance of a conflict of interest, the bureau director or office head shall, if possible, resolve the matter through minor remedial action (such as reassignment of the matter to another employee) with the consent of the affected employee. The existence of the conflict or apparent conflict and the nature of the remedial action taken shall be reported to the Executive Director as soon as possible but no later than 30 days after the existence of the conflict or apparent conflict has surface. If the conflict or apparent conflict cannot be so resolved, it shall be reported immediately to the Executive Director (or the Executive Director's designee).

(c) The Executive Director (or the Executive Director's designee) may resolve a conflict of interest or the appearance of a conflict of interest by determining, where appropriate, that the conflict is too insubstantial to be deemed likely to affect the services which the Government may expect, pursuant to § 5.8(b) or by such other remedial action as is within the authority of the Executive Director.

(d) Where there is substantial doubt concerning the existence of a conflict of interest or the appearance of a conflict of interest, the type of remedial action which is required, or any other matter involving the interpretation of the regulations in this part, the Executive Director may refer the matter to the General Counsel for advice and recommendations.

3. Section 5.7 is amended as follows:

§ 5.7 Disciplinary or other remedial action by the Chairman.

(a) Where a conflict of interest or the appearance of a conflict of interest cannot be resolved at a lower level with the consent of the affected employee, as prescribed by § 5.6, the Executive Director shall report the matter to the Chairman. The individual concerned shall be provided an opportunity to explain the conflict or appearance of conflict, or, if appropriate, to seek resolution pursuant to § 5.8.

(b) If, after consideration of the employee's explanation, the Chairman determines that remedial action is required, the Chairman will initiate action to eliminate the conflict or appearance of conflict of interest. Remedial action may include, but is not limited to:

(1) Change in assigned duties;

(2) Divestment of the conflicting interest by the employee;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

(c) The remedial action authorized under this section shall include disciplinary action where the Chairman deems it appropriate, and such action shall be in addition to any penalty prescribed by law.

(d) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, executive orders, and regulations.

4. Section 5.8 is renumbered § 5.9 and a new § 5.8 is added as follows:

§ 5.8 Exemption of insubstantial financial conflicts.

(a) An employee or special Government employee will not be subject to remedial or disciplinary action under § 5.7(b) or to criminal prosecution under 18 U.S.C. 208(a), if he makes a full disclosure in writing to the official responsible for his appointment of the nature and circumstances of the particular matter involved and of his conflicting financial interest relating thereto, and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the employee or special Government employee.

(b) For the purposes of paragraph (a) of this section, the "official responsible for appointment" shall be the Executive Director in all cases where the employee is classified at grade GS-15 or below, or at a comparable pay level, except that each Commissioner shall be the "official responsible for appointment" of advisors in the Commissioner's immediate office.

(c) In all other cases, the Chairman shall be the "official responsible for appointment."

§ 5.9 [Renumbered from § 5.8]

5. Section 5.14 is renumbered 5.15 and a new § 5.14 is added as follows:

§ 5.14 Criminal sanction for conflict of interest.

Pursuant to Pub. L. 87-849 (18 U.S.C. 208), no employee or special Government employee shall, except as permitted by § 5.8, participate "personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other wise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest." Conviction under 18 U.S.C. 208 carries a fine of not more than $10,000 or imprisonment for not more than two years, or both.

§ 5.15 [Renumbered from § 5.14]

§§ 5.16 through 5.17 [Renumbered as §§ 5.17 through 5.18]

6. Sections 5.16 through 5.17 are renumbered as 5.17 through 5.18, respectively.

§ 5.18 [Deleted]

7. Section 5.18 is deleted as redundant insofar as it prohibits "criminal" conduct and, as vague, insofar as it prohibits "infamous, dishonest, immoral or notoriously disgraceful conduct, or other conduct prejudicial to the Government."

8. Section 5.19 is amended as follows:

§ 5.19 Miscellaneous statutory provisions.

(a) All employees shall aquaint themselves with each statute that relates to their ethical and other conduct as employees of the Commission and of the Government. The attention of employees is directed to the following statutory provisions:

(1) House Concurrent Resolution 175, 85th Congress, 2d sess., 72 Stat. B12, the "Code of Ethics for Government Service."

(2) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(3) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(4) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(5) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(6) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(7) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(8) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(9) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(10) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(11) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(12) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(13) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(14) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(15) The prohibition against political activities in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(16) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(b) If an employee has reason to believe that a violation of a statute listed in paragraph (a) of this section or other relevant statute has occurred, the employee should bring the matter to the attention of the Chairman through the Executive Director or the General Counsel.

9. Section 5.32 is amended as follows:

§ 5.32 Employees required to submit statements.

(a) The following employees, whether or not serving in an acting capacity, shall submit statements to the Executive Director:

(1) The Secretary of the Commission;

(2) The Director of the Office of Policy Planning;

(3) The Director and Deputy Director of the Office of Public Information;

(4) The General Counsel;

(5) The Director of the Bureau of Competition;

(6) The Director of the Bureau of Consumer Protection;

(7) The Director of the Bureau of Economics;

(8) The Chief Adminstative Law Judge;

(9) The Assistant Executive Director for Management;

(10) The Director of Equal Employment Opportunity;

(11) The Director of Federal/State and Consumer Relations;

(12) The Assistant to the Executive Director;

(13) Directors of the Regional Offices;

(14) Advisors to the Commissioners and the Assistant to the Chairman, except that each Commissioner in the Commissioner's discretion may direct otherwise.

(b) The following employees, whether or not serving in an acting capacity, shall submit statements to the General Counsel:

(1) Deputy General Counsels;

(2) Assistant General Counsels;

(3) Deputy Assistant General Counsels;

(4) Assistants to the General Counsel.

(c) The following employees of the Bureaus of Competition, Consumer Protection and Economics, whether or not serving in an acting capacity, shall submit statements to their Bureau Director:

(1) Deputy Directors;

(2) Assistant Directors;

(3) Deputy Assistant Directors;

(4) Associate Directors;

(5) Executive Assistants to the Director and Assistants to the Director;

(6) Assistants to the Deputy Director;

(7) Presiding Officers, other than Commissioners, designated under § 1.13(c) of this chapter;

(8) Senior Administrative Officers.

(d) The following employees, whether or not serving in an acting capacity, shall submit statements to the Assistant Executive Director for Management.

(1) The Director of the Division of Administrative Services;

(2) The Director of the Division of Budget and Finance;

(3) The Director of the Information Systems Division;

(4) The Director of the Division of Personnel.

(e) Administrative Law Judges shall submit statements to the Chief Administrative Law Judge.

(f) Assistant Directors of the Regional Offices, whether or not serving in an acting capacity, shall submit statements to their Regional Office Director.

(g) The Executive Director, whether or not serving in an acting capacity, shall submit statements to the Chairman.

(h) The following persons may require employees subject to their supervision, in addition to those designated in paragraphs (a)-(h) of this section, to submit statements: The Executive Director, the General Counsel, the Directors of the Bureaus of Competition, Consumer Protection and Economics. Additional employees designated pursuant to this paragraph must be ranked at GS-13 or above, or at a comparable pay level under another authority, and must meet the requirements established by the Civil Service Commission (5 CFR 735.403). The names of additional employees so designated must be reported to the Executive Director.

(i) An employee who feels that his or her position has been improperly designated as one requiring submission of a statement of employment and financial interests has recourse to the Commission's grievance procedures set forth in chapter 5-771 of the Commission's Administrative Manual.

10. Section 5.34 is amended as follows:

§ 5.34 Time for submission of statements.

An employee required to submit a statement of employment and financial interests under the requirements in this part shall submit that statement not later than:

(a) Thirty days after the effective date of the regulations in this part if the employee entered on duty in a position listed in § 5.32 on or before that effective date; or

(b) Thirty days after his entrance on duty in a position listed in § 5.32, but not earlier than 30 days after the effective date, if the employee entered on duty in that position after the effective date.

However, the provisions of this section shall not apply to an employee who has submitted a statement of employment and financial interests or a supplementary statement at any time during the twelve months preceding the date he would otherwise be required to submit a statement under this section.

11. Section 5.35 is amended as follows:

§ 5.35 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported to the person designated in § 5.32 in a supple-

mentary statement as of September 30 each year. If no changes or additions occur, a negative report is required.

12. Section 5.39 is amended as follows:

§ 5.39 Review of employees' statements.

(a) Persons to whom the statements and supplementary statements are submitted pursuant to § 5.32 are responsible for ensuring timely submission of the statements and conducting a review of them, except that the Executive Director shall refer to a Commissioner for review and appropriate action any statements filed by that Commissioner's legal advisors, or take other action as the Commissioner may direct. Action by a Commissioner concerning any statements filed by that Commissioner's advisors shall be final. The Executive Director may delegate the review functions assigned to the Executive Director under this section.

(b) Upon completion of review, all statements received by the General Counsel, the Directors of the Bureaus of Competition, Consumer Protection, and Economics, the Assistant Executive Director for Management, the Chief Administrative Law Judge, and the Regional Office Directors shall be forwarded to the Executive Director for safekeeping.

(c) If an employee fails to file a statement or supplementary statement by the required filing date, the Bureau Director or Office head responsible for his supervision shall notify the Executive Director of the failure as soon as possible but no later than 30 days after the required filing date.

(d) Conflicts or appearances of conflicts discovered as the result of the review of the statements pursuant to this section shall be dealt with in the manner set forth in §§ 5.6 through 5.8.

13. Section 5.40 is renumbered 5.41 and a new § 5.40 is added as follows:

§ 5.40 Confidentiality of employees' statements.

(a) Each statement of employment and financial interests, and each supplementary statement, shall be held in confidence. During the course of review, only the person to whom the statement is submitted or properly referred, the Executive Director (or the Executive Director's designee), and the Chairman shall be permitted to view the statements: *Provided, however,* That if the Executive Director requests the advice of the General Counsel concerning a particular statement, the General Counsel and designated members of the General Counsel's staff may view that statement.

(b) Upon completion of the review process, the statements and supplementary statements shall be retained in confidence by the Executive Director (or the Executive Director's designee). No access shall be allowed to, and no information shall be disclosed from, a statement except to carry out the purposes of this part. An agency may not disclose information from a statement except as the Civil Service Commission or the Chairman may determine for good cause shown.

§ 5.41 [Renumbered from § 5.40]

14. Section 5.42 is amended as follows:

§ 5.42 Specific provisions for special Government employees.

(a) Except as provided in paragraph (b) of this section, each special Government employee shall submit a statement of employment and financial interests that reports:

(1) All other employment; and

(2) The financial interests of the special Government employee that relate either directly or indirectly to his duties and responsibilities as a special Government employee.

(b) The Chairman may waive the requirement in paragraph (a) of this section for the submission of a statement of employment and financial interest in the case of a special Government employee who is not a consultant or an expert if the Chairman finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of a statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this paragraph, "consultant" and "expert" have the meanings given those terms by chapter 304 of the Federal Personnel Manual.

(c) A statement of employment and financial interests required to be submitted under this section shall be submitted to the Executive Director (or the Executive Director's designee) not later than the time of employment of the special Government employee. Each special Government employee shall keep such statement current throughout his employment with the Commission by the submission of supplementary statements.

14. Section 5.43 is amended as follows:

§ 5.43 Reviewing statements of special Government employees.

(a) All statements submitted in accordance with § 5.42 shall be reviewed initially by the bureau director or office head who has supervisory authority over the special Government employee. Following this review, all statements shall be returned to the Executive Director for safekeeping.

(b) If there is a conflict or apparent conflict, the procedures specified in §§ 5.6 through 5.8 shall be followed.

§§ 5.51-5.52 [Subpart E] [Deleted]

16. Subpart E is deleted.

(EO 11222, 30 FR 6469, 3 CFR 1965 Supp.; 5 CFR 735.104.)

By direction of the Commission, dated June 1, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-16168 Filed 6-9-78; 8:45 am]

[6750-01]

PART 419—GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES

Petition for a One-Time Exemption From the Operations of Hiatus Provision

AGENCY: Federal Trade Commission.

ACTION: Granting of petition of exemption from regulation.

SUMMARY: FNK Enterprises is granted a one-time exemption from the operation of paragraph (f) of the trade regulation rule relating to games of chance in the food retailing and gasoline industries. This action is taken in response to a petition for exemption submitted to the Commission from FNK Enterprises.

DATE: The one-time exemption to FNK Enterprises is effective immediately on June 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Noble Jones, Consumer Protection Specialist, Cleveland Regional Office, Federal Trade Commission, Suite 500, the Mall Building, 118 St. Clair Avenue, Cleveland, Ohio 44114, 216-522-4207.

SUPPLEMENTARY INFORMATION: On August 19, 1969, the Federal Trade Commission published at 34 FR 13302 the trade regulation rule relating to games of chance in the food retailing and gasoline industries. The Commission believes that it is in the public interest to grant a one-time exemption from the operation of paragraph (f) of the Trade Regulation Rule relating to games of chance in the food retailing and gasoline industries to permit the FNK Enterprises, Sterling Road, Harrison, N.Y. 10525, to begin a new game thirty (30) days after the completion of the game, or games, due to end June 9, 1978.

The Commission finds that more than a 30-day "hiatus" period between games is not required to eliminate confusion and deception in the consecutive use of games by FNK Enterprises or its participating retail establishments under the circumstances presented. The Commission has also de-

termined that it is impracticable for it to publish notice of proposed rulemaking and to receive comment on the grant of the exemption in accordance with 5 U.S.C. section 553 (b) and (c) because to do so would require the company to sustain the very delay from which it seeks relief. Moreover, there is no need to delay the effective date of the exemption. 5 U.S.C. section 553(d). The FNK Enterprises petition for exemption will be available for public inspection in the Public Reference Room, Room 130, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C.

By direction of the Commission dated June 2, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-16188 Filed 6-9-78; 8:45 am]

[7708-01]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2610—INTERIM REGULATION ON VALUATION OF PLAN BENEFITS

Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Amendment to the interim regulation.

SUMMARY: This amendment to the interim regulation on valuation of plan benefits prescribes the rates and factors to be used for valuing plan benefits under Title IV of the Employee Retirement Income Security Act of 1974 for plans that terminated on or after December 1, 1977, but before March 1, 1978. It is necessary to finalize the valuation rates and factors for plans that terminated during the period covered by the amendment. The amendment's effect is to provide notice of the rates and factors that will be used to value benefits provided under such plans.

EFFECTIVE DATE: June 12, 1978.

FOR FURTHER INFORMATION CONTACT:

William E. Seals, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006, 202-254-4895.

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") issued an interim regulation establishing the methods for valuing plan benefits under Title IV of the Employee Retirement Income Security Act of 1974 (the "Act") (41 FR 48484 et seq.). The regulation included an appendix containing rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before December 1, 1977. (42 FR 2678 et seq., 42 FR 32777 et seq., 42 FR 41858 et seq., 42 FR 59753 et seq., 43 FR 10559 et seq.)

On March 14, 1978, the PBGC published for comment in the FEDERAL REGISTER additional rates and factors for valuing benefits in plans that terminated on or after December 1, 1977, but before March 1, 1978 (43 FR 10580 et seq.). No comments were received regarding that proposed amendment to the interim regulation, and accordingly the PBGC hereby adopts the proposed interest rates and factors without change.

Because of the need to provide immediate guidance for the valuation of benefits in plans that terminated on or after December 1, 1977, but before March 1, 1978, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making this amendment to the interim regulation effective immediately.

In consideration of the foregoing, Part 2610 of Chapter XXVI of Title 29 of the Code of Federal Regulations, is amended by adding a new Table X to Appendix B to read as follows:

X. *The following interest rates and quantities used to value deferred annuities shall be effective for plans that terminate on or after December 1, 1977, but before March 1, 1978.*

I. *Interest rate for valuing immediate annuities.* An interest rate of 6¾ percent shall be used to value immediate annuities, to compute the quantity "Gy" in § 2610.6 and for valuing both portions of a cash refund annuity.

II. *Interest rate for valuing death benefits.* An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

III. *Interest rates and quantities used for valuing deferred annuities.* The following factors shall be used to value deferred annuities pursuant to § 2610.6:

(1) $k_1 = 1.0625$
(2) $k_2 = 1.045$
(3) $k_3 = 1.0375$
(4) $n_1 = 8$
(5) $n_2 = 10$

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1344, 1362(b)(1)(A)).)

Issued at Washington, D.C., on this 2nd day of June 1978.

RAY MARSHALL,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Chairman to issue same.

HENRY ROSE,
Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 78-16094 Filed 6-9-78; 8:45 am]

[3810-70]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS

[DOD Directive 1125.3]

PART 260—VENDING FACILITY PROGRAM FOR THE BLIND ON FEDERAL PROPERTY

Policies and Implementation

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This final rule updates DOD policies to reflect the intent and purpose of the amended Randolph-Sheppard Vending Stand Act which is to provide blind persons with employment, and thereby encourage them to become self-supporting.

EFFECTIVE DATE: April 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Clare A. Moelk, Assistant Director, Personnel Administration and Services, Office of Assistant Secretary of Defense (MRA&L), DASD(MPP), Pentagon, Room 3C980, Washington, D.C. 20301, 212-697-7197.

SUPPLEMENTARY INFORMATION: A proposed rule to update Department of Defense (DOD) policy to implement the Randolph-Sheppard Act Amendments of 1974 (Pub. L. 93-516) was published at 32 CFR Part 260, July 7, 1977, in the FEDERAL REGISTER (42 FR 34893). The proposed rule was organized into five sections which covered the following areas: purpose, applicability, policy, responsibilities, and definitions.

The proposed rule provided for the submittal of comments within a 30-day period ending on August 8, 1977. Sixty (60) letters were received in response to the proposed rule which included numerous comments on individual proposed provisions. Letters

were received from officials representing the Department of Health, Education, and Welfare (HEW), State licensing agencies for the blind, organizations representing the blind community and blind vendors, and individual blind vendors and other interested individuals. All comments have been considered and revisions to the proposed rule have been made where appropriate. The proposed part 260 was rearranged for consistency in DOD editorial format to separate as much as possible policy, responsibility, and requirements.

The most significant areas of comment on the proposed rule and the conclusions reached after review of the individual comments received are as follows:

1. *The purpose of the rule.* Certain comments received indicated a misunderstanding of the purpose of the proposed rule. They reflected the belief that the proposed rule was intended to implement the Randolph-Sheppard Act Amendments of 1974 within DOD in a manner different than that prescribed by HEW. Section 260.1 has been revised to clarify that the proposed rule is the means by which the amendments and the HEW regulations appearing in 45 CFR Part 1369 are implemented within DOD.

2. *The responsibility of the on-site official to insure that State licensed vendors are blind and utilize sighted persons only as reasonably necessary.* A number of comments pointed out that responsibility for insuring that operators provided by State licensing agencies are State licensed blind persons and that sighted employees or assistants are utilized by these operators only to the extent reasonably necessary belongs to the State licensing agencies rather than to the applicable on-site official. Certain of these comments suggested deletion of this requirement from § 260.3(b) of the proposed rule. The provision has been revised to recognize the State licensing agencies' primary responsibility in this area.

3. *The examples of situations where according the blind's priority to operate vending facilities could adversely affect the interests of the United States.* Many comments indicated that the examples provided in § 260.3(b)(1) of situations where according the blind their priority to operate vending facilities could adversely affect the interests of the United States were, under certain circumstances, misleading and subject to misuse. These comments were considered valid and the examples have been deleted.

4. *The permit procedure.* Certain comments questioned the propriety of the procedure set forth in § 260.3(b)(3) for requiring State licensing agencies to secure permits to establish vending facilities on Federal property. This procedure implements 45 CFR 1369.16 of the HEW regulations and has been retained.

5. *The cleaning and maintenance of vending facilities and trash disposition responsibilities of the State licensing agency.* The requirements for State licensing agencies to clean and maintain the appearance of, and to remove all trash from, vending facilities established in § 260.3(b)(iii)(B) were challenged in certain comments. The requirement for State licensing agencies to clean and maintain vending facilities implements 45 CFR 1369.35(c)(2) of the HEW regulations and has been retained. Under this responsibility, the State licensing agency will necessarily collect trash in the vending facility and place it in the normal collection area. The requirement for the State licensing agency to "remove" this trash has been deleted as this responsibility for transporting trash from the normal collection area will be carried out by the DOD component under 45 CFR 1369.35(c)(1) of the HEW regulations.

6. *The articles authorized for sale in vending facilities.* A number of comments suggested revision of § 260.3 (b)(3)(iii)(C) to delete the restriction that only nonalcoholic beverages could be sold in vending facilities, to incorporate authority for the sale of State-sponsored lottery tickets, and to recognize that articles and services could be dispensed either automatically or manually. All of these suggestions were considered valid and the provision has been revised accordingly.

7. *The fee or commission, rental charge, and support service payment requirements.* Many comments challenged the propriety of the fee or commission provisions of § 260.3 (b)(3)(iv)(A), the rental charge provisions of § 260.3(b)(3)(iv)(B), and the support service payment provisions of § 260.3(b)(3)(iv)(C). The challenges to § 260.3(b)(3)(iv) (A) and (B) were considered valid and the fee or commission and rental charge provisions have been deleted. Since neither the amended act nor the HEW regulations indicate an intent to require Federal property managing agencies to assume responsibility for payment of support services (e.g., utilities and telephone service) provided to blind vendor-operated vending facilities, reimbursement or payment for such services have been retained.

8. *The authority to suspend or terminate permits.* Certain comments challenged the authority to terminate or suspend permits provided in § 260.3(b)(3)(v) which implements 45 CFR 1369.35(b) of the HEW regulations and has been retained. Additionally, a notice termination provision was added for use in cases of inactivation, loss of use of building, change in requirements, or inability of the State licensing agency to continue operating the vending facility.

9. *The priority to operate cafeterias.* The proposed provisions on priority of the blind to operate cafeterias (§ 260.3(c)) have been rewritten in response to comments received, and to make the procedure flow chronologically. There was confusion about the meaning of the term "directly operated," so this term was deleted. There was also some feeling that the provisions should be applied to all cafeterias whether operated by a food service contractor or by the Department of Defense with its own employees. As to this matter, the HEW regulations provide that the priority applies when the Federal agency contemplates providing the cafeteria service on a contractual basis (45 CFR 1369.33). A key element in the granting of the cafeteria priority is the determination that the blind vendor has the capacity to provide the service at prices and of quality comparable to that available from other cafeteria service operators. § 260.3(c) has been revised so that this determination is made after solicitation or negotiation and based on the more complex information available, rather than prior to solicitation or negotiation. The section has also been clarified to reflect that contracts will be awarded if the blind offer is within the competitive range provided that comparable service can be offered and that award would not be adverse to the interests of the United States. There is no need to refer contract awards to the blind to HEW since such awards clearly implement the purpose of the Act.

10. *The providing of satisfactory sites.* Several valuable comments were received regarding the providing of satisfactory sites (§ 260.3(d)). Reference to March 23, 1977 date when the HEW criteria were published caused concern to some parties. This date has now been eliminated. There was also concern that the proposed regulations would result in a failure to provide those satisfactory sites required by the Act. There was concern within DOD that States might fail to respond timely and that construction would be unduly delayed; or that sites would be built at a substantial cost which the State had no capacity to use. As a consequence, § 260.3(d) has been extensively modified to accommodate all parties. The procedure set out assures the States the opportunity to have sites made available; it also insures that construction will not be unduly delayed awaiting responses from the States. Since the decision to decline a proffered satisfactory site is subject to approval of HEW, the procedure provides HEW with the opportunity for consideration of cases where the State declines a site, provides an indefinite response, or fails to respond. It is as-

sumed that HEW will work closely with the State licensing agency to insure satisfactory sites are provided when appropriate, and to further assure that taxpayer funds are not wasted on building sites which will not be used for location of a blind vending facility.

11. *The vending machine income sharing requirements.* Several comments were received on the subject of vending machine income sharing (§ 260.3(e)). There were objections to a provision indicating that income would be paid upon the request of a State. This comment was considered valid and the provision was deleted. The proposed statement of the criteria for deciding whether 30 percent or 50 percent of the income is to be shared was inaccurate and has now been modified to make it consistent with the amended Act and HEW regulations.

There were comments disagreeing with the exemption from income sharing for vending machines of the military exchanges and ships' stores. No change has been made since it is clear from the legislative history that there was no intent to make the income sharing provisions applicable to vending operations which are within or a part of the military exchange or ships' stores systems. Comments were also made about the dates for payment of amounts due for income sharing. In order to clear up misunderstanding and make the provisions consistent with HEW guidance, the language dealing with this subject has been extensively revised. Activities which were accruing and holding money for income sharing prior to March 23, 1977 are directed to pay such amounts along with their first quarterly payment. All activities will make quarterly payments of amounts due subsequently no later than 60 days after the end of the calendar quarter without regard to any request by the State agency.

12. *Full table service food activities.* The proposed rule provided that food dispensing activities which provide full table service for part of the day would not be considered cafeterias or vending facilities. HEW and some other parties commented on this position. HEW suggested that it would be more appropriate to adopt criteria and determine each case on its merits. In response, the definitions of cafeteria and vending facility were changed to require determination on a case-by-case basis dependent on the primary service offered.

Dated: June 7, 1978.

MAURICE W. ROCHE,
Director, Correspondence & Directives, Washington Headquarters Service, Department of Defense.

Accordingly, 32 CFR Chapter I is amended by a revision of part 260 reading as follows:

Sec.
260.1 Reissuance and purpose.
260.2 Applicability.
260.3 Policy.
260.4 Responsibilities.
260.5 Arbitration.
260.6 Definitions.

AUTHORITY.—49 Stat. 1559, as amended by Act of August 3, 1954, Pub. L. 83-565, 68 Stat. 663, as further amended by Pub. L. 93-516, 88 Stat. 1622, (20 U.S.C. 107).

§ 260.1 Reissuance and purpose.

This part updates part § 260 to implement the provisions of the Randolph-Sheppard Vending Stand Act and 45 CFR 13, Part 1369, and establishes within the Department of Defense:

(a) Uniform policies for application of priority accorded the blind to operate vending facilities;

(b) Requirements for satisfactory vending facility sites in DOD Component-owned or occupied buildings; and,

(c) Vending machine income-sharing requirements on property under the jurisdiction of a DOD Component.

§ 260.2 Applicability.

The provisions of this part apply to the office of the Secretary of Defense, the Military Departments, and the Defense Agencies (hereafter referred to as "DOD Components") in the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, and the Virgin Islands.

§ 260.3 Policy.

In implementation of the Randolph-Sheppard Act, priority on DOD-controlled property will be extended to the blind as set out below:

(a) The blind will be given a priority in establishment and operation of vending facilities.

(b) The blind will be given a priority in award of contracts to operate cafeterias.

(c) In conjunction with acquisition or substantial alteration or renovation of property, satisfactory sites will be provided for operation of blind vending facilities.

(d) Certain income from vending machines operated by a DOD Component either directly or by contract will be given to State licensing agencies.

(e) DOD components will take necessary action to ensure that, within their areas of responsibility, the requirements set forth below are implemented.

(f) The blind have a priority right to operate vending facilities on DOD-controlled property when the opportunity to operate them becomes available. The priority extended allows blind licensees to be gainfully employed. While primary responsibility for carrying out this intent falls upon the State licensing agency, it is nevertheless a responsibility of the on-site official to ensure that the operator is in fact a State licensed blind person and that sighted employees or assistants are utilized only to the extent reasonably necessary.

(1) This priority will not be accorded when the on-site official determines, after conferring with the Head of the DOD component, that the interest of the United States would be adversely affected if the priority were accorded.

(2) Any determination that according the priority would be adverse to interests of the United States must be fully justified in writing through the head of the DOD component concerned (who will consult with the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics)) (ASD(MRA&L)). The justification then shall be sent to the Secretary, Department of Health, Education, and Welfare (HEW), who has authority to determine whether the failure to accord the priority is justified by the circumstances. This determination by the Secretary, HEW must be published in the FEDERAL REGISTER and is binding upon the DOD component.

(3) Applications for permits by the State licensing agency to operate vending facilities (except cafeterias) on DOD controlled property must be submitted in writing to the head of the DOD component concerned, through the on-site official. When an application is not approved, the head of the DOD component will advise the State licensing agency in writing and will indicate the reasons for the disapproval. When issued, permits will describe the location of the vending facility and will be subject to the following requirements:

(i) The permit will be issued in the name of the State licensing agency.

(ii) The permit will be issued for an indefinite period of time subject to suspension or termination upon failure to comply with agreed upon terms; and subject to termination by either party upon 60 days written notice to the other party, in cases of (A) inactivation of the installation or activity, (B) loss of use of a building or other facility housing the vending facility, (C) change in the DOD component's requirements for service, or (D) inability of the State licensing agency to continue to operate the vending facility.

(iii) The permit will provide that:

(A) No charge will be made by the DOD component to the State licensing

agency for normal repair and maintenance of the building, or for cleaning areas adjacent to the designated vending facility boundaries, or for trash removal from a designated collection point.

(B) The State licensing agency will be responsible for cleaning and maintaining the appearance of and for the security of the vending facility within the designated boundaries of such facility and for all costs of every kind in conjunction with vending facility equipment, merchandise and other products to be sold, except as provided in (E), below. Neither party will be responsible for loss or damage to the other's property, unless proximately caused by its acts or omissions. The State licensing agency will also be responsible for the acts or omissions of the blind vendor, his employees or agents.

(C) Articles sold at such vending facilities may consist of newspapers, periodicals, publications, confections, tobacco products, foods, beverages, chances for any lottery authorized by State law and conducted by an agency of a State within such State, and other articles or services traditionally found in blind operated vending facilities operated under the Randolph-Sheppard Act as determined by the State licensing agency in consultation with the on-site official, to be suitable for a particular location (articles and services may be dispensed automatically or manually);

(D) Vending facilities will be operated in compliance with applicable health, sanitation and building codes, ordinances, and regulations;

(E) Installation, modification, relocation, removal, and renovation of vending facilities will be subject to the prior approval of the on-site official and the State licensing agency. Costs of installation, modification, removal, relocation or renovation will be paid by the initiating party. In any case of suspension or termination of a permit to operate a vending facility on the basis of noncompliance by either party, the costs of removal from the building will be borne by the noncomplying party.

(iv) The permit will also contain appropriate requirements for reimbursement or direct payment for support services such as utilities and telephone service.

(v) In the event the blind licensee fails to provide satisfactory service or otherwise fails to comply with the requirements of the permit issued to the State licensing agency, the on-site official will, after coordinating with the Head of the DOD Component, notify the State licensing agency of this deficiency in writing and request corrective action within a specified reasonable time. The notice will indicate that failure to correct the deficiency will result in temporary suspension or termination of the permit, as appropriate. Suspension or termination action will be taken by the Head of the DOD Component concerned after consultation with the ASD (MRA&L).

(g) The blind have a priority right to operate cafeterias on DOD-controlled property, as set out in (1) or (2), below, when the cafeteria operation involved is contracted.

(1) Procuring activity solicitations, when issued, will establish basic requirements and the criteria for judging proposals. One copy of each solicitation will be provided to the State licensing agency for the blind. The criteria upon which proposals will be evaluated may include factors such as sanitation practices, personnel, staffing, menu pricing and portion sizes, variety, budget and accounting practices, fees, and other relevant considerations.

(i) If the State licensing agency submits a proposal and it is not within the competitive range established by the contracting officer, award may be made to another offeror following normal procurement procedures, but only after the on-site official confers with the Head of the DOD Component.

(ii) If the State licensing agency submits a proposal and it is within the competitive range established by the contracting officer, the contract will be awarded to the State licensing agency except as provided in (iii), below.

(iii) The contracting officer may award to other than the State licensing agency when the on-site official determines that award to the State licensing agency would adversely affect the interests of the United States and the Secretary, HEW, approves the determination (processing will be in accordance with (f)(2), above), or when the on-site official determines, after conferring with the Head of the DOD Component, and the Secretary, HEW, agrees, that the blind vendor does not have the capacity to operate a cafeteria in such a manner as to provide food service at a comparable cost and of comparable high quality as that available from other providers of cafeteria services.

(2) Direct negotiations may be undertaken with State licensing agencies whenever the on-site official, with concurrence of the Head of the DOD Component, has determined that State licensing agency, through its blind licensee, can provide the cafeteria services required at a reasonable cost, with food of a high quality comparable to that available from other providers of cafeteria services. In the event direct negotiations fail to result in a contract with the State licensing agency, the procedures prescribed in (g)(1), above, will be followed.

(3) The operation of a cafeteria by a blind vendor will be governed by contractual agreement, not by a permit. Normal contract administration procedures will apply, except that termination actions will not be taken without prior coordination with the Head of the DOD Component concerned.

(4) All contracts for the operation of cafeterias on DOD-controlled property with other than State licensing agencies will, upon expiration, be processed under the above paragraphs unless the State licensing agency informs the on-site official that it is not prepared to exercise its priority at that time.

(h) Any DOD Component acquired (purchased, rented, leased, constructed), or substantially altered or renovated building is required to have one or more satisfactory sites (as defined in § 260.6) for a blind-operated vending facility, except as provided in paragraph (1), below.

(1) A determination that a building contains a satisfactory site or sites is presumed made if the State licensing agency and the on-site official consult and agree that the site or sites provided are satisfactory.

(i) DOD Components will notify by certified or registered mail, return receipt requested, the appropriate State licensing agency of buildings to be acquired or substantially altered or renovated. This notification will be provided at least 60 days in advance of the intended aquisition date or the initiation of actual construction, alteration or renovation. As a practical matter, the State licensing agency should be contacted early in the planning or design stage of a project. (This notice requirement does not apply in cases as described in subparagraph (C), below.) This notification will:

(A) Indicate that a satisfactory site or sites for the location and operation of a blind vending facility is included in the plans for the building,

(B) Forward a copy of a single line drawing indicating the proposed location of such site or sites,

(C) Assure the State licensing agency that, subject to the approval of the DOD Component involved, it will be offered the opportunity to select the location and type of vending facility to be operated by a blind vendor prior to completion of the final space layout of the building, and

(D) Also indicate that an unexplained response indicating that the State licensing agency does not desire to establish and operate a vending facility, or the absence of a response within 30 days will be construed by the DOD Component concerned as a determination by the State licensing agency that the number of persons using the property is or will be insufficient to support a vending facility.

(ii) The State licensing agency must respond within 30 days acknowledging

receipt of the correspondence from the DOD Component and indicating whether it is interested in establishing a vending facility, and if interested, indicating its agreement or alternate selection of a location and its selection of type of vending facility. A copy of the written notice to the State licensing agency and the State licensing agency's response, if any, will be provided to the Secretary, HEW.

(iii) If the State licensing agency responds indicating that it does not desire to establish and operate a vending facility and sets forth any specific basis other than the insufficiency of persons to support a vending facility, then a satisfactory site which meets anticipated needs of the DOD Component will be incorporated. Each such satisfactory site will meet or exceed the requirements defined in § 260.6.

(iv) If an unexplained response indicating that the State licensing agency does not desire to establish and operate a vending facility is received, or if no response is received within the 30 day period, the on-site official will, through the Head of the DOD Component, notify the Secretary, HEW, that the State licensing agency's response or failure to respond has been construed as a determination by the State licensing agency that the number of persons using the property is or will be insufficient to support a vending facility and that a satisfactory site to be operated under the auspices of the State licensing agency will not be incorporated, unless directed by the Secretary, HEW. This notification will also be provided if the State licensing agency responds and affirmatively indicates that it has made such a determination.

(2) The Secretary, HEW, has determined that the requirement to provide a satisfactory site does not apply:

(i) When fewer than 100 Federal employees (as defined in § 260.6) will be located in the building during normal working hours; or

(ii) When the building contains less than 15,000 square feet to be used for Federal Government purposes in the case of a building in which services are to be provided to the general public.

(3) The provisions of (2), above, do not preclude arrangements under which vending facilities to be operated by blind vendors may be established in buildings of a size or with an employee population less than that specified. For example, if a building is to be constructed which would contain only 80 Federal employees, upon agreement of the on-site official and the State licensing agency, the DOD Component concerned may determine to provide a satisfactory site in which the blind have agreed to operate a vending facility.

(4) When a DOD Component is leasing all or part of a privately owned building in which the lessor or any of its tenants have an existing restaurant or other food facility in a part of the building not covered by the lease and operation of a vending facility would be in substantial direct competition with such restaurant or other food operation, the requirement to provide a satisfactory site does not apply.

(i) Effective January 2, 1975, vending machine income generated by DOD will be shared with State licensing agencies for the blind and/or blind vendors as set forth below. The on-site official is responsible for the collection of, and accounting for, such vending machine income (as defined in § 260.6) and for otherwise ensuring compliance with the requirements of this paragraph.

(1) The vending machine income-sharing requirements are as follows:

(i) One hundred percent (100%) of the vending machine income from vending machines in direct competition with blind-operated vending facilities will be provided the State licensing agency.

(ii) Fifty percent (50%) of the vending machine income from vending machines not in direct competition with blind-operated vending facilities will be provided the State licensing agency.

(iii) Thirty percent (30%) of the vending machine income from vending machines not in direct competition with blind-operated vending facilities and located where at least 50 percent of the total hours worked on the premises occurs during other than normal working hours (as defined in § 260.6) will be provided the State licensing agency.

(2) The determination of whether a vending machine is in direct competition with the blind-operated vending facility is the responsibility of the on-site official subject to the concurrence of the State licensing agency.

(3) These vending machine income-sharing requirements do not apply to:

(i) Income from vending machines operated by or for the military exchanges or ships' stores systems; or

(ii) Income from vending machines, not in direct competition with a blind-operated vending facility, at any individual location, installation, or facility (as defined in § 260.6) where the total of the vending machine income (as defined in § 260.6) from all such machines at such location, installation, or facility does not exceed $3,000 annually.

(4) The payment to State licensing agencies under these income-sharing requirements must be made quarterly on a calendar year basis. The first payment of income, however, will be made no later than April 30, 1978. This first payment will be for the period March 23, 1977, through the end of calendar year 1977. It will also include amounts collected and set aside during the period January 2, 1975, through March 22, 1977, for distribution to State licensing agencies. DOD Component activities which did not set aside vending machine income for distribution during the period January 2, 1975, through March 22, 1977, will consider taking steps to determine the amounts of such vending machine income which should have been withheld during that period and withhold such amounts from future income for distribution. All subsequent quarterly payments will be made within 60 days after expiration of the applicable calendar quarter.

§ 260.4 Responsibilities.

(a) The Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) (ASD (MRA&L)) will monitor the overall DOD program and consult with DOD Components on all determinations (1) that the granting of a priority to the blind would be adverse to the interests of the United States, and (2) to suspend or terminate a permit to operate a vending facility.

(b) The Head of the DOD Component concerned, in monitoring its program shall:

(1) Approve/disapprove State licensing agency applications for permits and the provision of satisfactory sites;

(2) Consult with the on-site official on determinations that granting a priority to the blind would be adverse to the interests of the United States and on termination of contracts to operate a cafeteria; and

(3) Where circumstances warrant, suspend or terminate a permit to operate a vending facility.

(c) The on-site official will be the point of contact with State licensing agencies and will:

(1) Consult with State licensing agencies on articles and services to be provided;

(2) Determine, when appropriate, that granting a priority to the blind would be adverse to the interests of the United States and justify this determination to the Secretary, Health, Education, and Welfare through the Head of the DOD Component;

(3) Notify State licensing agencies of acquisition or substantial alteration or renovation of property;

(4) Ensure that operators are in fact State licensed blind persons and that sighted employees and assistants are utilized only to the extent reasonably necessary; and

(5) Negotiate with State licensing agencies on other matters indicated in

§ 260.5 Arbitration.

Whenever any State licensing agency for the blind determines that any activity of the Department of Defense is failing to comply with the provisions of the Act and all informal attempts to resolve the issues have been

unsuccessful, the State licensing agency may file a complaint with the Secretary, HEW, who will convene an ad hoc arbitration panel in accordance with the provisions of 45 CFR 1369.37.

§ 260.6 Definitions.

(a) *Blind licensee.* A blind person licensed by the State licensing agency to operate a vending facility on Federal or other property.

(b) *Cafeteria.* A food dispensing facility which provides a broad variety of prepared foods and beverages (including hot meals) primarily through the use of a serving line where the customer serves or selects for himself from displayed selections. A cafeteria may be fully automatic, self-service, or have limited waiter or waitress service. Table or booth seating facilities are always provided. DOD Component food dispensing facilities which conduct cafeteria-type operations during part of their normal operating day and full table-service operations during the remainder of their normal operating day are not "cafeterias" if they engage primarily in full table-service operations.

(c) *Direct competition.* The presence and operation of a DOD Component vending machine or a vending facility on the same premises as a vending facility operated by a blind vender. Vending machines or vending facilities operated in areas serving employees, the majority of whom normally do not have access (in terms of uninterrupted ease of approach and the amount of time required to patronize the vending facility) to the vending facility operated by a blind vendor, will not be considered to be indirect competition with that vending facility.

(d) *Federal Property.* Any building, land, or other real property owned, leased, or occupied by any department, agency, or instrumentality of the United States.

(e) *Head of the DOD component.* Deputy Secretary of Defense, Secretaries of the Military Departments and the Directors of Defense Agencies or their designees. For the Pentagon Building only, the Deputy Assistant Secretary of Defense (Administration) is designated as the "Head of the DOD Component."

(f) *Individual location, installation, or facility.* A single building or a self-contained group of buildings. A self-contained group of buildings means two or more buildings which are in close proximity to each other, and between which a majority of the Federal employees working in such buildings regularly move from one building to another in the normal course of their official business during a normal working day.

(g) *Federal employees.* Civilian appropriated fund and nonappropriated fund employees of the United States.

(h) *License.* A written instrument issued by a State licensing agency to a blind person, authorizing that person to operate a vending facility on Federal or other property.

(i) *Normal working hours.* An 8-hour work period between the hours of 0800 and 1800 hours, Monday through Friday.

(j) *On-site official.* The individual in command of an installation or separate facility or location. For the Pentagon Building only, the chairman of the Department of Defense Concession Committee is designated as the on-site official.

(k) *Permit.* The official written approval to establish and operate a vending facility requested by and issued to a State licensing agency by a DOD Component.

(l) *Satisfactory site.* An area fully accessible to vending facility patrons and having sufficient electrical, plumbing, heating, and ventilation outlets for the location of a vending facility in accordance with applicable health and building requirements. Effective March 23, 1977, a "satisfactory site" will have a minimum of 250 square feet available for sale of items and for storage of articles necessary for the operation of a vending facility, unless the Head of the DOD Component and the State licensing agency agree that a smaller or larger facility is appropriate.

(m) *State.* The 50 States, District of Columbia, Puerto Rico, American Samoa, Guam, and the Virgin Islands.

(n) *State licensing agency.* The State agency designated by the Department of Health, Education, and Welfare, Commissioner of the Rehabilitation Services Administration to issue licenses to blind persons for the operation of vending facilities on Federal and other property.

(o) *Substantial alteration or renovation.* A permanent material change in the floor area of a building which would render it appropriate for the location and operation of a vending facility by a blind vendor.

(p) *Vending facility.* Automatic vending machines, cafeterias, snack bars, cart services, shelters, and counters, which sell such items as newspapers, periodicals, confections, tobacco products, foods, beverages, and other articles and services to be dispensed automatically or manually and which are prepared on or off the premises in accordance with applicable health laws and further including the vending or exchange of chances for any lottery authorized by State law and conducted by an agency of a State within such State. "Vending facility" does not include food dispensing facilities (e.g., food operations of open messes/military clubs) which engage primarily in full table-service operations.

(q) *Vending machine.* For the purpose of assigning vending machine income, means a coin or currency operated machine which dispenses articles or services, except that machines providing services of a recreational nature, commonly referred to as amusement machines (e.g., jukeboxes, pinball machines, electronic game machines, pool tables, shuffle boards, etc.) and telephones, are not considered to be vending machines.

(r) *Vending machine income.* DOD Component receipts from DOD Component vending machine operations on Federal property, after deducting all applicable costs incurred (costs of goods, service, maintenance, repair, cleaning, depreciation, supervisory and administrative personnel, normal accounting, accounting for income-sharing, and so forth) where the machines are operated by any DOD Component activity; or commissions received (less applicable DOD Component costs) by and DOD Component activity from a commercial vending firm which provides vending machines on Federal property for, or with the approval of, any DOD Component activity.

(s) *Vendor.* A blind licensee who is operating a vending facility on Federal or other property.

[FR Doc. 78-16201 Filed 6-9-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD5-78-04R]

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

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

DATES: Effective dates: From 10:00 a.m. e.d.s.t. until 6 p.m. e.d.s.t. on June 15, 16, 17 and 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Lt. Comdr. C. C. Atkins, Commander(b), Fifth Coast Guard District, Portsmouth, Va. 23705, 804-398-6202.

SUPPLEMENTARY INFORMATION: The establishment of special local regulations to ensure the safety of life on the navigable waters of the United States immediately before, during and immediately after a regatta is authorized by 46 U.S.C. sec. 454 and 33 CFR 100.35. There were no comments from the public concerning these special local regulations. In order that these special local rules will be effective at the time of the scheduled event, I find that they may be made effective in less than 30 days from publication, Accordingly, the following local regulations are established:

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

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

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

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

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

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

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

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

(46 U.S.C. sec. 454, 49 U.S.C. sec. 1655(b)(1); 33 CFR 100.35, 49 CFR 1.46(b).)

Dated: June 1, 1978.

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

[FR Doc. 78-16255 Filed 6-9-78; 8:45 am]

[6730-01]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[General Order 7; Docket No. 73-64]

PART 528—SELF-POLICING SYSTEMS

Denial of Motion for Enlargement of Time and for Stay

AGENCY: Federal Maritime Commission.

ACTION: Denial of motion for enlargement of time and for stay.

SUMMARY: The Federal Maritime Commission has received requests for additional time to seek reconsideration of final rules regarding self-policing systems (43 FR 18175; April 26, 1978) and to stay the July 1, 1978, effective date. The Commission denies this petition and authorizes the Secretary of the Commission to reject any future like filings.

DATES: Petitions for reconsideration to be filed by June 9, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTAL INFORMATION: Final rules in subject proceeding were published on April 18, 1978, to become effective July 1. The Commission subsequently denied a petition for stay of the rules and granted a limited enlargement of time until June 9 within which to petition for reconsideration. Counsel for a number of trans-Pacific conferences has now submitted a motion for enlargement of time to file a petition for reconsideration and for stay of the rules. Counsel cites many of the same arguments as the previous petitioner. Nothing additional has been advanced by counsel which would lead to a different action by the Commission. Accordingly, the motion is denied. Additionally, any future like filings will be subject to rejection by the Secretary of the Commission.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-16150 Filed 6-9-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20154; FCC 78-325]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Adding a New Footnote to the Table of Frequency Allocations To Reflect the Need for Special Consideration in Planning the Use of Certain Bands so as to Minimize Potential Interference to Radio Astronomy Operations in Adjacent Bands

AGENCY: Federal Communications Commission.

ACTION: Add new footnote, US 211, to Table of Frequency Allocations.

SUMMARY: This report and order minimizes potential interference to radio astronomy operations from radio stations in certain frequency bands by requesting special consideration be used by air and space system designers in planning the use of these adjacent radio frequency bands.

EFFECTIVE DATE: July 14, 1978.

ADDRESS: Federal Communications Commission, 2025 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Fred Thomas/George Sarver, Office of Chief Engineer, 202-632-6350.

REPORT AND ORDER

Adopted: May 18, 1978.

Released: June 5, 1978.

By the Commission: Commissioner Washburn dissenting and issuing a statement.

In the matter of amendment of Part 2 of the Commission's rules and regulations to add a new footnote to the Table of Frequency Allocations to reflect the need for special consideration in planning the use of certain bands so as to minimize potential interference to radio astronomy operations in adjacent bands, Docket No. 20154.

1. The Commission has before it for consideration its notice of proposed rulemaking, in the above captioned matter, released on August 30, 1974 (FCC 74-912, 39 FR 32566). This proceeding was initiated by the Commission upon a request from the Subcommittee on Radio Astronomy of the National Academy of Sciences through the Interdepartmental Radio Advisory Committee (IRAC).

2. Comments were filed by two organizations, the National Academy of Science (NAS) and the National Radio Astronomy Observatory (NRAO).

3. The basis for instigating this rulemaking proceeding was the radio astronomy community's concern of receiving harmful interference from operations in adjacent bands. The radio astronomers' equipment is highly directional and sensitive thus creating a situation where stations in adjacent bands, although operating within the international or national regulations, could still cause harmful interference to the radiotelescopes. It is this particular set of unique circumstances that we believe warrants some special consideration.

4. In this effort, the Commission, in coordination with IRAC, prepared the proposed footnote. It is the intent of the Commission in this footnote to make developers or planners of systems in adjacent bands aware of the potential interference problem they present to the radio astronomy service and to take all practical steps to avoid such problems. In this effort it is requested that when several options exist and no significant disadvantage in performance or cost will be experienced that special consideration for the radio astronomy service should be made in designing systems to reduce the potential harmful interference to radio telescopes. In particular, when an option exists in selecting a transmitting frequency for an airborne or space station it should be made as far removed as possible from the adjoining radio astronomy band.

5. Both comments filed were in favor of the footnote. However, both NAS and NRAO requested additional stronger steps be taken to provide the radio astronomy service with greater protection. Both disagreed with the Commission's position that protection for the radio astronomy service should not be greater than that provided by US 74. They noted that harmful interference may be caused by stations located outside as well as in the main beam of the radiotelescope and suggested the limits set forth in CCIR Report 224 be used instead of limits set by US 74. Further, they claimed that it was not unrealistic to expect systems in adjacent bands to be designed to protect the radio astronomy service with the cost a secondary consideration.

6. The Commission is cognizant of the important contribution of radio astronomy in scientific investigation and will continue to support radio astronomy through appropriate allocations. In this effort we will continue to monitor and evaluate opportunities for improving the effectiveness of radio astronomy observations consistent with other communications needs. Such potential opportunities are being studied in connection with our ongoing preparation for the 1979 WARC. However, it should be noted that CCIR Report 224 has not been adopted as a standard for formulating either national or international radio regulations. Therefore, at this time we believe the public interest will best be served by not requiring services using adjacent bands to incur additional expense or loss of capability in order to reduce out of band emission in radio astronomy bands beyond that required by US 74. We are therefore adopting footnote US 211 as proposed, with the belief that this action will provide some additional degree of protection to radio astronomy through increased awareness and consideration on the part of adjacent band developers.

7. Accordingly, *It is ordered*, That, effective July 14, 1978, § 2.106 of the rules is amended as set forth below. Authority for this action is contained in sections 4(i) and 303 of the Communication Act of 1934, as amended.

8. *It is further ordered*, That the proceeding in Docket No. 20154 is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION, [1]
WILLIAM J. TRICARICO,
Secretary.

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations, § 2.106, is amended as follows:

1. The table of frequency allocations is amended in column 6 for the bands 1427-1429 MHz, 2500-2690 MHz, 5000-5250 MHz, 14.5-15.35, 15.4-15.7, 24-24.05, 31.5-31.8, 84-86, 122.5-130, and 220-230 GHz by adding footnote designator US 211, and the text of footnote US 211 is added in proper numerical sequence to the list of footnotes following the Table as follows:

§ 2.106 Table of frequency allocations.

* * * * *

US 211 In the bands 1427-1429, 2500-2690, and 5000-5250 MHz and 14.5-15.35, 15.4-15.7, 24-24.05, 31.5-31.8, 84-86, 122.5-130, and 220-230 GHz, applicants for airborne or space station assignments are urged to take all practicable steps to protect observations in the adjacent exclusive radio astronomy bands from harmful interference; however, US 74 applies.

* * * * *

DISSENTING STATEMENT OF COMMISSIONER ABBOTT WASHBURN

RE: PROTECTION CRITERIA FOR RADIOASTRONOMY

Since Karl Jansky's original observations of radio waves of extraterrestrial origin, radio astronomy has made important contributions to man's knowledge. Much of the information cannot be obtained in any other way.

The study of radio frequency lines is one of the most difficult and most promising areas in radioastronomy. We can now map the distribution of hydrogen in our own galaxy and in neighboring galaxies, and the complex organic compound lines lead to theories of how life itself is generated in our universe. This work, however, can only be done with the most sophisticated and expensive receiving equipment coupled with the most powerful of electronic computers. Even then, integration times of many hours are often required.

Because of the importance and expense of this endeavor I cannot agree that the protection standard in US Note 74 is adequate. The only commentors on our proposed rule were the National Academy of Sciences and the National Radio Astronomy Observatory. Both urged a higher standard of protection—namely—the standard adopted unanimously by the International Radio Consultative Committee of the ITU in its Report 224-3 at the XIIIth Plenary Assembly in Geneva in 1974.

The majority of this Commission has rather casually dismissed these requests by referring to excessive expense and system degradation to "other" services—services (mainly Government) whose spokemen have not attempted to quantify these expenses or degradations and, indeed, have not even bothered to file any comments in this proceeding. Accordingly, I dissent.

[FR Doc. 78-16149 Filed 6-9-78; 8:45 am]

[1] See attached dissenting statement of Commissioner Washburn.

[6712-01]

CHAPTER I

[BC Docket No. 78-20; RM-2925]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Clovis, N. Mex.; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a third FM channel to Clovis, N. Mex. Additional areas could be provided with first and second FM as well as first and second aural nighttime service by another FM station.

EFFECTIVE DATE: July 17, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER (PROCEEDING TERMINATED) [43 FR 3407].

Adopted: June 1, 1978.

Released: June 8, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Clovis, N. Mex.), BC Docket No. 78-20 RM-2925.

1. The Commission here considers a proposal for the assignment of Class C FM Channel 298 to Clovis, N. Mex., as that community's third FM assignment. This proceeding was initiated by a Notice of Proposed Rule Making, adopted January 13, 1978, 43 FR 3407, based on a petition filed by Zia Broadcasting Co. ("Zia"), licensee of AM Station KCLV, Clovis, N. Mex. Comments were filed by Zia in which it reaffirms its intent to apply for the channel, if assigned. Opposing comments were filed by Frequently Modulated Radio Co. ("FMRC"), licensee of FM Station KKQQ (Channel 256), Clovis, and Creative Communications Corp. ("Creative"), licensee of AM Station KWKA and Station KTQM-FM, Channel 260, Clovis, N. Mex.

2. Clovis (pop. 28,495), seat of Curry County (pop. 39,517),[1] is located in eastern New Mexico, 152 kilometers (95 miles) southwest of Amarillo, Tex. Clovis is served locally by FM Station KKQQ(FM) (Channel 256) and Station KTQM-FM (Channel 260) and fulltime AM Stations KICA, KWKA and KCLV (licensed to petitioner).

3. The station proposed to be operated by Zia would provide first FM service to 1,007 persons in a 550 square kilometer (204 square mile) area and a second FM service to 1,610 persons in a 850 square kilometer (324 square mile) area. The same figures would hold true for first and second nighttime aural service. Zia states that the five communities [2] in the precluded area with over 2,500 population, which have no local aural service, have alternate channels available to them for assignment should the need arise.

4. Zia's comments assert that the Clovis Chamber of Commerce estimated the population of Clovis to be 32,864 in 1976, as compared to 28,495 in 1970. It states that the city's economy is dominated by agriculture, grain storage, ranching, cattle raising and meat packing. Zia adds that there are several significant manufacturing concerns in the area and notes that Clovis is the center of a large trading area and the hub of transportation for eastern New Mexico.

5. In opposition, FMRC disputes Zia's contention of population and economic growth. It alleges the unserved areas located 48 to 56 kilometers (30 to 35 miles) from Clovis could be served by a local Class A FM service. FMRC has submitted affidavits of people living on the fringe of and beyond its 60 dBu contour to indicate that FM service is available to the areas Zia claims it would provide with first FM service.

6. In opposing comments,[3] Creative argues that Clovis cannot support an additional station and still allow the other stations in Clovis to operate and provide top quality radio service to the area. Since this is an economic issue which is normally considered in connection with an application for a construction permit, it will not be considered at this stage. However, Creative further contends that Zia's proposal would result in large preclusion areas, that it does not demonstrate it is the best possible frequency in terms of preclusion, and that there are five to six daytime AM services presently available to the underserved areas. It claims that Zia would not be able to achieve the proposed coverage because of the difficulty in acquiring aeronautical approval for the required 550 foot tower at the referenced site and environmental impact clearance. Creative argues that a tall tower would impinge upon the operation of Creative's three tower directional array of AM Station KWKA and would create problems for the Zia AM operation.

7. In reply, Zia contends that the purpose of a preclusion study is to insure that no significant community should be deprived of its first service because of the assignment under consideration. It states that it has demonstrated that no community with a population over 2,500 which has no commercial FM station, would be excluded from having an FM station by the addition of Channel 298 to Clovis. Zia asserts that availability of daytime AM service cannot be considered significant because it has shown the proposed assignment would provide additional areas and populations with first and second FM and first and second nighttime aural service. As to aeronautical, environmental and interference considerations, Zia argues that such allegations are speculative. It contends that Creative assumes that Zia intends to utilize its AM transmitter site for an FM station, which is used only as a convenient reference point, and that there is substantial latitude on the site location.

8. We have carefully considered the record in this proceeding and conclude that it would be in the public interest to assign Channel 298 to Clovis, N. Mex. Ordinarily, the Commission's FM assignment criteria would limit the number of assignments to a community the size of Clovis to one or two channels. However, there have been cases when this limitation on the number of assignments has been relaxed. As stated in *Fresno*, 38 FCC 2d 525, 526 (1972), they "are a guide and not an immutable standard." In the instant case a showing has been made that the proposed assignment could bring service to areas which now are unserved and underserved. Also, petitioner has shown that other channels are available for assignment to the precluded communities of over 2,500 population which have no commercial FM assignments. Thus, the proposed assignment to Clovis can be made without depriving any other community of an FM channel, even if the area is not a fast growing one. Finally, Creative points to the KFDW tower as being the tallest tower within 32 kilometers (20 miles). This tower appears to be a suitable antenna supporting structure, if available, for the new station. It also indicates that such a structure could be erected which would comply with the various requirements for establishment of an FM broadcast station.

9. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, *it is ordered*, That effective July 17, 1978, the FM Table of Assignments (Section 73.202(b) of the Rules) is amended with respect to the community listed below:

City and Channel Nos.

Clovis, N. Mex., 256, 260, 298.[1]

10. *It is further ordered*, That this proceeding is terminated.

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

[FR Doc. 78-16187 Filed 6-9-78; 8:45 am]

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

[2] Texas: Abernathy (pop. 2,625), Tahoka (2,956), Dimit (4,327), Littlefield (6,738) and Wellington (2,884).

[3] Creative's comments were late-filed. However, since the lateness was due to illness of Creative's consulting engineer, we are accepting its comments.

[1] Any application for this channel must specify at least an effective radiated power of 100 kW and antenna height of 152 meters (500 feet) above average terrain or equivalent.

[4910-06]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 257—ACQUISITION AND MODERNIZATION ASSISTANCE

Revocation of Part

AGENCY: Federal Railroad Administration ("FRA"), Department of Transportation.

ACTION: Final rule.

SUMMARY: The Federal Railroad Administration is revoking Part 257 "acquisition and modernization loan assistance" because it is unnecessary. The authorizing legislation, sec. 403 of the Regional Rail Reorganization Act of 1973, as amended, was repealed on April 1, 1978. The program was never funded or implemented.

EFFECTIVE DATE: June 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Patrick O'Driscoll, Assistant Chief Counsel, State Rail and Passenger Programs Division, Federal Railroad Administration, 400 7th Street SW., Washington, D.C. 20590, 202-426-7710.

SUPPLEMENTARY INFORMATION: Section 403 of the Regional Rail Reorganization Act of 1973, as amended ("3R Act") (45 U.S.C. 701 et seq.), authorized a program of acquisition and modernization loans from the United States Railway Association ("Association"), as directed by the Secretary, as well as certain other assistance to States and local and regional transportation authorities to enable them to purchase lines of railroad and in addition to rehabilitate such properties to a condition which would enable safe and efficient operation thereon. The loans were to be provided by the Association under section 211 of the 3R Act. Funding for such loans would be obtained by the Association by issuing obligations under section 210 of the 3R Act.

On January 16, 1976, new Part 257 of Title 49 of the Code of Federal Regulations was promulgated by the FRA to enable applicants to seek assistance under the program. On February 5, 1976, the Railroad Revitalization and Regulatory Reform Act of 1976 ("4R Act") (Pub. L. 94-210, 90 Stat. 31 et seq.) was enacted. Section 604 of that Act amended section 210(b) of the 3R Act to eliminate therefrom any authority in the Association to issue obligations to make loans under section 211 of the 3R Act other than for assistance applied for prior to January 1, 1976 (relating to another loan program), and new subsections (g) and (h) of section 211, which were also unrelated. As a result, while section 403 was not immediately repealed, the authority to fund section 403 loans under section 211 was removed by section 604 of the 4R Act and the program could not be implemented.

Section 403 was repealed on April 1, 1978, pursuant to section 806 of the 4R Act. Since there is no further need for the regulations, 49 CFR Part 257 is hereby revoked.

The revocation of Part 257 of Title 49 will have no economic impact. Accordingly, an evaluation under paragraph 8(b)(2) of the Secretary's memorandum of January 31, 1978 (43 FR 9582), is unnecessary.

(Sec. 403, Regional Rail Reorganization Act of 1973 (45 U.S.C. 763) (1970 Ed., Suppl. V. 1975); sec. 806 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210, 90 Stat. 143; the Department of Transportation Act (49 U.S.C. 1651 et seq.) (1970 Ed.), Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(g).)

Dated: June 6, 1978.

JOHN M. SULLIVAN,
Federal Railroad Administrator.

[FR Doc. 78-16163 Filed 6-9-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 921]

FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed grade and size requirements on shipments of fresh Washington peaches. Those peaches shipped in the Western lug box or the standard peach box are to grade at least Washington Fancy Grade, peaches in all other containers are to grade at least Washington Extra Fancy Grade. All varieties of peaches are required to meet minimum size requirements of 2⅜ inches diameter except the Elberta varieties and peaches of any variety other than Elberta when packed in the standard peach box, may be shipped if they meet a minimum diameter of 2¼ inches. Loose or jumble packs are permitted in containers of a capacity equal to or greater than that of a western lug box with a net weight of 26 pounds and in such containers of a lower net weight if the packages are well filled. These requirements are designed to provide for orderly marketing of peaches in the interest of producers and consumers.

DATES: Comments must be received by June 30, 1978.

ADDRESS: Send comments to Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.29(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: The proposal was submitted by the Washington Fresh Peach Marketing Committee, established under the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The recommendation of the Washington Fresh Peach Marketing Committee reflects it appraisal of the current and prospective crop and market conditions. Washington's 1978 fresh peach shipments are estimated by the committee at 9,500 tons, compared with fresh peach shipments in 1977 of 10,820 tons. The proposed regulation, herein set forth, is designed to prevent the handling on and after July 15, 1978, of low quality and small size peaches and provides for orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

Such proposal reads as follows:

§ 921.315 Peach Regulation 15.

Order. (a) During the period July 15, 1978, through July 31, 1979, no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with paragraph (a)(5) of this section.

(1) *Minimum grade.* Such peaches shall grade at least Washington Extra Fancy Grade: *Provided,* That peaches which grade Washington Fancy Grade or better may be handled if they are packed in the Western lug box or the standard peach box.

(2) *Minimum size.* (i) Such peaches of any variety, except peaches of the Elberta varieties, when packed in any container except the standard peach box, shall measure not less than 2⅜ inches in diameter;

(ii) Such peaches of any variety when packed in the standard peach box shall measure not less than 2¼ inches in diameter; and

(iii) Such peaches of the Elberta varieties when packed in any container shall measure not less than 2¼ inches in diameter.

(3) *Uniform firmness.* Such peaches in individual containers shall have a reasonably uniform degree of firmness.

(4) *Pack.* (i) Such peaches in loose or jumble packs shall be in containers of a capacity equal to or greater than that of a western lug box and shall contain not less than 26 pounds net weight of peaches: *Provided,* That such containers of peaches having less than 26 pounds net weight may be handled if such containers are well filled, and

(ii) Such peaches other than peaches in loose or jumble packs in any containers shall meet the standard pack requirements as set forth in the Washington Standards for Peaches (Order No. 1212), or the U.S. Standards for Peaches (7 CFR 51.1210 et seq.).

(5) Notwithstanding any other provisions of this section, any individual shipment of peaches sold by the producer or at an established packinghouse which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 921.41 (Assessments), and of § 921.55 (Inspection and Certification) if:

(i) The shipment consists of peaches sold for home use and not for resale; and

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of peaches.

(b) The terms "Washington Extra Fancy Grade", "Washington Fancy Grade", and "mature" shall have the same meaning as when used in the Washington Standards for Peaches (effective October 18, 1971), issued by the State of Washington Department of Agriculture; the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise are not placed in the container in symmetrical order; the term "standard peach box" shall mean a container with inside dimensions of 4¼ to 6 by 11½ by 16 inches; the term "Western lug box" shall mean any container with inside dimensions of 7 by 11½ by 18 inches; the term "well filled" shall mean that the level of fruit is filled at least to the top edge of the container; the term "diameter" shall mean the greatest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end; and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

(c) Peach Regulation 14 (42 FR 36233) is hereby terminated July 15, 1978.

Dated: June 6, 1978.

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

[FR Doc. 78-16215 Filed 6-9-78; 8:45 am]

[3410-02]

[7 CFR Part 929]

HANDLING OF CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Proposed Rulemaking

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would require handlers of cranberries grown in the production area to pay interest of one percent per month on any unpaid assessments beginning 30 days from the due date prescribed by the Cranberry Marketing Committee. It would also require such handlers to file certified reports by the 10th day, rather than the 20th day, of certain specified months. The proposed interest charge is designed to encourage handlers to pay assessment obligations promptly. Earlier submission of reports by handlers should be helpful to the committee and the industry generally in planning for operations under the marketing order.

DATE: Comments must be received on or before June 26, 1978.

ADDRESS: Send two copies of comments to Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department is considering proposed amendment, as hereinafter set forth, of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 929.101 et seq.) currently in effect pursuant to the applicable provisions of the amended marketing agreement and Order No. 9029, as amended (7 CFR Part 929). The order regulates the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal to amend said rules and regulations was recommended by the Cranberry Marketing Committee established under the order as the agency to administer the terms and provisions thereof.

The proposal would add a new § 929.152 and amend paragraph (b) of § 929.105 to read as follows:

§ 929.152 Delinquent assessments.

Each handler shall pay interest of 1 percent per month on any unpaid assessment balance beginning 30 days from the due date prescribed by the committee. Such interest charge is to apply to any unpaid assessments which become due the committee after the effective date of this section.

§ 929.105 Reporting.

* * * * *

(b) Certified reports shall be submitted to the committee by each handler not later than the 10th day of February, May, and August of each fiscal period shown (1) the total quantity of cranberries the handler acquired and the total quantity of cranberries the handler handled from the beginning of the crop year through January 31, April 30, and July 31, respectively, and (2) the respective quantities of cranberries and cranberry products held by the handler on the 1st day of February, May, and August of each fiscal period.

Dated: June 7, 1978.

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

[FR Doc. 78-16237 Filed 6-9-78; 8:45 am]

[4810-33]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 9]

FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Authority To Invest Trust Funds in Variable Amount Notes

AGENCY: Comptroller of the Currency.

ACTION: Suspension of proposed rulemaking.

SUMMARY: The Comptroller has suspended two proposed amendments which would have affected the amount that national bank trust departments could invest in variable amount notes and has instead adopted examining procedures to be followed by OCC trust examiners. The proposed amendments will be held in abeyance pending evaluation of the effectiveness of these examining procedures.

EFFECTIVE DATE: The proposed amendments were suspended on March 15, 1978, the date the examining procedures became effective.

FOR FURTHER INFORMATION CONTACT:

Dean E. Miller, Deputy Comptroller for Specialized Examinations, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1731.

SUPPLEMENTARY INFORMATION: On March 15, 1978, the Comptroller of the Currency issued Trust Examining Circular No. 6 concerning the examination of variable amount and master notes held by national bank trust departments. The examining procedures were instituted in lieu of amendments to the Comptroller's trust regulations (12 CFR Part 9) which were proposed for comment on December 22, 1976 (41 FR 55717), and October 25, 1977 (42 FR 56339). The proposed amendments will be held in abeyance pending evaluation of the effectiveness of the examining procedures.

The examining circular provided examiners with the following instructions with regard to variable amount notes held by national bank trust departments:

1. A bank which has variable amount or master notes totaling in the aggregate in excess of 10 percent of the market value of assets held by that bank's trust department, as stated in the previous year's trust department annual report, should be requested to justify the prudence of such an investment.

2. Examiners should similarly question the prudence of any notes issued by any one company which are in excess of 5 percent of the market value of the total assets as of the end of the preceding year.

3. Notes which have "A" (demand basis) and "B" (fixed term) components should be criticized when the "B" portion is in excess of 50 percent of the principal amount of the note.

The examining circular also clarified those provisions of 12 CFR Part 9 which require that all variable amount and master notes be issued by companies classifiable as prime credits. An issuer is classified as a prime credit if it enjoys one of the two highest rating categories issued by at least two of the nationally recognized investment rating organizations. The bank should have full information on the capital, debt structure, and financial condition of the issuer. This should include the total amounts borrowed by the issuer on master notes, the issuer's total long and short term borrowings, and the issuer's most current financial statement. In addition, the bank should obtain from the issuer quarterly certi-

ficates certifying that the notes are not subordinated to any other debt of the company, that there is no litigation pending or threatened affecting such notes, and that the issuer is not in default as to the payment of principal or interest on any of its outstanding obligations.

The Comptroller's decision to adopt examining procedures in lieu of amending current regulations was based on the belief that self regulation is preferable to the imposition of regulatory restraints on business, and should first be given every opportunity to function. The Comptroller is convinced that the value of this approach outweighs any attempt at this time to limit the marketplace to a preconceived standard. At the same time it permits the Comptroller to monitor closely the variable amount notes held by banks.

Drafting information: This document was drafted by Dean E. Miller, Deputy Comptroller for Specialized Examinations, and Richard H. Neiman, Staff Attorney.

Dated: June 2, 1978.

JOHN G. HEIMANN,
Comptroller of the Currency.

[FR Doc. 78-16193 Filed 6-9-78; 8:45 am]

[1505-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 732-3312]

AUSTRALIAN LAND TITLE, LTD., ET AL.

Consent Agreement With Analysis To Aid Public Comment

Correction

In FR Doc. 78-11832 appearing at page 18685 in the issue of Tuesday, May 2, 1978, on page 18692, column two, paragraph three, in the last line, the word "redress" should be inserted before the word "fund".

[1505-01]

[16 CFR Part 13]

[File No. 772-3032]

PUBLIC SERVICE CO. OF COLORADO

Consent Agreement With Analysis To Aid Public Comment

Correction

In FR Doc. 78-11967 appearing at page 19053 in the issue of Wednesday, May 3, 1978, on page 19055, column one, the paragraph labeled "3.", in line nine, the words "retained or acquired in real property which is used or is expected to be" should be inserted between the words "be" and "used".

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 201]

[Docket No. R-78-542]

INCREASE IN MATURITY PERIOD

Proposed Rule

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: Section 309(a)(3) of the Housing and Community Development Act of 1974 authorizes a maturity period of 15 years and 32 days for a "single-wide" mobile home loan. In view of the amount authorized by the Housing and Community Development Act of 1977 from $12,500 to $16,000, it has been determined that a longer maturity period for a loan is necessary. The proposed amendment would increase the maturity period for a "single-wide" mobile home loan from 12 years and 32 days to 15 years and 32 days.

DATE: Comments are due on or before July 12, 1978.

ADDRESS: All material which persons wish to submit should be sent to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. A copy of each comment will be available for public inspection at this address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

William B. Stansbery, Acting Director, Title I Insured Loan Division, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-8686.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available during regular business hours at the above address.

Accordingly, § 201.560 is amended to read as follows:

§ 201.560 Maturity provisions.

The obligation shall have a term of not less than 1 year or more than 15 years and 32 days from the date it is made, * * *

AUTHORITY: Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246, 12 U.S.C. 1703.

Issued at Washington, D.C., June 1, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 78-16238 Filed 6-9-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Parts 216, 217, 220, and 402]

INFORMATION ON THE NEED FOR ADDITIONAL REGULATIONS FOR THE PROTECTION OF HUMPBACK WHALES IN HAWAII

Public Hearing

AGENCY: National Marine Fisheries Service.

ACTION: Notice of public hearing.

SUMMARY: In consideration of the recommendations developed by the Marine Mammal Commission workshop on humpback whales in July 1977, the National Marine Fisheries Service, Southwest Region, will sponsor a public hearing to solicit information and comments regarding the possible need for regulations to control activities in areas of special significance for humpback whales (*Megaptera novaeangliae*) in Hawaii.

DATES: 7 p.m., June 26, 1978, Lahaina, Maui, Hawaii; and 7 p.m., June 29, 1978, Honolulu, Hawaii.

ADDRESSES: Lahaina Civic and Recreational Center, Honoapiilani Highway, Lahaina, Maui, Hawaii 96761; and West Room, Pagoda Hotel, 1525 Rycroft Street, Honolulu, Hawaii 96814.

FOR FURTHER INFORMATION CONTACT:

Gerald V. Howard, Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Room 2016, Terminal Island, Calif. 90731, 213-548-2575; or

Doyle E. Gates, Administrator, Western Pacific Program Office, Southwest Region, National Marine Fisheries Service, 2570 Dole Street, Honolulu, Hawaii 96813, 808-946-2181.

SUPPLEMENTARY INFORMATION: Views and information are solicited on a variety of issues, including but not limited to: identification of the parameters of humpback whale harassment; the possible effects of the modification or potential degradation of humpback whale habitat by human activities; the need for establishing regulations or other controls which may reduce or eliminate the effects of identified adverse human activities; and the scope and direction to be taken by such controls.

We are also seeking comments and additional information regarding the numbers, distribution, and behavior of humpback whales in Hawaii, and the types, magnitude, and economic impact of commercial whale watching activities as they relate to the issues above.

The hearing officer will be Mr. Doyle E. Gates, Administrator, Western Pacific Program Office, Southwest Region, National Marine Fisheries Service.

Written comments may be addressed to the Administrator, Western Pacific Program Office, Southwest Region, National Marine Fisheries Service, 2570 Dole Street, Honolulu, Hawaii 96813; or Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, Calif. 90731.

Written comments will be received until July 5, 1978.

Dated: June 6, 1978.

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

[FR Doc. 78-16071 Filed 6-9-78; 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.

[3410-22]

DEPARTMENT OF AGRICULTURE

Science and Education Administration

GENERAL CONFERENCE COMMITTEE OF THE NATIONAL POULTRY IMPROVEMENT PLAN

Provisional Notice of Meeting

Pursuant to the Provisions of the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92-463, 86 Stat. 770-779) notice is hereby given that a public meeting of the General Conference Committee of the National Poultry Improvement Plan will be held on June 26-29 in the Aladdin Hotel, Las Vegas, Nev. This meeting is contingent upon timely re-establishment of the Committee and the filing of its charter. The meeting is open to the public and will convene at 9 a.m. on the 26th and adjourn at 3 p.m. on the 29th. Members of the public may submit comments before or after the meeting.

The purpose of this meeting is to aid and advise the Department in matters relating to recommendations concerning amendments to the National Poultry Improvement Plan provisions. These recommendations will be based on proposed changes to the National Poultry Improvement Plan that were submitted by interested persons. They will be made by State industry representatives who will be meeting simultaneously with the General Conference Committee on June 27-29. Proposals that will be considered include blood testing smaller samples for *Mycoplasma gallisepticum* and *M. synoviae* certification of breeding flocks; changes in monitoring techniques in flocks, hatcheries, and laboratories for the "U.S. Sanitation Monitored" classification; and the introduction of an *M. meleagridis* control program in turkey breeding flocks. A proposal that would classify an entire State when its turkey breeding flocks are free of *M. gallisepticum* and a proposal to reinstate the Salmonella typhimurium control program will also be considered. The use of labels stating the Salmonella pullorum and gallinarum (fowl typhoid) status of baby poultry and hatching eggs being sent through the mail will also be considered.

A copy of the proposed changes and the agenda for the meeting may be obtained by contacting Dr. James W. Smith, Chairman, Animal Physiology and Genetics Institute, SEA, Building 173, BARC-East, Beltsville, Md. 20705. His telephone number is 301-344-2259.

Done at Washington, D.C., this 23d day of May 1978.

JAMES NIELSON,
Acting Director
Science and Education.

[FR Doc. 78-16162 Filed 6-9-78; 8:45 am]

[3410-22]

Office of the Secretary

GENERAL CONFERENCE COMMITTEE OF THE NATIONAL POULTRY IMPROVEMENT PLAN

Intent to Re-Establish Advisory Committee

Notice is hereby given that the Secretary of Agriculture intends to re-establish the General Conference Committee of the National Poultry Improvement Plan as an Advisory Committee of the Department of Agriculture. This Committee will be established to provide a forum where elected State delegates (Advisory Committee members) can assemble to discuss, amend, and vote on proposed changes in the provisions of the National Poultry Imrovement Plan, as contained in Title 9, Chapter IV, Subchapter A, Code of Federal Regulations. Those proposals which receive a majority vote of the Committee members would become recommendations to the Department.

The National Poultry Improvement Plan is administered under the authority of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 428). The General Conference Committee would be chaired by the Assistant Secretary for Conservation, Research, and Education. The Director of Science and Education would be Vice Chairman. Mr. R. D. Schar, National Poultry Improvement Plan, Science and Education Administration, would be the Executive Secretary. It has been determined that establishment of this committee is in the public interest in connection with the work of the Department of Agriculture.

Interested parties are invited to submit written comments, views, or data concerning this proposal to Raymond D. Schar, Senior Coordinator, National Poultry Improvement Plan, Building 265, BARC-East, Beltsville, Md. 20705, by June 27, 1978.

Done at Washington, D.C., this 7th day of June 1978.

JOAN S. WALLACE,
Assistant Secretary
for Administration.

[FR Doc. 78-16161 Filed 6-9-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 30635]

ARIZONA SERVICE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on June 28, 1978, at 10 a.m. (local time), in room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

Each party which wishes to participate in the oral argument shall so advise the Secretary, in writing, *on or before June 16, 1978,* together with the name of the person who will represent it at the argument.

The Board shall, prior to the oral argument, submit a list of questions it would like the parties to address in their oral presentations, and additional information concerning the procedures to be followed will be announced at that time.

Dated at Washington, D.C., June 6, 1978.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-16211 Filed 6-9-78; 8:45 am]

[6320-01]

DELAVAL TURBINE, INC. ET AL.

Notice of Proposed Approval

Application of DeLaval Turbine, Inc. and Transamerica Corp. for exemption or approval under section 408 of the Federal Aviation Act of 1958, as amended, Docket 32386.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until June 16, 1978, to file comments

or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., June 7, 1978.

MICHAEL E. LEVINE,
Director-designate, Bureau of Pricing & Domestic Aviation.

Issued under delegated authority.

Application of DeLaval Turbine, Inc. and Transamerica Corporation for a disclaimer of jurisdiction or approval pursuant to section 408 of the Act, Docket 32386, Order of Approval.

By joint application DeLaval Turbine, Inc. (DeLaval) and Transamerica Corp. (Transamerica) request that the Board approve under section 408(b) of the Act, or disclaim jurisdiction over DeLaval's acquisition of Red-Lee Metal Finishing Corp. (Red-Lee).

DeLaval is a wholly owned subsidiary of Transamerica, principally engaged in the manufacture of machinery, steam turbines, pumps, compressors, hydraulic and fuel valves. It also produces minor components for aircraft hydraulic and fuel systems. Transamerica is a diversified holding company of which Trans International Airlines (TIA), a supplemental air carrier, is a wholly owned subsidiary.

Red-Lee is engaged in machining and polishing of turbine blades, and could be deemed a phase of aeronautics. During the fiscal year ending July 31, 1977, approximately 31 percent of Red-Lee's revenues were derived from sales to aeronautical customers, but TIA has not been one of its customers.

In support of the request, the applicants claim that the acquisition will have no significant anticompetitive effects. Red-Lee's gross revenues came to .55 percent of DeLaval's net sales. Thus, the acquisition will not significantly increase DeLaval's role as a supplier of aeronautical services or components.

The applicants also claim that this case is similar to others in which the Board disclaimed jurisdiction.[1] If the Board does assert jurisdiction, applicants argue that approval is warranted under the third proviso of section 408(b) on the grounds that the acquisition will not affect the control of a direct air carrier, and will not result in the creation of a monopoly or restrain competition.

No one has objected to this application or requested a hearing.

We conclude that Transamerica is a person controlling an air carrier (TIA) whose acquisition of Red-Lee, a person engaged in a phase of aeronautics, through DeLaval, is subject to section 408(a)(6) of the Act. However, we further conclude that the acquisition will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, or tend to restrain trade unreasonably, substantially lessen competition or create a monopoly. The transaction was entered into after arm's length bargaining, and there appear to be no interlocking relationships between Transamerica or DeLaval and Red-Lee.[2] No person disclosing a substantial interest in the proceeding is currently requesting a hearing, and we conclude that the public interest does not require a hearing. The transaction appears to be consistent with the public interest, and meets the requirements of section 408 of the Act. The acquisition will enable DeLaval to extend its manufacturing services to the area of turbine maintenance without creating any significant anticompetitive effects. The transaction will produce only a *de minimis* increase in the size of DeLaval; moreover, Red-Lee's line of business, the finishing of turbine blades, will remain highly competitive. We note that the original order approving Transamerica's acquisition of TIA required that transactions between TIA and DeLaval in excess of $100,000 per calendar year be submitted for prior Board approval.[3] We will also apply this condition to DeLaval's subsidiary, Red-Lee, as a means of safeguarding against any discriminatory or preferential transactions between Red-Lee and the affiliated air carrier, TIA.

We find, under authority delegated by the Board in its Regulations, 14 CFR 385.13, that it is in the public interest to approve without hearing the acquisition described above under the third proviso of section 408(b), and that all other requests in this application should be dismissed.

We have published in the Federal Register a notice of intent to dispose of this application without a hearing and have furnished a copy of such notice to the Attorney General not later than the day after such publication, both in accordance with the requirements of section 408(b) of the Act.

Accordingly, *It is ordered*, That: 1. The acquisition of Red-Lee by Transamerica through DeLaval be approved under section 408(b) of the Act; and

2. Except to the extent specifically granted here, the application be dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days of the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

MICHAEL E. LEVINE,
Director-designate Bureau of Pricing and Domestic Aviation.

[FR Doc. 78-16210 Filed 6-9-78; 8:45 am]

[1] Applicants cite Order E-12555 (May 23, 1958), and E-24942 (April 4, 1967).

[2] Following the acquisition, the officers and directors of Red-Lee will continue in their present positions. There will be no interlocking relationships between Red-Lee and DeLaval as a result of the acquisition.

[3] Order E-26459, February 23, 1968.

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

ELECTRIC POWER RESEARCH INSTITUTE 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 July 3, 1978.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00183. Applicant: Electric Power Research Institute, 3412 Hillview Avenue, P.O. Box 10412, Palo Alto, Calif. 94303. Article: Compact Capacitor/Filter and Accessories. Manufacturer: ASEA-Sweden. Intended use of article: The article is intended to be used for both power factor correction and harmonic filter applications on electric utility transmission systems. Both a 345 kV power factor correction capacitor bank and a 138 kV harmonic filter will be built, laboratory tested, and field tested for operating characteristics and reliability. The investigation will determine if these banks can be compacted to approximately 1/10 their present size without increasing cost. Application received by Commissioner of Customs: May 22, 1978.

Docket No. 78-00240. Applicant: Cornell University, Department of Chemistry, Baker Laboratory, Ithaca, N.Y. 14853. Article: LKB 8800A Ultrotome

III Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the preparation of the specimens for ultrastructural studies on normal and pathologic plant and animal tissues with specific reference to migration of diffusable ions. Application received by Commissioner of Customs: May 19, 1978.

Docket No. 78-00241. Applicant: East Carolina University, Greenville N.C. 27834. Article: Automatic Recording Spectropolarimeter, Model J-40C and Accessories. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The article is intended to be used in investigations of the circular dichroism spectra of the peptides, proteins, and nucleic acids and of combinations of these with metal ions and other small molecules. These measurements give detailed information relative to the three-dimensional interrelationships among the species present. The article will also be used in the course Biochemistry 6325, Analytical Methods and Techniques to give student direct experience in the theory and use of instrumentation and laboratory procedures. Application received by Commissioner of Customs: May 19, 1978.

Docket No. 78-00242. Applicant: VA Hospital, Cooper Drive Division, Lexington, Ky. 40507. Article: LKB 8800A Ultrotome III Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrastructural studies on normal and pathological human and animal tissues, cytochemical studies on enzyme and subcellular organelle localization in cells and tissues, and subcellular changes in cells induced by experimental treatment of animals as well as changes induced by disease in humans. The article will also be used to train students (Pathology) in the use and application of electron microscopy in diagnostic as well as research related areas. Application received by Commissioner of Customs: May 23, 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. 78-16084 Filed 6-9-78; 8:45 am]

[3510-25]

JOHNS HOPKINS UNIVERSITY SCHOOL OF HYGIENE AND PUBLIC HEALTH ET AL.

Consolidated Decision on Applications for Duty Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00144. Applicant: The Johns Hopkins University, School of Hygiene and Public Health, 615 North Wolfe Street, Baltimore, Md. 21205. Article: Electron Microscope, Model JEM 100S, and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: the article is intended to be used in conducting the following research projects:

(1) Enzymatic repair of damage DNA.

(2) Ongoing study of basophil leukocytes and mast cells in human allergic deseases.

(3) Replication of bacteriophage DNA.

(4) Cloning the human gene for hypoxanthine phosphoribosyltransferase in defective polyoma virus.

(5) Physical location of single genes by in situ hybridization at both methaphase chromosome level and at the DNA level.

(6) Ultrastructure of macrophages in tuberculous granulomas: Disgestive and secretory enzymes and residual bacillary components, visualized by the peroxidase-antiperoxidase antibody technique.

(7) Biochemical and genetic study of human chromosomal diseases.

(8) Regulation of phosphatide metabolism in lung type II alveolar cells.

(9) Molecular mechanisms in DNA transport.

(10) The influence of membrane alternations on hepatic transport.

In addition, the article will be used for training of graduate sutdents in the modern biochemical techniques of electron microscopy. Application received by Commissioner of Customs: April 18, 1978.

Docket No. 78-00187. Applicant: University of California School of Medicine, San Francisco, Calif.; Department of Anatomy, 3rd and Parnassus Avenue, San Francisco, Calif. 94143. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the research areas of the structure, function, and inherited degeneration of the retina and the cell biology of retrograde axonal transport in the central nervous system, in both intact and injured axons. Investigations will be conducted with the following objectives:

(a) To better understand normal photoreceptor-pigment epithelial cell interactions, particularly that of rod outer segment renewal.

(b) To define the cellular mechanisms that are vulnerable to mutant gene action so as to produce several of the forms of inherited retinal degeneration in mice and rates.

(c) To determine what and when secondary changes occur in the inner retina subsequent to photoreceptor cell degeneration in order to know at what stage(s) the disorders must be arrested to preserve functional vision.

(d) To work out the details of several cellular mechanisms of retrograde axonal transport in both normal and injured neurons.

The article will also be used for research training by graduate and postgraduate students. Application received by Commissioner of Customs: April 14, 1978.

Docket No. 78-00188. Applicant: The Regents of the University of California, Department of Pathology, School of Medicine, University of California, SF, San Francisco, Calif. 94143. Article: Electron Microscope, Model JEM 100CX and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used both as means for analysis of naturally occurring disease and as a supplemental aid to the study of model disease systems. Specimens obtained from surgical pathology and from the autopsy will be prepared by standard means, sectioned and stained for routine transmission microscopy. Specifically, detailed analysis of soft tissue tumors, the ultrastructural features of meningiomata, and the distortions produced by liver disease will be followed. The studies will be conducted in an attempt to define the structural and functional correlations that are associated with degenerative and proliferative diseases both in animal models and in humans. The article will also be used for training graduate students in electron microscopy techniques. Article ordered: December 12, 1978.

Docket No. 78-00206. Applicant: National Eye Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron Microscope, Model EM 400 HMG with Water Chiller and Accessories. Manufacturer: Philips Electronics Instruments NVD, the Netherlands. Intended use of article: The article is intended to be used to examine plastic sections of human ocular tissues, animal tissues and tissue culture preparations in investigations related to corneal diseases, glaucoma, cataracts, retinal diseases, ocular cancer, and ocular viruses. Article ordered: July 26, 1978.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(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. 78-16085 Filed 6-9-78; 8:45 am]

[3510-25]

OHIO STATE UNIVERSITY RESEARCH FOUNDATION EL AL.

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5 p.m. in room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00141. Applicant: The Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: LKB 2128-010/Ultrotome IV Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: the article is intended to be used for studies of nerve tissue which have been embedded in hardened epoxy resins and sectioned. Investigations will include ultrastructural studies on damaged nerve tissue, studies on individual organelles in cells and tissues, and subcellular changes induced by changes in biochemical and physical environments. Application received by Commissioner of Customs: February 27, 1978. Advice submitted by the Department of Health, Education, and Welfare on: May 18, 1978.

Docket No. 78-00151. Applicant: Old Dominion University, Department of Biological Sciences, room 120, Hampton Boulevard, Norfolk, Va. 23508. Article: LKB 8800A Ultrotome III Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section plant, insect and animal specimens which have been embedded in hard epoxy and water emissible resins. Investigations will be conducted in order to understand basic ultra-structural phenomena associated with these tissues. In certain pathologic studies (human sperm and duck plague virus) attempts will be made to correlate changes with clinical treatment. The article will also be used for educational purposed in the courses: "Methods in Electron Microscopy" and "Advanced Methods in Electron Microscopy" which will involve a study of general principles on techniques and the use of the electron microscope to study the fine structure of cells, virus, and the employment of cytochemical staining to localize various enzymes and minerals. Application received by Commissioner of Customs: April 14, 1978. Advice submitted by the Department of Health, Education, and Welfare on: May 18, 1978.

Docket No. 78-00160. Applicant: University of Miami, School of Medicine, P.O. Box 520875, Miami, Fla. 33152. Article: LKB 8800A Ultrotome III Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section human and animal tissues for ultrastructural studies in neuropathology. Application received by Commissioner of Customs: March 22, 1978. Advice submitted by the Department of Health, Education, and Welfare on: May 18, 1978.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each of the foreign articles provides a range of cutting speeds 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket No. 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket No. 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are 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. 78-16086 Filed 6-9-78; 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 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. 78-00121. Applicant: Sandia Laboratories, 1515 Eubank Boulevard SE., Albuquerque, N. Mex. 87115. Article: Cinetheodolite System, Model F and accessories. Manufacturer: Contraves-Goerz, Switzerland. Intended use of article: The article is intended to be used for studies of the aerodynamic characteristics of Weapon System Flight Vehicles. The specific phenomena being investigated include accelerations, velocities, and space position versus time. Experiments will be conducted to confirm characteristics obtained from model studies and to determine interface characteristics between vehicles and delivery system. The effects of component retrofits on existing systems will also be investigated.

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 in intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket No. 77-00177 which was denied without prejudice to resubmission on December 8, 1977 for informational deficiencies. 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 17, 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. 78-16087 Filed 6-9-78; 8:45 am]

[3510-25]

UNIVERSITY OF TENNESSEE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00149. Applicant: The University of Tennessee, 201 McCord Hall, Knoxville, Tenn. 37916. Article: LKB 2128-010 Ultrotome IV Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section animal tissues which have been embedded into hardened epoxy resins to allow furthering knowledge of cellular changes at the ultrastructural level in cells and their organelles. The article will also be used to prepare thin histological sections and adjacent sections for electron microscopy of hard tissues. In addition, the article will be used for training of veterinary medical students in histology preparatory to taking histopathology.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a cutting speed range of 0.1 to 50 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by the Department of Health, Education, and Welfare in its memorandum dated May 18, 1978 that (1) cutting speeds in the excess of 4 mm/sec. are pertinent to the applicant's research studies and (2) the domestic instrument does not provide the pertinent feature. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-16088 Filed 6-9-78; 8:45 am]

[3510-13]

National Bureau of Standards

BUILDING TECHNOLOGY ADVISORY COMMITTEE

Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C., App., notice is hereby given that a meeting of the Intergrated Approach to Safety Subcommittee of the Building Technology Advisory Committee will be held on July 17, 1978 at the National Bureau of Standards, Gaithersburg, Md. The meeting will convene on July 17, 1978, at 9 a.m. in Building 226, Room B-221.

The purpose of this meeting is to review issues relating to integrated approaches to safety and formulate for submission to the Building Technology Advisory Committee recommendations for the Bureau's building technology programs.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting.

Further information concerning this meeting may be obtained by contacting Samuel Kramer, National Engineering Laboratory, National Bureau of Standards, Building 225, Room A-151, Washington, D.C. 20234, 301-921-3231.

Dated: June 6, 1978.

ERNEST AMBLER,
Director.

[FR Doc.78-16091 Filed 6-9-78; 8:45 am]

[3510-13]

BUILDING TECHNOLOGY ADVISORY COMMITTEE

Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5

U.S.C. App., notice is hereby given that a meeting of the Energy Conservation Subcommittee of the Building Technology Advisory Committee will be held on July 18, 1978 at the Department of Commerce, Conference Room 4833, 14th and Constitution Avenue NW., Washington, D.C. The meeting will convene on July 18, 1978 at 9 a.m.

The purpose of this meeting is to review issues relating to energy conservation and formulate for submission to the Building Technology Advisory Committee recommendations for the Bureau's building technology programs.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting.

Further information concerning this meeting may be obtained by contacting Samuel Kramer, National Engineering Laboratory, National Bureau of Standards, Building 225, Room A-151, Washington, D.C. 20234, 301-921-3231.

Dated: June 6, 1978.

ERNEST AMBLER,
Director.

[FR Doc. 78-16092 Filed 6-9-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

NEW ENGLAND FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Meeting Date and Agenda Change

Notice is hereby given of a change in the meeting date and agenda as published in the FEDERAL REGISTER, May 31, 1978 (43 FR 23628), for the New England Fishery Management Council's Scientific and Statistical Committee.

The meeting scheduled for June 13, 1978, will now be held June 20-21, at Woods Hole Oceanographic Institution, Carriage House, Woods Hole, Mass., convening at 9:30 a.m. on June 20, and adjourning at 4:30 p.m. on June 21.

Proposed Agenda: (1) Biological, economic, and socialogical data needs for the groundfish management plan; and (2) other fishery management business.

Dated: June, 2 1978.

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

[FR Doc. 78-16185 Filed 6-9-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

CASES FILED WITH THE OFFICE OF HEARINGS AND APPEALS

Week of May 12, 1978 through May 19, 1978

Notice is hereby given that during the week of May 12, 1978 through May 19, 1978, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

JUNE 2, 1978.

APPENDIX.—*List of cases received by the Office of Hearings and Appeals*

[Week of May 12 through May 19, 1978]

Date	Name and Location of Applicant	Case No.	Type of Submission
May 12, 1978	Bredfeldt Oil Co., Dodge City, Kans. If granted: The Nov. 4, 1977 remedial order issued by DOE region VII would be rescinded and Bredfeldt Oil Co. would not be required to refund certain overcharges made in its sales of propane.	DRX-0074	Supplemental order.
Do	Glenn & Eddie's Service, La Salle, Ill. If granted: Glenn & Eddie's Service would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-1083	Exception to the reporting requirements.
Do	James S. Ford & Son, Shandaken, N.W. If granted: James S. Ford & Son would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-1084	Do.
Do	Texaco, Inc., Denver, Colo. If granted: Texaco, Inc. would be permitted to sell the crude oil produced from the Maudlin Gulch Unit (Dakota participating area) located in Moffat County, Colo., at upper tier ceiling prices.	DEE-1085	Price exception (sec. 212.73).
Do	Texas City Refining, Inc., Texas City, Tex. If granted: Texas City Refining, Inc. would receive an exception from the provisions of 10 CFR 211.67 with respect to the entitlement obligations attributable to its recent refinery expansion.	DEE-1086	Exception from the entitlements program.
May 15, 1978	Arizona Fuels Corp., Salt Lake City, Utah. If granted: A portion of the entitlements purchase obligation incurred by the Arizona Fuels Corp. would be stayed pending a final determination on its application for exception.	DEX-0075	Supplemental order.
Do	Jim Cox Oil Co., Wewoka, Okla. If granted: The provisions of the proposed remedial order issued to the Jim Cox Oil Co., on Mar. 15, 1978, would be stayed pending a final determination on the firm's objections to that order.	DRS-0059	Stay request.
Do	Guam Oil & Refining Co., Inc., Agana, Guam. If granted: An evidentiary hearing would be convened in connection with the objections submitted by the Guam Oil & Refining Co., regarding the Apr. 14, 1978, proposed decision and order issued to the firm.	DEH-0006	Request for evidentiary hearing.
Do	Kerr-McGee Corp., Oklahoma City, Okla. If granted: Kerr-McGee Corp. would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Milfay plant.	DXE-1108	Extension of relief granted in *Kerr-McGee Corporation*, Case No. DXE-0153 (decided Feb. 2, 1978) (unreported decision).
Do	Laketon Asphalt Refining, Inc., Evansville, Ind. If granted: A portion of the entitlements purchase obligation incurred by Laketon Asphalt Refining, Inc., would be stayed pending a final determination on its application for exception.	DEX-0076	Supplemental order.
Do	McCulloch Gas Processing Corp., Washington, D.C. If granted: McCulloch Gas Processing Corp. would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Fairview, Hilight, Jamison Prong, Tule Creek, and Well Draw plants.	DXE-1087 through DXE-1091.	Extension of relief granted in *McCulloch Gas Processing Corporation*, Case Nos. DXE-0111 (decided Feb. 13, 1978) (unreported decisions).
Do	Newhall Refining Co., Dallas, Tex. If granted: A portion of the entitlement purchase obligation incurred by the Newhall Refining Co., would be stayed pending a final determination on its application for exception.	DEX-0077	Supplemental order.
Do	Shank, Irwin, Conant, Williamson & Grevelle, Dallas, Tex. If granted: The DOE's information request denial would be rescinded and Shank, Irwin, Conant, Williamson & Grevelle would be granted access to DOE data relating to the DOE's treatment of pipeline gathering points as well as consideration of gas processing plants as separate properties.	DFA-0182	Appeal of an information request denial.

APPENDIX.—*List of cases received by the Office of Hearings and Appeals*—Continued

[Week of May 12 through May 19, 1978]

Date	Name and Location of Applicant	Case No.	Type of Submission
Do	Shell Oil Co., Houston, Tex. If granted: Shell Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Calumet, Conley, Elmwood, Goodwater, Houston Central, Indian Basin, Iowa Tet, Lake Washington, Molino, Seelingson, Trippett/Crossett, and Yates plants.	DXE-1092 through DXE-1103.	Extension of the relief granted in *Shell Oil Co.*, Case Nos. DEE-0157, DEE-0158, DEE-0161, DEE-0162 (decided Feb. 27, 1978) (unreported decision). *Shell Oil Co.*, Case Nos. DXE-0165 through DXE-0170 (decided Feb. 13, 1978) (unreported decision). *Shell Oil Co.*, Case No. FEE-4684 (decided Dec. 5, 1977) (unreported decision). *Shell Oil Co.*, Case No FXE-4227 (decided June 24, 1977) (unreported decision).
Do	Shell Oil Co., Houston, Tex. If granted: Shell Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquids and natural gas liquid products produced at its Dover, Hennessey, Person, Timbalier Bay, and Ventura plants.	DEE—1014 through DEE-1107.	Price exception (sec. 212.165).
Do	Upham Oil & Gas Co., Chico, Tex. If granted: Upham Gas would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Chico plant.	DXE-1109	Extension of relief granted in *Upham Gas and Oil Co.*, Case No DXE-0184 (decided Feb 15, 1978) (unreported decision).
Do	Valley Oil Corp., Staunton, Va. If granted: An evidentiary hearing would be convened in connection with the Valley Oil Corp. objections regarding the Mar. 10, 1978, proposed decision and order issued to the firm.	DEH-0119	Request for evidentiary hearing.
May 16, 1978	City of Long Beach, Long Beach, Calif. If granted: City of Long Beach would be permitted to sell the crude oil produced from fault block II, located in the Wilmington field, at upper tier prices.	DXE-1118	Extension of relief granted in *City of Long Beach*, 1 DOE par. —— (Dec. 2, 1977).
Do	Dougherty Group (Normanna), Austin, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Normanna plant.	DXE-1119	Extension of relief granted in *Dougherty Group (Normanna)*, Case No. DEE-0061 (decided Feb. 27, 1978) (unreported decision).
Do	El Paso Natural Gas Co., El Paso, Tex. If granted: El Paso Natural Gas Co. would not be required to file form 1000 (Prime Supplier's Monthly Report).	DEE-1113	Exception from reporting requirements.
Do	Fagadau, Sanford, Dallas, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Maryetta and Bluegrove plants.	DXE-1120 and DXE-1121.	Extension of relief granted in *Fagadau, Sanford*, Case Nos. DXE-1072 (decided Feb 13, 1978) (unreported decision).
Do	Florida Gas Co., Winter Park, Fla. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Brooker plant.	DXE-1122	Extension of relief granted in *Florida Gas Company*, Case No. DXE-0193 (decided Feb. 15, 1978) (unreported decision).
Do	Gulf Oil Corp., Tulsa, Okla. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Azalea, Milfay, and Sand Hills plants.	DXE-1159 and DXE-1161.	Extension of relief granted in *Gulf Oil Corporation*, Case Nos. DXE-0312 through DXE-0314 (decided Feb 15, 1978) (unreported decision).
Do	Halter Gas Co., Oran, Mo. If granted: Halter Gas Co. would be supplied propane by Phillips Petroleum Co. rather than its base period supplier, Atlantic Richfield Co.	DEE-1112	Exception to change suppliers.
Do	Marathon Oil Co., Findlay, Ohio. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Camrick, Cotton Valley, Heyser, Indian Basin, Markham, Scipio, South Coles Levee, and Stephens plants.	DXE-1123 through DXE-1130.	Extention of relief granted in *Marathon Oil Company*, Case Nos. DXE-0175 through DXE-0812 (decided Feb. 15, 1978) (unreported decision).
Do	Mid-Michigan Truck Service, Kalamazoo, Mich. If granted: Gulf Oil Corp. would supply Mid-Michigan Truck Service with its base period use of petroleum products directly rather than through a substitute supplier, the Bestrom Oil Co..	DXE-1147 and DES-1147.	Extension of relief granted in *Mid-Michigan Truck Service*, 1 DOE par. —— (May 10, 1978). Stay request.
Do	Monsanto Co., Houston, Tex. If granted: Monsanto Co. would be permitted to sell crude oil produced from its Hendrick "C" lease located in Winkler County, Tex., at upper tier ceiling prices.	DXE—1115	Extension of relief granted in *Monsanto Company*, 1 DOE par. —— (Mar. 13, 1978).
Do	O'Meara Bros., New Orleans, La. If granted: O'Meara Bros. would be permitted to sell crude oil produced from its Vinton lease and State lease 2192 at upper tier ceiling prices.	DXE-1116 and DXE-1117.	Extension of relief granted in *O'Meara Brothers*, 1 DOE par. —— (Mar. 8, 1978).
Do	O'Neill's Truck Service, Fresno, Calif. If granted: O'Neill's Truck Service would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-1111	Exception to the reporting requirements.
Do	Permian Corp., Houston, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Possum Kingdom and Todd Ranch plants..	DXE-1131 and DXE-1168.	Extension of relief granted in *Permian Corporation*, Case Nos. DXE-0378, DXE-0379 (decided Feb. 15, 1978) (unreported decision).
Do	Quincy Oil, Inc., Boston, Mass. If granted: An evidentiary hearing would be convened in connection with the objections submitted by Quincy Oil, Inc., regarding the Mar. 17, 1978, proposed decision and order issued to the firm.	DEH-0447	Request for evidentiary hearing.

APPENDIX.—*List of cases received by the Office of Hearings and Appeals*—Continued

[Week of May 12 through May 19, 1978]

Date	Name and Location of Applicant	Case No.	Type of Submission
Do	Southern Natural Resources, Inc., Birmingham, Ala. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Lapeyrouse, Patterson, and Sea Robin plants.	DXE-1132 and DXE-1134.	Extension of relief granted in *Southern Natural Resources*, Case Nos. DXE-0356 through DXE-0358 (decided Feb. 15, 1978) (unreported decision).
Do	Standard Oil Co. (Indiana), Chicago, Ill. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Empire Abo, Lake Boeuf, Prentice, Ropes, South Jennings, South Thornwell, and White Flat plants.	DXE-1135 through DXE-1141.	Extension of relief granted in *Standard Oil Company (Indiana)*, Case Nos. DXE-0188-0192, DXE-0205, DXE-0207 (decided Feb. 15, 1978) (unreported decisions).
Do	Standard Oil Co. (Indiana), Chicago, Ill. If granted: Standard Oil Co. (Indiana) would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Okeene and TSMA plants.	DEE-1144 and DEE-1145.	Price exception (sec. 212.165).
Do	Texas Pacific Oil Co. (Lacassane), Cameron Parish, La. If granted: Texas Pacific Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Lacassane plant.	DEE-1146	Do.
Do	Triple M Auto Service, Baton Rouge, La. If granted: Triple M Auto Service would not be required to file form EIA-8 (Retail Motor Fuel Service Station Survey).	DEE-1110	Exception to the reporting requirements.
Do	Union Oil Co. of California, Los Angeles, Calif. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Adena and Dominuez plants.	DXE-1142 and DXE-1143.	Extension of relief granted in *Union Oil Company of California*, Case Nos. DXE-0123, DXE-0124 (decided Feb. 28, 1978) (unreported decisions).
Do	Wallace & Wallace Chemical & Oil Corp., St. Albans, N.Y. If granted: Wallace & Wallace Chemical & Oil Corp. would receive an exception from the provisions of 10 CFR 211.67 and would be issued entitlements in the entitlement notice for June to compensate it for the entitlements issued in January which the firm was unable to sell.	DEE-1114	Exception from the entitlements program.
May 17, 1978	Adobe Oil & Gas Corp., Midland, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Adobe Sale Ranch plant.	DXE-1149	Extension of relief granted in *Adobe Oil and Gas Corporation*, Case No. DXE-0183 (decided Feb. 15, 1978) (unreported decision).
Do	Allied Chemical Corp. (Perkins), Houston, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Perkins plant.	DXE-1150	Extension of relief granted in *Allied Chemical Corporation*, Case No. DEE-0037 (decided Feb. 6, 1978) (unreported decision).
Do	Continental Oil Co., Houston, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Elk Basin, Hennessey, Kettleman Hills, Medford, Neuces River, Ramsey, Thomas, and O. W. Ward plants.	DXE-1151 through DXE-1158.	Extension of relief granted in *Continental Oil Company*, Case Nos. DEE-0228 through DEE-0233 (decided Feb. 13, 1978) (unreported decision). *Continental Oil Company*, DEE-0065 (decided Feb. 2, 1978) (unreported decision). *Continental Oil Company*, Case No. DEE-0175 (decided Feb. 27, 1978) (unreported decision).
Do	Continental Oil Co., Houston, Tex. If granted: Continental Oil Co., would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Chittim plant.	DEE-1166	Price exception (sec. 212.165).
Do	Guam Oil & Refining Co., Inc., Agana, Guam. If granted: Guam Oil & Refining Co., Inc., would receive a temporary stay of the enforcement proceedings initiated in an NOPV issued to the firm on Mar. 30, 1978, pending a decision on a request for stay (DRS-0060).	DRT-0008	Temporary stay request.
Do	Guam Oil & Refining Co., Inc., Agana, Guam. If granted: Guam Oil & Refining Co., Inc., would receive a stay of the enforcement proceedings initiated in a NOPV issued to the firm on Mar. 30, 1978, pending resolution of a request for exception (Case No. FEE-4105).	DRS-0060	Stay request.
Do	Ince Minerals Corp., Golden, Colo. If granted: DOE would reduce its royalty interest share in uranium ore extracted from the Bitter Creek mine.	DEE-1148	Mining royalty exception.
Do	Northeast Petroleum Industries, Chelsea, Mass. If granted: The DOE's Apr. 14, 1978, information request denial would be rescinded and Northeast Petroleum Industries would receive access to additional data regarding CLC form 92.	DFA-0184	Appeal of an information request denial.
Do	Phillips Petroleum Co., Bartlesville, Okla. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Cimarron, Goldsmith, Lusk, and Sooner plants.	DXE-1162 through DXE-1165.	Extension of relief granted in *Phillips Petroleum Company*, Case Nos. DXE-0254 through DXE-0256, DXE-0258 (decided Feb. 15, 1978) (unreported decisions).
May 18, 1978	Phillips Petroleum Co. (Puerto Rico) Guayama, P.R. If granted: Phillips Petroleum Co. (Puerto Rico) would receive a stay of the applicable import license fees for naphtha (10 CFR 213.35), pending resolution of its request for exception (Case No. DPI-0002).	DES-0061	Stay request.
Do	Taunton Municipal Lighting Plant, Taunton, Mass. If granted: The DOE's Apr. 19, 1978, information request denial would be rescinded and Taunton Municipal Lighting Plant would receive access to additional data relating to an application for exception submitted by Quincy Oil Inc., Case No. DEE-0447.	DFA-0185	Appeal of an information request denial.
May 19, 1978	Emmes Corp., McLean, Va. If granted: The DOE's Apr. 14, 1978, information request denial would be rescinded and Emmes Corp. would receive certain data regarding access to the health services contract award investigation report.	DFA-0186	Do.
Do	Gulf Oil Co.'s, Tulsa, Okla. If granted: Gulf Oil Co.'s would be permitted to sell the crude oil produced from the NW Graylin "D" sand unit lease located in Logan County, Colo., at upper tier ceiling prices.	DXE-1167	Price exception (sec. 212.73).

Proposed remedial orders, notices of objection received

[Week of May 12 through May 19, 1978]

Date	Name and location of applicant	Case No.
May 12, 1978	Central Oil Co., Rayham, Mass	DRO-0048
Do	Springfield Municipal Airport, Springfield, Mo	DRO-0049
May 16, 1978	Aladdin Oil Development Co., Springfield, Ill	DRO-0050
Do	Will I. Lewis Enterprises, Inc., Mount Vernon, Ill	DRO-0051
May 19, 1978	Homestead Gas Co., Inc., Homestead, Fla	DRO-0052

Notices of objection received

May 15, 1978	Equipment, Inc., Lafayette, La	FEE-4849

[FR Doc. 78-15591 Filed 6-9-78; 8:45 am]

[3128-01]

CASES FILED WITH THE OFFICE OF HEARINGS AND APPEALS

Week of May 19 Through May 26, 1978

Notice is hereby given that during the week of May 19 through May 26, 1978, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in this case may file with the DOE written comments on the application within ten days of service of notice, as perscribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

MELVIN GOLDSTEIN,
Director Office of Hearings and Appeals.

JUNE 2, 1978.

APPENDIX.—*List of cases received by the Office of hearings and Appeals*

[Week of May 19 through May 26, 1978]

Date	Name and location of applicant	Case No.	Type of submission
May 19, 1978	Atlantic Richfield Co., Dallas, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Adair, Camrick, Chesterville, Crossett, Elmwood, Elk Basin, Empire Ako, Gillette, Hull, Kermit, Knox-Bromide, Lapeyrouse, Ojai Timber, Riverton, Silsbee, South Coles Levee, Taft, West Lake, West Seminole, and Warland plants.	DXE-1174 through DXE-1193.	Extension of relief granted in *Atlantic Richfield Company*, Case Nos. DXE-0128 through DXE-0141, DXE-0143, DXE-0145 through DXE-0150 (decided Feb. 13, 1978) (unreported decision).
Do	Bock & Bacon Houston, Tex. If granted: Bock & Bacon would be permitted to sell crude oil produced from the Champion lease, located in Newton County, Tex. at upper tier prices.	DXE-1169	Extension of relief granted in *Bock and Bacon*, 1 DOE Par. — Jan. 10, 1978).
Do	Cities Service Co., Tulsa, Okla. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Adair, Bluitt, Citronelle, Garrett, Kimball, May, Midway, and Moncrief plants.	DXE-1194 through DXE-1201.	Extension of relief granted in *Cities Service Company*, Case Nos. DXE-0278 through DXE-0279, DXE-0281 through DXE-0286 (decided Feb. 15, 1978) (unreported decision).
Do	Coastal States Gas Corp., Houston, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Albany, Corpus Christi, Freer, Mission, and San Antonio plants.	DXE-1202 through DXE-1206.	Extension of relief granted in *Coastal States Gas Corp.*, Case Nos. DXE-1201 through DXE-1206 (decided Mar. 8, 1978) (unreported decision).
Do	Continental Oil Co., Houston, Tex. If granted: Continental Oil Co. would receive an exception from the provisions of 10 CFR 212.72 which would eliminate cumulative deficiencies incurred between Mar. 3, 1978, and Mar. 31, 1978, at the Grubb lease located in Ventura County, Calif.	DEE-1170	Price exception (sec. 212.72).
Do	Getty Oil Co., Los Angeles, Calif. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Bay Springs, Bayou Sale, Buena Vista, Cameron, Cymric, Kermit, Kettleman, Hills, Marlow, New Hope, Hormanna, Old Ocean, Palacios, South Pecan Lake, Ventura, and West Bernard Plants.	DXE-1207 through DXE-1221.	Extension of relief granted in *Getty Oil Company*, Case Nos. DEE-0445 (decided May 3, 1978) (unreported decision); *Getty Oil Company*, Case Nos. DXE-0208 through DXE-0211, DXE-0213 through DXE-0220, DXE-0222 through DXE-0223 (decided Feb. 15, 1978) (unreported decision).
Do	Mobil Oil Corp., New York, N.Y. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Adena, Bryans Mill, Cotton Valley, Dewey County, Greeley, Hagist, Heyser, Knox, Old Ocean, Postle Hough, Putnam Oswego, R. M. Stephens Shell Seiling, Vanderbilt, and Wilcox plants.	DXE-1222 through DXE-1236.	Extension of relief granted in *Mobil Oil Corp.*, Case. No. FEE-4709 (decided Nov. 16, 1977) (unreported decision); *Mobil Oil Corp.*, Case Nos. DXE-0260 and DXE-0261 (decided Feb. 27, 1978) (unreported decision); *Mobil Oil Corp.*, Case Nos. DXE-0264

APPENDIX.—*List of cases received by the Office of hearings and Appeals*—Continued

[Week of May 19 through May 26, 1978]

Date	Name and location of applicant	Case No.	Type of submission
			through DXE-0266, DXE-0269 through DXE-0277 (decided Feb. 25, 1978) (unreported decision).
Do	Mobil Oil Corp., New York, N.Y. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Dover-Hennessey plant.	DEE-1259	Price exception (sec. 212.165).
Do	Ozona Gas Processing, Dallas, Tex. If granted: Ozona Gas Processing would be permitted to increase its prices to reflect nonproduct cost increases in excess of $.005 per gal. for natural gas liquid products produced at the Ozona plant.	DXE-1237	Price exception (sec. 212.165).
Do	Pacific Resources, Inc., Honolulu, Hawaii. If granted: Pacific Resources, Inc. would be permitted to import residual fuel oil on a fee-exempt basis from May 1, 1978, through Apr. 30, 1979.	DPI-0009	Exception from base fee requirements.
Do	Rickelson Oil & Gas Co., Tulsa, Okla. If granted: The May 4, 1978 supplemental remedial order issued by DOE region VI would be rescinded ad Rickelson Oil & Gas Co., would not be required to refund overcharges made in the sale of crude oil.	DRA-1087	Appeal of the supplemental remedial order.
Do	Roarda, Inc., Bel Air, Md. If granted: The DOE order of Apr. 19, 1978, would be rescinded and Roarda, Inc. would be permitted to import residual fuel oil on a fee-exempt basis.	DPI-0008	Appeal of base fee requirements exception denial.
Do	Samedan Oil Corp. (Martin), Ardmore, Okla. If granted: Samedan Oil Corp. Would be permitted to sell the crude oil produced from the Martin Muncrief No. 2 lease, located in McClaine County, Okla., at upper tier ceiling prices.	DEE-1171	Price exception (sec. 212.73).
Do	Shur-Heet Oil Co., Lyndhurst, N.J. If granted: Shur-Heet Oil Co. would not be required to file form EIA-9 (No. 2 heating oil monitoring survey).	DEE-1172	Exception to the reporting requirements.
Do	Stuearts Landing & Grovery, Hot Springs, Ark. If granted: Stuearts Landing & Grocery would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-1173	Exception to the reporting requirements.
Do	Texaco, Inc., Houston, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Apache, Blessing, Coalinga Nose, Delhi, Elmwood, Headlee Cycling, Headlee Gas, Houma, Humble, Lamesa, Lockridge, Maurice Mermantau, North Cowden, Old Ocean, Ozona, Pampa, Pledger, TOCA, and Wilcox plants.	DXE-1238 through DXE-1257.	Extension of relief granted in *Texaco, Inc.*, Case Nos. DXE-0334 through DXE-0339, DXE-0341, DXE-0343 and DXE-0344, DXE-0366 through DXE-0375 (decided Feb. 23, 1978) (unreported decision); *Texaco, Inc.*, Case No. DXE-0431 (decided May 3, 1978) (unreported decision).
Do	Trend Exploration Ltd., Denver, Colo. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Moffat County plant.	DXE-1258	Extension of relief granted in *Trend Exploration*, Case No. DEE-0394 (decided May 3, 1978) (unreported decision).
Do	Vickers Energy Corp., Wichita, Kans. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its May Gas, Patterson, and Putnam-Oswego plants.	DXE-1260 through DXE-1262.	Extension of relief granted in *Vickers Energy Group*, Case Nos. DXE-0185 through DXE-0187 (decided Feb. 15, 1978) (unreported decision).
May 23, 1978	Belridge Oil Co., Los Angeles, Calif. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural as liquids and natural gas liquid products at its Kern County plant.	DXE-1273	Extension of relief granted in *Belridge Oil Company*, Case No. DXE-0242 (decided Feb. 15, 1978) (unreported decision).
Do	Champlin Petroleum Co., Fort Worth, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Gulf Plains, Mayfield, and Peoria plants.	DXE-1263 through DXE-1265.	Extension of relief granted in *Champlin Petroleum Co.*, Case Nos. DXE-0196 through DXE-0198 (decided Feb. 15, 1978) (unreported decision).
Do	Chevron, U.S.A., Washington, D.C. If granted: Chevron, U.S.A. would be permitted to reclassify the oil produced from the N-1-C Ranger fault block VI, located in Los Angeles County, Calif. from old to new crude oil.	DEE-1289	Price exception (sec. 212.73).
Do	Cities Services Co., Tulsa, Okla. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Myrtle Springs, Panola, Red Fish Bay, Rio Grande, Robstown, St. Amelia, and West World plants.	DXE-1266 through DXE-1272.	Extension of relief granted in *Cities Service Co.*, Case Nos. DXE-0287 through DXE-0292 (decided Feb. 15, 1978) (unreported decision); *Cities Service Co.*, Case No. DXE-0294 (decided Feb. 15, 1978) (unreported decision).
Do	Inter-Americas Oil Co., Pittsburgh, Pa. If granted: Inter-Americas would be permitted to import residual fuel oil on a fee-exempt basis from May 1, 1978, through Apr. 30, 1979.	DPI-0010	Exception to the base fee requirements.
Do	Matrix Land Co. (Mobeetie), Wheeler County, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Mobeetie plant.	DXE-1274	Extension of relief granted in *Matrix Land Company*, Case No. DEE-0035 (decided Feb. 15, 1978) (unreported decision).
Do	Michigan Hydrocarbons, Grayling, Mich. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Gaylord plant.	DXE-0855	Extension of relief granted in *Michigan Hydrocarbons*, Case No. DEE-0384 (decided May 3, 1978) (unreported decision).
May 24, 1978	Breckenridge Gasoline Co., Breckenridge, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Eliasville and Lodi plants.	DXE-1286 and DXE-1287.	Extension of relief granted in *Breckenridge Gasoline Company*, Case Nos. DXE-0194 and DXE-0195 (decided Feb. 15, 1978) (unreported decision).

APPENDIX.—*List of cases received by the Office of hearings and Appeals*—Continued

[Week of May 19 through May 26, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Do	Getty Oil Co., Los Angeles, Calif. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its E. Vealmoor & Red Fish Bay plants.	DXE-1275 and DXE-1276.	Extension of relief granted in *Getty Oil Co.*, Case Nos. DEE-0805 through DEE-0809 (decided Feb. 15, 1978) (unreported decision).
Do	Gulf Oil Corp., Tulsa, Okla. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Azalea plant.	DXE-1277	Extension of relief granted in *Gulf Oil Corp.*, Case No. DXE-0311 (decided Feb. 15, 1978) (unreported decision).
Do	Kewanee Oil Co., Tulsa, Okla. If granted: Kewanee Oil Co. would be permitted to sell crude oil produced from the South Stanley Waterflood, located in Osage County, Okla., at upper tier ceiling prices.	DXE-1288	Extension of relief granted in *Kewanee Oil Company*, 1 DOE Par. — (Mar. 1, 1978).
Do	Knob Noster Oil Co., Inc., Knob Noster, Mo. If granted: Knob Noster Oil Co., Inc., would be assigned a new, lower-priced supplier of propane to replace its base period supplier, Ferrelgas.	DEE-1290	Exception to change supplier.
Do	Placid Oil Co., Dallas, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Black Lake, Lake Washington, Lapryrouse, Lirette, Patterson, Prentice, Promix, and Ysclosky plants.	DXE-1278 through DXE-1285.	Extension of relief granted in *Placid Oil Company*, Case Nos. DEE-0326, DEE-0328 through DEE-0332 (decided Feb. 15, 1978) (unreported decision); *Placid Oil Co.*, Case Nos. FEE-4005 through FEE-4010 (decided May 23, 1977) (unreported decision).
Do	Taunton Municipal Lighting Plant, Taunton, Mass. If granted: Taunton Municipal Lighting Plant would receive an evidentiary hearing in connection with its Statement of Objections filed in connection with a proposal to approve exception relief for Quincy Oil Co. (Case No. DEE-0447).	DHR-0007	Request for evidentiary hearing.
Do	Wally's Oil Co., Inc., Wilton, Minn. If granted: Wally's Oil Co. would be permitted to increase its prices for fuel oil above the maximum level permitted under the mandatory petroleum price regulations.	DEE-1291	Price exception (sec. 212.92).
May 25, 1978	Iowa Development Commission, Des Moines, Iowa. If granted: Iowa Development Commission, on behalf of all sellers and marketers of petroleum products within Iowa, would receive a stay from DOE mandatory petroleum price regulations for "Gasohol".	DES-0064	Request for stay.
May 26, 1978	Western Petroleum Co., Washington, D.C. If granted: Western Petroleum Co., would receive an exception from the provisions of 10 CFR 211.67 and pt. 213 with respect to its gasoline imports.	DEE-1292	Exception from entitlements program.

Proposed remedial orders, notice of objection received

[Week of May 19 through May 26, 1978]

Date	Name and location of applicant	Case No.
May 22, 1978	C. M. Dining, Inc., Washington, D.C	DRO-0053
May 24, 1978	Main Gas & Appliance Waterville, Maine	DRO-0054

Notices of objection received

May 23, 1978	Atlas Gas Co., Inc., Jacksonville, Fla	DEO-0054
May 26, 1978	Western Petroleum Co., Minneapolis, Minn	FEE-4775

[FR Doc. 78-15992 Filed 6-9-78; 8:45 am]

[1505-01]

CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

Week of March 17 Through March 24, 1978

Correction

In FR Doc. 78-11566, appearing at page 18605 in the issue of May 4, 1970 and inadvertently designated as FR Doc. 78-11549, the signature and title at the top of the third column on page 18606 should read, "Richard T. Tedrow, Acting Director, Office of Hearings and Appeals."

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF HEARINGS AND APPEALS

Week of March 27 Through March 31, 1978.

Notice is hereby given that during the week of March 27 through March 31, 1978, the decisions and orders summarized below were issued with re-

spect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

APPEALS

Har-Ken Oil Co., Owensboro, Ky., DRA-0028, crude oil

Har-Ken Oil Co. filed an appeal from a remedial order which the DOE Region IV Office issued to the firm on October 21, 1977. In the remedial order, the Regional Office found that Har-Ken had incorrectly calculated the average daily production of crude oil from its Lease No. 3188 and had improperly sold crude oil from the property at stripper well prices. In its Appeal, Har-Ken contended that Region IV erred when it excluded from the calculation of average daily production adjustments which the firm made at the time of sale to reflect the base sediment and water (bs and w) content of the liquid produced. In considering the Har-Ken Appeal, the DOE rejected the firm's argument that the regulations concerning stripper well status could be construed as allowing a firm to measure the volume of crude oil sold rather than the volume produced. However, the DOE recognized that requiring firms to measure crude oil at the time of production might result in serious difficulties for many operators of economically marginal stripper wells. The DOE concluded that an interpretation of the regulations that precluded any adjustment for bs and w measured subsequent to the time of production would frustrate the Congressional policy of encouraging stripper well production. The DOE held, however, that it would permit such an adjustment only if based on actual measurements of the volume of bs and w contained in the fluid produced. Since the Region IV Office had not considered whether Har-Ken's adjustments satisfied this standard, the DOE remanded the Remedial Order for reconsideration. The DOE also acknowledged Har-Ken's additional claims of error regarding the volumetric measurement of crude oil and directed the Region IV Office to review its method of calculation of the average daily production upon remand.

Ponderosa Oil Co., Columbus, Ohio, DRA-0034, crude oil

Ponderosa Oil Co. filed an appeal from a remedial order which the DOE Region V Office issued to the firm on October 20, 1977. In the remedial order, Region V found that Ponderosa had improperly classified eight properties as stripper wells and had sold crude oil at prices which were in excess of the maximum prices permitted under 10 CFR 212.73. The remedial order directed Ponderosa to refund the overcharges through price reductions in future sales of crude oil. In considering the Ponderosa appeal, the DOE held that it had the authority to require Ponderosa to refund the full amount of the overcharges, since the firm was the operator of the eight properties in question, regardless of whether or not Ponderosa was the legal agent of the other owners of the properties. The DOE also held that Region V had exercised its discretion in a reasonable manner in issuing the remedial order to Ponderosa. However, the DOE concluded that in order to avoid potential contractual conflicts, the remedial order should be modified so as to permit Ponderosa the alternative of making refunds in the form of direct cash payments to its customers. In all other respects the Ponderosa appeal was denied.

REQUESTS FOR STAY

I. U. International Oil & Gas, Inc., Philadelphia, Pa., DRS-0049, crude oil

I. U. International Oil & Gas, Inc. (IUO&G) filed an application for stay of the provisions of a remedial order which the Regional Compliance director of FEA Region III issued to the firm on August 31, 1977, pending a determination of a judicial appeal which the firm intends to file or pending a decision by the Temporary Emergency Court of Appeals (TECA) in a case presently before it. In its request for stay, IUO&G argued that its situation was similar to that of the plaintiffs in *Energy Reserves Group, Inc.* v. *Federal Energy Admin.*, C.A. Nos. 77-1146, 77-1087, 76-429-C6 (D. Kan. 1978), in which the U.S. District Court in Kansas held that Ruling 1974-29 was procedurally defective and therefore unenforceable. In considering the IUO&G application for stay, the DOE noted that the District Court's decision in *Energy Reserves* was limited to the named plaintiffs in that case. In addition, the DOE noted that section 211 of the emergency Petroleum Allocation Act provides that only TECA can enjoin the enforcement of any regulation issued under that Act. Finally, the DOE concluded that IUO&G had not demonstrated a likelihood of success on the merits of a judicial appeal. Based on these considerations, the DOE denied IUO&G's request for stay.

Northland Oil & Refining Co., Tulsa, Okla., DES-0934, crude oil

Northland Oil & Refining Co. requested that its obligations under 10 CFR 211.67 (the old Oil Entitlements Program) be stayed pending a final determination of an application for exception which the firm filed. In considering the request, the DOE noted that it can adjust Northland's entitlement obligations in subsequent months in order to compensate the firm for any excess entitlement purchases which it might be required to make while its exception request is pending. The DOE also found that Northland had failed to submit financial material which demonstrated that it could not need its entitlement purchase obligations. Based on these facts, the DOE concluded that Northland had not made a showing that it would be irreparably injured in the absence of stay relief. The DOE also concluded that Northland had failed to demonstrate a likelihood of success on the merits of its exception request. The northland application for stay was accordingly denied.

SUPPLEMENTAL ORDER

Whitco, Inc., Dallas, Tex., DEX-0055, motor gasoline

On March 31, 1978, the DOE issued a proposed decision and order to Whitco, Inc., in which it determined that a substantial price disparity existed between the rack prices for motor gasoline established by Sun Co., Inc., Whitco's base period supplier, and those established by Amtel, Inc., Sun's designated substitute supplier under the provisions of 10 CFR 211.25. The DOE therefore proposed that exception relief previously granted to Whitco which directed Sun to furnish motor gasoline directly to Whitco be extended for an additional 3 months. However, as a result of the exception procedures which apply to the Whitco matter, the DOE noted that the previous exception relief would expire before the extension proposed on March 31, 1978 could be issued in final form. In view of the tentative determination that Whitco's exception relief should be extended, the DOE on its own motion concluded that the application of section 211.25 to Whitco should be stayed until the conclusion of the pending exception proceeding.

DISMISSAL

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Hoosier Oil Service Co., Jasper, Ind., DEE-0758

A.H. Wadsworth, Jr., Houston, Tex., DEE-0033

Lee Williams Gas Co., Eagle Lake, Fla., DEO-0007

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Energy Action Educational Foundation, Washington, D.C., DFA-0157.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, Between the hours of 1 and 5 p.m., e.d.t., except Federal holidays. They are also available in "Energy Management: Federal Energy Guidelines," a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals

JUNE 2, 1978.

[FR Doc. 78-15989 Filed 6-9-78; 8:45 am]

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF HEARINGS AND APPEALS

Week of April 3 Through April 7, 1978

Notice is hereby given that during the week of April 3 through April 7, 1978, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

APPEALS

Indiana Gas Co., Inc., Washington, D.C., DEA-0122

Petrochemical Energy Group, Washington, D.C., DEA-0124

General Motors Corp., Washington, D.C., DEA-0125, Naphtha

Indiana Gas Co., Inc., Petrochemical Energy Group (PEG), and General Motors

Corp. (GM) each filed an appeal from a decision and order which was issued to Indiana Gas by the Assistant Administrator for Fuels Regulation of the DOE Economic Regulatory Administration on November 10, 1977. In that determination, the Assistant Administrator found that, for a period of five years, Indiana Gas should be assigned a quarterly base period use of 944,187 barrels of naphtha for use as a feedstock in a synthetic natural gas plant which the firm proposed to construct in Indianapolis, Ind. The Indiana Gas Appeal, if granted, would result in the issuance of an order assigning the firm a permanent allocation of naphtha. The GM and PEG appeals, if granted, would rescind the November 10 order. During the course of the appeal proceeding, the DOE received a submission from PEG entitled "Petition for Immediate Remand." In that submission, PEG alleged that certain information concerning meetings between Indiana Gas and FEA officials was disclosed to it for the first time in the Indiana Gas Appeal. The firm also alleged that submissions on behalf of Indiana Gas had not been served on all parties in the initial proceeding. PEG therefore requested that the November 10 decision be remanded to the Assistant Administrator for further proceedings in which all interested parties were permitted to participate. In considering this request, the DOE observed that the regulations governing applications for assignment do not specifically require that all parties be notified of, and permitted to participate in, all contacts between an applicant firm and the agency. Nevertheless, the DOE found that the parties to the present proceeding were denied an opportunity to comment upon certain submissions which served as a basis for a number of findings contained in the November 10 order. Under these circumstances, the DOE concluded that the case should be remanded to the Assistant Administrator for further proceedings. Accordingly, the three Appeals were dismissed.

MacKellar, Inc., Oklahoma City, Okla., DRA-0005, crude oil

MacKellar, Inc. appealed from a supplemental remedial order that the Director of Compliance for FEA region VI issued to the firm on September 21, 1977. In the remedial order, the FEA found that during December 1973 and calendar year 1975, MacKellar sold crude oil which it produced from its loveall and Stubbeman leases at prices which exceeded the ceiling prices specified in 10 CFR 212.73. As a result, MacKellar was ordered to refund $38,485.45. In considering the appeal, the DOE upheld the regional offices's exclusion of the volume of condensate produced from gas wells in determing the firm's eligibility for the striper well property exemption, even though that condensate is considered to be crude oil for purposes of the crude oil pricing rules. The DOE also found that the regional office properly applied the tests described in part V of ruling 1977-2 in determining whether the condensate is associated with crude oil production, viz., whether a reservoir contains hydrocarbons in both a liquid and a gaseous state. However, the DOE found that those tests may not be dispositive in a given factual situation. Since the record did not support the regional office's conclusion that the tests were controlling in Mackellar's case, the DOE remanded the remedial order for a determination as to whether the test were dispositive with regard to the Loveall and Stubbeman leases.

Merchants Oil, Inc., Denver, Colo., FRA-1389, motor gasoline; No. 2 diesel fuel

Merchants Oil, Inc. appealed from a remedial order which the FEA Region VIII Office issued to it on May 16, 1977. In the remedial order, the regional office found that during the period November 1, 1973 through March 31, 1975, Merchants had sold motor gasoline and No. 2-D diesel fuel at prices in excess of its maximum permissible price. Merchants was therefore directed to refund the revenues which it had improperly obtained. In its appeal, Merchants contended that it should have been permitted to treat its retail sales as a separate firm in calculating maximum permissible prices. In considering this contention, the DOE found nothing in the price regulations of subpart F to support Merchants' position since those regulations generally require a consolidation of a firm's operations in determining its maximum permissible prices. Merchants also contended that, in calculating its increased product costs, the DOE failed to include a number of its purchases of covered products. However, the DOE found that Merchants had failed to maintain proper records of these transactions as required by section 210.92(a) and had not presented appropriate records at earlier stages of the enforcement proceeding. Under these circumstances, the DOE upheld the method of utilizing the posted prices of the firm's principal supplier which the regional office had adopted. Finally, the DOE found that Merchants had failed on appeal to make a prima facie showing that retroactive exception relief should be granted on grounds of serious hardship. The DOE therefore denied Merchants appeal.

Navajo Refining Co., FIA-1448
Yates Petroleum Corp., Artesia, New Mex., DIA-0014, crude oil

Navajo Refining Co. and Yates Petroleum Corp. filed appeals of a July 28, 1977 interpretation that the FEA Office of General Counsel issued to Navajo. In the interpretation, the General Counsel held that the prices charged by Navajo for a particular grade of crude oil must reflect price reductions based on gravity differentials if the highest posted price in the field included a system of price differentials. The Navajo and Yates appeals, if granted, would rescind the Interpretation and would also result in a determination that Navajo had posted the highest prices in the Southeastern New Mexico field on May 15, 1973 and September 30, 1975. In their appeals, the firms claimed that the General Counsel erred in concluding that the applicable ceiling price for each "grade" of crude oil must be based on the particular degree of gravity, as well as the sulphur content, of the crude oil involved. In considering this contention, the DOE found that the interpretation was based on ruling 1977-1, which supported the General Counsel's conclusion that prices for a particular grade of crude oil were required to reflect reductions in gravity from the highest posted price in the field. The DOE also referred to a previous decision in which the agency held that a crude oil producer was required under the price regulations to adopt the gravity-reduced prices of the firm with the highest posted price on May 15, 1973. Accordingly, the DOE rejected the appellants' claim that gravity was unrelated to grade for purposes of establishing applicable price ceilings. With regard to the appellants' alternative allegation that Navajo actually had the highest posted price in the field on May 15, 1973, the agency found that a May 15 price increase implemented by Navajo had not been in effect at 6 a.m. on that date, as expressly required by section 212.73. The DOE also found that the selection of 6 a.m. as the precise reference point for the lower tier ceiling price rule was a valid exercise of the agency's authority to select a single date for price control purposes under section 4(b) (2)(C) of the Emergency Petroleum Allocation Act of 1973, notwithstanding the industry practice which considered 7 a.m. as the start of the business day in the oil fields. With respect to the appellants' arguments regarding Navajo's price postings on September 30, 1975, the DOE determined that the letters sent by Navajo to certain producers during August and September 1975 did not qualify under ruling 1977-1 as "bona fide public offers of general applicability" and therefore could not be used to establish a posted price as of September 30. The DOE found that refinery run tickets mailed to producers by Navajo similarly failed to establish a valid posted price since they related to private contracts rather than public offers to purchase crude oil. On the basis of these considerations, the Navajo and Yates appeals were denied.

PETITION FOR SPECIAL REDRESS

Knowles Oil Co., Seymour, Ind., DSG-0013, DES-0048 fuel oil.

Knowles Oil Co. filed a Petition for Special Redress which, if granted, would quash or modify a subpoena that FEA region V issued to the firm on December 22, 1977. In considering the petition, the DOE noted that section 205.8(h)(4) requires the DOE to undertake a preliminary review of the petition in order to determine whether there is a reasonable probability that the petitioner will be able to satisfy the criteria for special redress relief. The petition will then be considered on its merits only if the DOE determines that the petitioner might satisfy those criteria. Knowles claimed that under section 205.8(h)(2), the Regional Administrator, rather than an enforcement official, has the exclusive authority to review a denial of an application to quash a subpoena issued by the Regional Office. The DOE rejected this argument, noting that under the Department of Energy Organization Act, the Regional Directors of Enforcement assumed the enforcement responsibilities previously exercised by the FEA Regional Administrators. Knowles also contended that the DOE was precluded from initiating the present investigation because a prior investigation of the firm had been resolved through an "Agreement of Compliance." In rejecting this contention, the DOE found that the prior investigation involved only Knowles' sales of motor gasoline and was therefore irrelevant to the current investigation which involved fuel oil. The DOE concluded that the firm had failed to demonstrate a reasonable probability that exceptional circumstances existed which warranted an immediate review on the merits of its petition to correct errors in law, to prevent substantial injury to its legal rights, or to cure a gross abuse of administrative discretion. Knowles' Petition for Special Redress was therefore dismissed and its Application for Stay denied.

REQUESTS FOR EXCEPTION

Damson Oil Corp., Houston, Tex., DXE-0533 crude oil.

Damson Oil Corp. filed an Application for Exception from the provisions of 10 CFR, part 212, subpart D. The exception request, if granted, would extend the exception relief previously granted and permit the firm to continue to sell a portion of the crude oil produced from the city of Los Angeles lease No. 135 at upper tier ceiling prices. In considering the exception application, the DOE found that the firm continued to experience increased operating costs at the lease and that, in the absence of exception relief, the working interest owners would lack a sufficient economic incentive to continue crude oil production. On the basis of the operating data presented for the most recent six-month period, the DOE permitted the firm to sell 75.15 percent of the crude oil produced for the benefit of the working interest owners from the lease at upper tier ceiling prices.

Monsanto Co., Houston, Tex., FEE-4155, crude oil.

Monsanto Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell the crude oil produced from the Buckman Well in Stark County, N. Dak. at upper tier ceiling prices. In considering the exception request, the DOE found that the costs which Monsanto incurred in operating the lease exceeded the lower tier ceiling price. The DOE determined that Monsanto no longer had an economic incentive to continue production operations at the Buckman Well and that if Monsanto terminated its operations at the property, a substantial quantity of recoverable domestic crude oil would not be produced. Therefore, the DOE granted Monsanto exception relief which permitted the firm to sell 26.47 percent of the crude oil produced for the benefit of the working interest owners of the Buckman Well at upper tier ceiling prices.

Tenneco Oil Co., Houston, Tex., FEE-4479, crude oil.

Tenneco Oil Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell the crude oil produced from the Veeder-Hunt Lease in the Charenton Field in St. Mary Parish, La. at upper tier ceiling prices. In considering the Application, the DOE determined that the costs of producing crude oil from the Veeder-Hunt Lease had increased to the point where those costs exceeded the prices that Tenneco is permitted to charge for the crude oil. The DOE determined that Tenneco did not have an economic incentive to continue production from the lease and that if the Veeder-Hunt Lease were abandoned, a significant quantity of recoverable domestic crude oil would not be produced. The DOE concluded that the application of the lower tier ceiling price rule resulted in a gross inequity to Tenneco. In determining the appropriate measure of exception relief, the DOE observed that certain expenditures that Tenneco incurred for well workovers during the historical base period should be partially excluded in calculating the historical cost per barrel. After making this adjustment, the DOE determined that Tenneco should be permitted to charge upper tier ceiling prices for 51.79 percent of the crude oil produced from the Veeder-Hunt Lease for the benefit of the working interest owner.

Union Oil Co. of California, Los Angeles, Calif., FEE-4839, crude oil.

Union Oil Co. of California filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit Union to sell the crude oil produced from the Moulton Unit in Toole County, Mont. at upper tier ceiling prices. In considering the exception request, the DOE found that Union's operating expenses had increased to the point where the firm no longer had an economic incentive to continue the production of crude oil from the Moulton Unit. The DOE also found that if Union were to abandon its operations at the Moulton Unit, a substantial quantity of domestic crude oil would not be recovered. Therefore, the DOE permitted Union to sell 100 percent of the crude oil produced from the Moulton Unit for the benefit of the working interest owners at upper tier ceiling prices.

REQUESTS FOR MODIFICATION OR RESCISSION

City of Long Beach, Calif., Long Beach, Calif., FMR-0123, crude oil.

The city of Long Beach, Calif. filed an Application for Modification of a Decision and Order which the FEA issued to it on May 10, 1977. In that Decision, the FEA granted Long Beach exception relief from the provisions of 10 CFR, Part 212, Subpart D which permitted the city to sell at upper tier prices 32.8155 percent of the crude oil produced and sold for the benefit of the working interest from Fault Block Unit 3 of the Wilmington Field. In its Application for Modification, Long Beach requested that the level of exception relief be increased in order to permit the city to recover the increased costs which it experienced during the second quarter of 1977. In considering the application, the DOE found that the city had continued to incur lossses in its operation of Unit 3, despite the exception relief previously approved. However, the DOE also found that those losses were the result to an unusual increase in costs which the city experienced during the second quarter of 1977. The DOE concluded that Long Beach had not demonstrated that this unusual cost increase would recur during future periods or that the method of granting exception relief generally employed by the DOE failed to provide Long Beach with an economic incentive to continue production operations at Unit 3. The Application for Mofification was therefore denied.

Department of Defense, Washington, D.C., FMR-0118, motor gasoline.

The Department of Defense (DOD) filed an Application for Modification of a Decision and Order issued to the DOD by the FEA on September 11, 1974. In that Decision, the FEA granted three military exchange services a class exception from the provisions of 10 CFR 212.93 which required their resale motor gasoline outlets to establish prices that were comparable to the average prices for gasoline in the civilian communities surrounding the exchanges. The FEA subsequently modified the September 11 Decision by permitting the outlets to establish separate prices at full-service and self-service outlets. The present Application for Modification, if granted, would permit the resale outlets to have an additional degree of pricing flexibility to respond to changing patterns of demand in their respective markets. In considering the request, the DOE found that a number of the military exchange outlets had experienced sharp decreases in demand for motor gasoline since January 1, 1974. In order to meet the objectives specified in the September 11 Decision, the DOE concluded that the DOD should be permitted to charge lower prices than were previously allowed at those stations which have experienced a decline in volume of more than 10 percent during any fiscal year beginning with January 1, 1974.

Polaris Production Corp., Midland, Tex., FMR-0119, crude oil.

Polaris Production Corp. filed an Application for Modification or Rescission of a Decision and Order which was issued by the FEA to Pierce & Dehlinger (P&D). *Pierce & Dehlinger*, 5 FEA Par. 83,160 (May 16, 1977). In the previous proceeding, P&D requested that the firm be permitted to sell at exempt prices the crude oil produced from the Carter Lease subsequent to the completion of certain necessary repairs. However, the FEA determined that P&D had sufficient economic incentives to undertake the capital investment without the benefit of exception relief, and the P&D application was denied. In the present proceeding, Polaris stated that P&D had declined to make the necessary investment in the lease and that Polaris subsequently acquired from P&D the entire working interest ownership of the Carter Lease. The DOE determined that the Polaris submission should be construed as a new Application for Exception rather than as a request for modification or rescission. Polaris maintained that it qualified for exception relief on the basis of current projections of cost and production data for the lease. However, the DOE found that, if Polaris sold the crude oil produced as a result of the investment at applicable ceiling prices, it would realize an internal rate of return on the proposed capital investment which was sufficient to induce the firm to proceed with its investment project. Accordingly, the Polaris exception application was denied.

U.S. Department of the Interior, Washington, D.C., DMR-0016, residual fuel oil.

The U.S. Department of the Interior (DOI), on behalf of the Government of the Northern Marianas Islands, (GNMI), filed an Application for Modification of a Decision and Order issued to the DOI by the DOE on February 2, 1978. *United States Dept. of the Interior*, 1 DOE Par. —(February 2, 1978). In that Decision, the DOE granted retroactive exception relief for the period November 1, 1976 through March 31, 1977 which permitted the Guam Oil & Refining Co., Inc. (Gorco) to earn entitlements for residual fuel oil that it sold to GNMI through an intermediate supplier. The exception from the provisions of 10 CFR 211.67(d)(2) permitted Gorco to consider its sales to GNMI as sales within the United States, rather than as export sales. The exception relief provided GNMI with lower costs for the residual fuel oil that it purchased from Gorco through Mobil Oil Micronesia, Inc. However, the DOE denied similar relief for the period from April 1, 1976 through November 1, 1976, since it was not persuaded that GNMI would be liable for the payment of additional costs if entitlements exception relief were not awarded to Gorco for that period. Nevertheless, the

DOE indicated in its February 2 Decision that, if the DOI determined that GNMI were liable for these funds, additional retroactive exception relief could be granted. In its present Application, the DOI contended that Gorco and Mobil had demanded payment of additional funds from GNMI. The DOI Office of the Solicitor also concluded that GNMI was liable for the payment of these funds. After reviewing the relevant contracts, the DOE concluded that a sufficient probability existed that GNMI was liable for the additional costs of the residual fuel oil. In order to avoid recourse by any party to unnecessary litigation, the DOE granted the DOI Application, thereby providing retroactive exception relief for the April 1, 1976 through November 1, 1976 period.

SUMMARY DECISION

The following firm filed an Application for Stay of a Remedial Order which had been issued to it by the DOE. In considering the stay request, the DOE referred to a recent Decision in *Rickelson Oil and Gas Co.*, 6 FEA Par. 85,029 (August 24, 1977), in which it held that a Remedial Order will generally be stayed pending the determination of an Appeal unless it appeared that the public interest required immediate compliance with the Remedial order. Since the record in this case did not indicate that the public interest required immediate compliance with the Remedial Order, the DOE granted the request for stay pending consideration of the Appeal.

Adams Oil Co., Charlottesville, Va., DRS-0163.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Arrow Fuel Oil Co., Philadelphia, Pa., DEE-0521.
County of Gloucester, Woodbury, N.J., DEE-0906.
Estes Engineering, Co., Midland, Tex., DEE-0531.
Red Triangle Oil Co., Fresno, Calif., DEA-0158.
Su-Ren Associates, Newark, N.J., DEE-0502.

The following submissions were dismissed on the grounds that the requests are now moot:

Carter Brothers, Inc., Alexandria, Va., DRO-0002, DRD-0002.

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Adams Oil Co., Inc., Charlottesville, Va., DEE-0966.

The following submission was dismissed after the applicant repeatedly failed to respond to requests for additional information:

Driscoll Production Co., Corpus Christi, Tex., DEE-0096.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.d.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

JUNE 2, 1978.

[FR Doc. 78-15990 Filed 6-9-78; 8:45 am]

[3128-01]

REQUESTS FOR INTERPRETATION FILED WITH THE OFFICE OF GENERAL COUNSEL

Month of May 1978

Notice is hereby given that during the month of May 1978, the requests for interpretation listed in the appendix to this notice were filed pursuant to 10 CFR Part 205, Subpart F with the Office of General Counsel, Department of Energy (DOE). Copies of the requests for interpretation listed herein are on file in DOE's Public Reading Room, Information Access Office, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Interested parties may submit written comments on the listed interpretation requests on or before July 12, 1978. Comments should be identified on the outside envelope and on documents submitted with the file number of the interpretation request and all comments should be filed with the Office of General Counsel, Department of Energy, Room 5134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461,. Attention: Diane Stubbs. Aggrieved parties, as defined in 10 CFR 205.2, will continue to receive actual notice of pending interpretation requests in accordance with the current practice of the Office of General Counsel.

For further information, contact Diane Stubbs, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 5138, Washington, D.C. 20461, 202-566-9070.

Dated: June 7, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

APPENDIX.—*List of requests for interpretation received by the Office of General Counsel*

[Month of May 1978]

Date received	Name and location of requestor	File No.
May 1.....	Mack C. Colt, Inc., Box 388, Iola, Kans. 66749. Issue: May a supplier/purchaser relationship be terminated by a producer of crude oil when the purchaser fails to pay the producer on a timely basis for crude oil already supplied under customary payment and credit arrangements. (10 CFR 210.62.).	A-306
May 13...	R. R. Abderhalden, Suite 1640, Vickers—KSB & T Bldg., Wichita, Kans. 67202. Issue: May a supplier/purchaser relationship be terminated by a producer of crude oil when the purchaser fails to pay the producer on a timely basis for crude oil already supplied under customary payment and credit arrangements. (10 CFR 210.62.).	A-308
May 16...	Shell Oil Co., William G. Riddoch, 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001. Issue: Does a supplier's obligation to supply a wholesale purchaser-reseller with an adjusted base period allocation of product arise only upon proper certification by the purchaser under 10 CFR 211.13(c).	A-309
May 17...	Shell Oil Co., Kim J. Clifford, 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001. Issue: Are importers permitted under 10 CFR pt. 213, to combine total duties paid for all imported crude oil and products as an offset against total import fees incurred.	A-310
May 18...	Houston Oil & Minerals Corp., Waverly Vest, Bracewell & Patterson, 1150 Connecticut Ave. NW., Washington, D.C. 20036. Issue: Between a purchaser and the only producer in a field, does an oral offer to purchase crude oil supersede a prior written offer and therefore constitute the posted price to be used in calculating the upper tier ceiling price for crude oil in that field. (Ruling 1977-1.).	A-311
May 22...	Atlantic Richfield Co., Dennis S. Young, P.O. Box 819, Dallas, Tex. 75221. Issues: (I) Whether sales of natural gas liquids and natural gas liquid products between affiliated entities constitute first sales under 10 CFR pt. 212, subpt. K. (II) Is the tax component of the interstate gas sales prices to be included in the calculation of increased cost of natural gas shrinkage. (III) Whether for the purpose of computing increased cost of natural gas shrinkage, inlet	A-312

APPENDIX.—*List of requests for interpretation received by the Office of General Counsel*—Continued

Date received	Name and location of requestor	File No.
May 22 —Con.	gas volumes should be measured at the plant inlet master meter or at the wellhead when the gas is purchased at the wellhead by the gas plant operator. (IV) Where the cost of natural gas shrinkage in the current month is less than such costs in May 1973, should negative shrinkage be calculated and applied so as to reduce available increased product cost in current month calculations of maximum lawful prices.	
May 24 ...	Coastal States Gas Corp., R. G. Holsclaw, 5 Greenway Plaza East, Houston, Tex. 77046. Issue: Is a refiner required to utilize the AFRA method set forth in 10 CFR 212.85(d) for determining its allowed transportation costs with regard to crude oil purchased f.o.b. port of loading and transported on spot chartered vessels to the United States, even though the refiner pays identifiable, invoiced transportation charges to an unaffiliated third party.	A-314
May 24 ...	Cascade Energy, Inc., Revel T. Call, P.O. Box 227, Rainier, Oreg. 97048. Issue: May a new corporation which proposes to build a refinery and which is owned by other energy concerns, be treated as a separate entity or "firm" for purposes of the mandatory petroleum allocation and price regulations, if no shareholder has a controlling interest in the new corporation.	A-315
May 31 ...	Blue Flame Gas Corp. Consignees:	
	Leon Ritenour	A-316
	Robert E. Snyder	A-317
	Robert Blocker	A-318
	Sulphur Springs LP Gas, Inc.	A-319
	Claude Wright	A-320
	James R. Boone	A-321
	Robert Ernst	A-322
	D. Gene Bennett	A-323
	Chester C. Moore	A-324
	Norman Grosch	A-325
	Richard R. Robinson	A-326
	Jerry Spratt	A-327
	Stephen R. Snyder, Esq., Dunten, Beckman, Lawson, Fruechtenight & Snyder, 2410 Fort Wayne Bank Bldg., Fort Wayne, Ind. 46802. Issue: (I) Whether each consignee is a wholesale purchaser-reseller as defined in 10 CFR 211.51. (II) Whether any modification of the method by which commissions due each consignee are computed, subsequent to the base period year, is in violation of 10 CFR 210.62.	

[FR Doc. 78-16154 Filed 6-9-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. DA-120-Alaska, State of Alaska]

LANDS WITHDRAWN IN POWER SITE CLASSIFICATION NO. 459 AND PROJECT NO. 2818

Determination and Order Vacating Land Withdrawal Under Section 24 of the Federal Power Act

JUNE 5, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. On December 23, 1977, the Secretary issued an order amending DOE delegation Order No. 0204-1 further delegating to the FERC the authority to take action in this proceeding.

Application has been filed by the State of Alaska (State) for the restoration to selection of the lands withdrawn in Power Site Classification No. 459 and Project No. 2818, thereby requiring Federal Energy Regulatory Commission consideration under Section 24 of the Federal Power Act. The subject lands, described in the attached Land Lists A, B, and C, are included in a 5,693-acre tract which the State seeks to acquire under authority of Section 6(a) of the Alaska Statehood Act, 72 Stat. 339, 340.

The subject lands are within the Tongass National Forest and lie at or near Green Lake on the Vodopad River, a coastal stream that empties into Silver Bay, about ten miles southeast of the City of Sitka, on Baranof Island, Alaska. All of the subject lands, with the exception of a few acres in Power Site Classification No. 459, lie within the boundary of the proposed Green Lake Project (FERC Project No. 2818) as shown on Exhibits K-1 through K-4 filed by the City and Borough of Sitka (Sitka) on September 19, 1977, with its application for license for the project.

The unconstructed Green Lake Project would consist of the following principal project works: (1) a double-curvature, concrete arch dam, 230 feet high and 460 feet long at its crest, located 80 feet downstream from the mouth of the existing Green Lake and having a centrally located uncontrolled ogee spillway section 100 feet wide; (2) Green Lake Reservoir, with a surface area of 1,000 acres and usable storage of 74,000 acre-feet at normal reservoir elevation 390 feet (mean sea level datum); (3) a 1,900-foot long power tunnel, varying in diameter from 8 to 10.6 feet, leading from the dam to the powerhouse where it would bifurcate into a manifold of two 5.6-foot diameter steel lined sections; (4) an indoor-type concrete powerhouse containing two generating units of 8,250 kW each and located on Silver Bay approximately 350 feet north of the mouth of the Vodopad River; (5) a substation over the powerhouse tailrace; (6) a 9-mile long 69-kV wood pole transmission line connecting the project substation to the Blue Lake substation.

Upon acquisition of the 5,693-acre tract, the State plans to convey the Green Lake Project lands to Sitka. Acquisition of the project lands will enable Sitka to avoid costly delays in project construction that might occur if the lands remain in Federal ownership. Such delays are foreseen because the Forest Service contends that Sitka would require a right-of-way under Section 501(a)(4) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, for the Green Lake Project, if the lands remain in Federal ownership. The Forest Service has advised Sitka that investigations, analyses and reports necessary for such a right-of-way would consume at least two years. Sitka states that it is facing an urgent need for electric power and cannot afford such delay, consequently, it favors conveyance of the lands to the State.

The proposed restoration to selection apparently will facilitate and expedite the use of the previously withdrawn lands for hydroelectric development. Under the circumstances, the Commission finds that restoration to selection of the lands described in Land Lists B and C, with certain conditions, is in the public interest.

An additional consideration leads us to vacate the withdrawal of the lands described in Land List A. Those lands were intended to encompass the path of the primary transmission line and access road for the proposed Green

Lake Project. But the boundaries shown on Exhibits K-1 and K-2 which determined the withdrawals on Land List A, were based upon an unsurveyed estimate prepared from preliminary aerial mapping. Partial field surveys recently conducted by Sitka have disclosed that the actual boundary for the transmission line and access roads will differ from that shown on Exhibits K-1 and K-2. Under the circumstances, it would be pointless to delimit the unsurveyed estimate for the transmission line and access roads on the ground. Therefore, the withdrawal for Project No. 2818 no longer serves a useful purpose insofar as it pertains to the lands shown on Exhibits K-1 and K-2 and described in Land List A.

The action we are taking here will not affect our licensing authority over the Green Lake Project.

The U.S. Forest Service, Bureau of Land Management and Alaska Power Administration, have endorsed the State's application for selection of the 5,693 acre tract. The Geological Survey also has no objection to the conveyance of the lands in Power Site Classification No. 459 to the State, subject to the provisions of Section 24 of the Federal Power Act.

The Commission determines: That the value of the lands described in Land Lists B and C will not be injured or destroyed for the purposes of power development by selection by the State of Alaska, subject to the provisions of Section 24 of the Federal Power Act, provided that the State agree to transfer all portions of the reserved lands required for the Green Lake Project to the City and Borough of Sitka.

The Commission orders: That the land withdrawal for Project No. 2818 insofar as it pertains to the lands described in Land List A is hereby vacated.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

Attachment: Land Lists A, B, and C.

LAND LIST A

All United States lands, in the following described protracted sections, lying within the boundary of the transmission line and access roads of Project No. 2818 as shown on map Exhibits K-1 and K-2 filed in the office of the Federal Power Commission on September 19, 1977:

COPPER RIVER MERIDIAN, ALASKA

T. 55 S., R. 64 E., unsurveyed,
Sec. 34.
T. 56 S., R. 64 E., unsurveyed,
Secs. 2, 3, 11, 12, 13, 24.
T. 56 S., R. 65 E., unsurveyed,
Secs. 18, 19, 29, 30.
(Approximately 214 acres.)

LAND LIST B

All United States lands, in the following described protracted sections, lying within the boundary of the reservoir, dam and powerhouse of Project No. 2818 as shown on map Exhibits K-3 and K-4 filed in the office of the Federal Power Commission on September 19, 1977:

COPPER RIVER MERIDIAN, ALASKA

T. 56 S., R. 65 E., unsurveyed,
Secs. 20, 21, 26, 27, 28, 29, 33, 34, 35, 36.
T. 57 S., R. 66 E., unsurveyed,
Sec. 4.
(Approximately 1,445 acres.)

LAND LIST C

Lands withdrawn in Power Site Classification No. 459, dated December 2, 1970:

All lands adjacent to Vodopad River and Green Lake upstream from the outlet at Silver Bay which lie below an altitude of 400 feet above sea level. The Port Alexander D-4 quadrangle map shows that the lands will lie wholly or in part within the following described protracted sections.

COPPER RIVER MERIDIAN, ALASKA.

T. 56 S., R. 65 E., unsurveyed,
Secs. 20, 21, 26, 27, 28, 29, 33, 34, 35, 36.
(Approximately 1,095 acres.)

[FR Doc. 78-16116 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. RP72-110]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Rate Changed Pursuant to Purchased Gas Cost Adjustment Provision

JUNE 2, 1978.

Take notice that Algonquin Gas Transmission Co. ("Algonquin"), on May 25, 1978, tendered for filing 41st Revised Sheet No. 10 to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin states that this sheet is being filed pursuant to Algonquin's Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1, and that the rate changed proposed to be effective July 1, 1978, is being filed to reflect a change in purchased gas costs filed by its supplier, Texas Eastern Transmission Corp.

The proposed effective date of the revised tariff sheet is July 1, 1978. Algonquin states that a copy of this filing is being served upon all affected parties and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commissions' Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16101 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. CP77-337]

ALGONQUIN GAS TRANSMISSION CO.

Dissenting Statement

JUNE 5, 1978.

Attached is Commissioner Holden's statement to the order issued April 4, 1978, in the above matter.

KENNETH F. PLUMB,
Secretary.

HOLDEN, COMMISSIONER, DISSENTING:

In the present case, the Federal Energy Regulatory Commission was asked to grant Algonquin authority to charge certain costs to its customers to recover storage charges for itself. This procedure is known as "tracking" and is essentially a kind of automatic adjustment clause.

The procedure surely mitigates delay and, to that extent, serves administrative convenience. But, questioning whether it is consistent with the purpose of our underlying legislation, I disagree with the Order that the majority have adopted.

In order to make my objections clear to all who have any occasion to read our decisions, let me state (1) a concept of what the normal rate-making process entails; (2) how the Commission has departed from it in certain recent cases; and (3) why I find the present decision regarding Algonquin unacceptable.

I. THE NORMAL RATE-MAKING PROCESS

Utility regulation is based upon the concept that the company is obliged to render a service to its customers, and is entitled to recover all the costs that it experiences in rendering such service. The company can collect money from customers only to the extent that it has been authorized by a regulatory agency, e.g., a State commission or the Federal Energy Regulatory Commission.

Section 4 of the Natural Gas Act requires that the Commission establish just and reasonable rates. In establishing these rates, the Commission analyzes the cost of service and compares it to the annual revenues that a company may collect at a given rate level.

The basis regulatory practice is that such rates, once set, remain in effect until changed. In inflationary times, this may make it hard for companies to keep their cost recovery up-to-date. As an alternative, companies may be permitted to establish special clauses, within their tariffs, under which specified additional charges or credits may be passed on, automatically and without further hearing, to the companies' customers. The generic term for such a provision is an automatic adjustment clause.[1] In the special parlance that this Commission inherited from the Federal Power Commission such clauses are also known as "trackers," since they permit the company to track, through rate changes, upward or downward changes in expenses without the formalities of hearing and order. As the defect of the formal procedure may be excessive delay in cost recovery, so the defect in "tracking" is the loss of regulatory control altogether.

II. Previous Departures in "Tracking" Cases

Six years ago, the then-existent Federal Power Commission amended its regulations to permit tracking purchased gas adjustment (PGA) charges.[2]

Five years ago, the FPC issued Order No. 483 which approved tracking for research and development activities (R. & D.).[3]

Five months ago we unanimously approved an order permitting tracking of specified storage costs from Consolidated to Tennessee to Tennessee's customers.[4] It seemed reasonable on its face, that costs passed on from Consolidated to Tennessee should, ipso facto, be passed on the Tennessee's customers.

Slightly more than two months later, the Commission approved two more cases involving this type of flow through, thus vitiating the premise that its action in the first case was unique. On January 27, 1978, a majority of the Commission approved a similar order in *Texas Eastern Transmission Corporation, et al.*[5] Texas Eastern is a customer of Consolidated and has an identical arrangement as that between Tennessee and Consolidated.

The Commission, erroneously in my view, could find no distinction betweeen the first and second case. It did not perceive that the disappearance of the premise of uniqueness was a rational basis for distinction and that the preservation of authority was a rational goal to sustain.

Relying on case-by-case analogies, the Commission mistakenly acted upon what can only be called a misunderstood principle of uniformity. The wiser course for the Commission, when it discovered that Tennessee was not unique, would have been to make the following simple statement. "We thought Tennessee was unique, and we were misinformed. It is embarrassing to admit that we were wrong, but we are not going to commit further error. Instead, to maintain the integrity of the regulatory process, we will stop now, and we will deny Texas Eastern the pass-through that it seeks. Texas Eastern will have to propose a method of dealing with this when its next rate case comes before us."

III. The Present Docket and the Defects of the Majority Order

In the present docket, *Algonquin Gas Transmission Company*, Docket No. CP77-337, the Commission has followed a similar course, but I find it wrong.

1. Rate-making on the basis of item-by-item automatic adjustment undermines regulatory control. Rate changes based on changes in one item prevent the Commission from looking beyond the cost of the item being tracked. But while one item may be changing in one direction, another may be changing in the opposite direction. Firms will normally not seek to reflect any cost decreases automatically, but only increases.[6] With the passage of time, a number of changes can occur which either change or maintain the balance between jurisdictional revenues and allocated cost of service. Without examining the complete picture, the balance may be upset, to the disadvantage of the customer.

The underlying assumption of the majority Order must be, if the order is to have logical coherence, that each cost increase must be reflected by an automatic and full pass through. But this is incorrect.

2. The defects of the present Order, and its predecessors, may be outlined in contrast even to the previous tracking orders as to purchased gas adjustments (PGA's)[7] and research and development charges. The authority of the FPC to institute the adjustment clauses that it did approve was challenged in both cited dockets.

As to the purchased gas adjustments (PGA), the FPC maintained that its authority to permit adjustments of this type "(was) being exercised * * * with adequate safeguards for consumer interests by means of provisions for Commission surveillance and review of PGA clauses and PGA rate changes." In Order No. 452-A, the FPC restated its position, noting that in addition to the surveillance and review procedures, the Commission must approve the PGA clause before it becomes effective.

The theory is that before a PGA is accepted as part of the tariff, the Company must demonstrate that its present annual jurisdictional revenues do not exceed its total jurisdictional cost of service. After 36 months the Company must establish a new base tariff rate by filing an annualized cost of service and revenue comparison in order to retain its PGA (Section 154.38(d)(4)(iv).) The Company is also liable for refunds based on this study. The FPC maintained that it would have a reasonable opportunity to determine whether these expenditures were "reasonably related" to the utility business in rate proceedings and other means of surveillance. The regulation also provides that any rate increase pursuant to R. & D. expendirues "shall be subject to reduction and refund of any portion found after hearing to be unjustified by a final and nonappealable Commission order." (Section 154.38(5)(ii)(e).)

In short, the principles and safeguards that the FPC sought to ensure are absent in the instant Order. Nor is there any refund obligation imposed upon the pipeline.

On the basis of this information, I conclude that it is substantively wrong to grant the authority that Algonquin seeks. It must follow that, in my view, the error is not merely one of policy but of law, and that the rate including the storage "tracker" is not a just and reasonable rate.

3. Not only do I find the result wrong in substance, but also I conclude that the Commission has been wrong procedurally. When the Commission became aware, in the *Texas Eastern* case, that its Tennessee predicate of uniqueness was wrong, it included the following passage in its Order:

> If, in fact, these arrangements do proliferate, the Commission would prefer not to deal with them on an ad hoc basis but considers it desirable to consider them generi-

---

[1] U.S. Senate, Subcommittee on Intergovernmental Relations, Electric and Gas Utility Rates and Fuel Adjustment Clause Increases, 1974, Washington: Government Printing Office, 1975; and U.S. House of Representatives, Subcommittee on Oversight and Investigations, Electric Utility Problems: Fuel Adjustment Clauses, Washington: Government Printing Office, 1975.

[2] Order No. 452, Docket No. R-406, issued April 14, 1972. (47 FPC 1049); Order No. 452-A, issued June 13, 1972.

[3] Order No. 483, Docket No. R-462, issued April 30, 1973. (49 FPC 1054).

[4] Tennessee Gas Pipeline Co., et al., Docket Nos. CP77-419, et al., issued November 10, 1977.

[5] Docket No. CP77-313, et al., issued January 27, 1978.

[6] I shall pass over, for the time being, the debated issue as to whether automatic adjustment clauses do, or do not, reduce firms' incentives to reduce costs.

[7] In view of the extraordinary proportion of the end-customer's gas bill that is represented by the PGA charges to distributors, one may even believe that we may need a more precise oversight of what charges actually are passed through.

cally so that all of those involved in such arrangements may know what to anticipate from the Commission. To this end the Commission is contemplating the possibility of undertaking a proceeding which might result in the enunciation of a policy or promulgation of a substantive regulation with respect to tracking in these arrangements. (*Order* at 3).

The same passage was repeated in the majority order in this *Algonquin* docket. However, no follow-up action is indicated in the order, which raises not only the prospect that the Commission is, contrary to protestations, by case-by-case reasoning, establishing new policy. I cannot, of course, have any logical objection to the mere fact of establishing policy through adjudication.[8]

Nor am I endorsing the concept that rulemaking is inherently a superior method of establishing policy.[9] Nor even, despite some doubts, do I maintain that no consideration should be given to policy change with respect to transportation and storage charges in the natural gas business. I do, however, disagree with the majority's procedure in this docket, and the preceding dockets. The majority is, by making these specific decisions while referring to some "contemplated" rulemaking, actually using Hirschman's "Principle of the Hiding Hand."[10] The Commission is obscuring the new policy from itself and from the world at large. Yet, should it follow out that policy, the inevitable result would be an accretion of cases until the new policy should be fait accompli, with a presumption of legitimacy in its favor.

SUMMARY AND CONCLUSION

The decision in this case adopts a policy that tends to erode the basic requirements of ratemaking. It grants what purports to be cost-recovery without a justification in a rate proceeding of the necessity and precision of that cost recovery. The need for some new procedure, with appropriate verification and safeguards for customers, may be open to consideration. But the majority Order here makes a policy departure with no specific showing of what the necessity is or what the protections are. In that respect, I believe it violates the legal requirements for a just and reasonable rate. The Commission is slipping into the new policy mold, without appropriate justification, against the advice of staff, and disguising the consequences from itself.

One need not be the seventh son of a seventh son to anticipate the result. Every pipeline in the country will have a similar "tracker," with similar procedural defects.[11] Nor is it fanciful to foresee the emergence, by analogy, of a variety of "trackers" for other cost elements. This may reduce administrative workload, and it will certainly give companies less backlog of which to complain. What protection it will give customers is more difficult to foresee.

In my view, the majority order risks putting the Commission on the road to regulatory impotence, a road the Commission need not traverse if it will but resist the tyranny of small decisions.

MATTHEW HOLDEN, Jr.,
Commissioner.

[FR Doc. 78-16129 Filed 6-9-78; 8:45 am]

[8] The proper parameters, forms, and circumstances of adjudicative policy-making are subject to re-examination from time to time, but the fact of such adjudicative policy-making is inherent in the way the American govermental system works. Edward H. Levi, Introduction to Legal Reasoning, Chicago: University of Chicago Press, 1948; and, Charles W. Warren, The Supreme Court in United States History, Boston: Little, Brown and Company, 1926.

[9] There is much merit to rulemaking, under various circumstances, but we will not gain much if we go off the deep end on the process either. A rulemaking on a significant issue will often entail as much administrative difficulty as a case. Once a rule is established, all the issues of exceptions and deviations will once more arise so that some form of rule interpretation presents itself. The vision of "clear" rules that require no complex fact-gathering evaluation, and interpretation (including subtle or not so-subtle distinction) is largely a mirage. This concept underlies, and is well stated in the Levi volume I have cited above, as follows:

* * * It is important that the mechanism of legal reasoning should not be concealed by its pretense. The pretense is that the law is a system of known rules applied by a judge; the pretense has long been under attack. In an important sense legal rules are never clear, and, if a rule had to be clear before it could be imposed, society would be impossible. The mechanism accepts the differences of view and ambiguities of words. It provides for the participation of the community in resolving the ambiguities of words. It provides for the participation of the community in resolving the ambiguity of providing a forum for the discussion of policy in the gap of ambiguity. On serious controversial questions, it makes it possible to take the first step in the direction of what otherwise would be forbidden ends. The mechanism is indispensable to peace in a community. (P. 1.)

[10] Albert O. Hirschman, Development Projects Observed, Washington: Brookings Institution, 1967.

[11] See page 5, paragraph 2.

[6740-02]

[Docket No. CI78-705]

ARAPAHOE PRODUCTION CO. v. PANHANDLE PRODUCING COMPANY, ET AL.

Notice of Application for Relief

JUNE 5, 1978.

Take notice that on April 28, 1978, supplemented May 12, 1978, Arapahoe Production Co. (Arapahoe), P.O. Box 1228, Borger, Tex. 79007, filed an application for relief in the above-captioned docket under the provisions of the Natural Gas Act.

Arapahoe states that by contract Panhandle Producing Co., et al. (Panhandle) must pay Arapahoe a base rate of 66.3 cents per Mcf for gas sold in 1975, 67.6 cents per Mcf for gas sold in 1976, 68.9 cents per Mcf for gas sold in 1977, and 70.2 cents per Mcf for gas sold in 1978, subject to adjustment for tax reimbursement and Btu content in accordance with opinion No. 699-H, Arapahoe being entitled under contract and applicable regulatory orders to the maximum price to which exempt small producers are entitled for gas produced from wells drilled prior to January 1, 1973, and being sold pursuant to replacement contracts entered into after January 1, 1975. Arapahoe further states that Panhandle has resisted making such payment and does so on the grounds that the small producer exemption is not available to small producers with respect to developed gas reserves purchased by the small producers from large producers in developed form prior to May 2, 1971.

Arapahoe requests that this Commission enter an order permitting Arapahoe to abandon the sale and service provided that Arapahoe thereafter continue to sell the gas in interstate commerce to a purchaser under terms to be approved by the Commission to be no less favorable than those currently governing the sale; enter an appropriate order to force Panhandle to comply with the terms of the current contract both as to past gas production and as to future gas production; enter a declaratory order to the effect that Arapahoe is entitled to the small producer increment with respect to all gas produced after August 28, 1975; or issue a show cause order to Panhandle as to why the relief requested or such alternative relief as the Commission thinks appropriate, should not be granted.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 5, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16102 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-396]

ARIZONA PUBLIC SERVICE CO.

Filing of Amendment to Agreement

JUNE 5, 1978.

Take notice that Arizona Public Service Co. (APS), on May 25, 1978, tendered for filing an amendment dated January 25, 1978, to the transmission agreement between Arizona Electric Power Cooperative, Inc. (AEPCO), and APS respectively, previously designated APS-FPC rate schedule No. 62. APS states that this amendment provides for an increase in electric service above the present 5 MW limit in the agreement to 10 MW. This amendment does not involve any change in the rate currently in effect.

AEPCO desires to increase, with APS consenting, the electric service set forth in the original agreement.

APS states that copies of this filing have been mailed to AEPCO and to the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before June 16, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16130 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. EL78-19]

BLACK HILLS POWER & LIGHT CO.

Declaratory Order

JUNE 2, 1978.

On April 24, 1978, Black Hills Power & Light Co. (petitioner) filed with the Federal Energy Regulatory Commission a petition for declaratory order in the above-entitled docket.

Petitioner states that it is seeking a declaratory order to remove an uncertainty with regard to its ability to participate as lessee of 20 percent of the Wyodak project. The Wyodak project consists of a 340 MW air-cooled generating plant located near Gillette, Wyo.[1]

Applicant's petition states that in order for applicant to participate as a lessee of 20 percent of the Wyodak project, it is necessary that applicant's cost of payment of the financing lease obligation as defined in the last paragraph of section 4.04 of its 17th supplemental indenture to petitioners indenture of mortgage and deed of trust dated September 1, 1941, may not constitute "funded indebtedness" as defined in section 201 of the applicant's 18th supplemental indenture. Petitioner states:

> If petitioner's financing lease obligation constitutes funded indebtedness, the funded indebtedness of petitioner may exceed 65 percent of pro forma "total capitalization of the company" in violation of section 4.04 of the 17th supplemental indenture.

Section 2.01 of petitioner's 18th supplemental indenture amends the term "funded indebtedness" and states:

> • • • *Provided, however,* That "funded indebtedness" shall not include (1) any financing lease obligation, if the company shall have been specifically permitted by all regulatory authorities having jurisdiction to reflect and include the cost of payment of such obligation in the determination of rates charged by the company to its customers, • • •

Petitioner states that it currently has rates on file with the Commission with regard to the transmission and sale of power for resale to Gillette and Upton, Wyo. The rates for such service were most recently approved by Commission order of October 8, 1976, in Docket No. ER76-822. Applicant states that those rates as approved by the Commission reflect and include the cost of petitioner's lease obligation on electric plants which are now leased by petitioner from Rushmore Electric Power Cooperative, Inc.

Petitioner has requested an order of the Commission providing that petitioner's cost of payment of the financing lease obligation (as defined in section 4.04 of the petitioner's 17th supplemental indenture) resulting from the participation of petitioner as a lessee of 20 percent of the Wyodak project will be reflected and included in those rates charged by the petitioner to its customers where the Commission has jurisdiction of those rates.

The Commission finds: Payments under lease agreements are costs which are properly included in a company's cost of service to be considered by the Commission in its determination of rates charged by a company to its customers. The Commission in the determination of rates to be charged by the applicant to its customers will therefore permit the applicant to reflect and include in such rates all such lease payments in the manner and to the extent such costs are shown in a rate proceeding to have been prudently incurred.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-16103 Filed 6-9-78; 8:45 am]

[1] Pacific Power & Light Co. (PP&L) would have an 80 percent lease interest in the Wyodak project. PP&L and petitioner would severably be liable for 80 percent and 20 percent, respectively, of all rent and other amounts under the lease agreement, and PP&L would be entitled to 80 percent, and the petitioner 20 percent of the facilities' output upon completion.

[6740-02]

[Docket No. ER78-402]

BLACK HILLS POWER & LIGHT CO.

Proposed Tariff Change

JUNE 5, 1978.

Take notice that Black Hills Power and Light Co., on May 30, 1978, tendered for filing proposed changes in its FPC Electric Service Tariff contained in FPC Docket No. ER76-822. Black Hills indicates that the proposed changes would increase revenues from jurisdictional sales and service by $356,403 based on the 12 month period ending December 31, 1977.

According to Black Hills, the reason for the proposed increase in rates, briefly, is that the existing rate is so low that the company is earning less than one percent rate of return on capital invested to render the municipal wholesale services, which the company believes is unreasonable.

Copies of the filing were served upon the public utility's jurisdictional customers and the Public Service Commission of Wyoming, according to Black Hills.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure. (18 CFR 1.8, 1.10.) All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16131 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER76-709]

CINCINNATI GAS & ELECTRIC CO.

Filing

JUNE 5, 1978.

Take notice that Cincinnati Gas & Electric Co. (CG&E) on May 16, 1978, tendered for filing Rate WS-P, Wholesale Service for Resale, Third Revised Sheet No. 5. CG&E states that this filing has been mutually agreed to by Union Light, Heat and Power Co., the Village of Georgetown, Ohio, the Commission Staff and CG&E.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 16, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16104 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. EL78-28]

CITY OF HOMESTEAD, FLA. v. FLORIDA POWER & LIGHT CO.

Complaint

JUNE 5, 1978.

Take notice that the city of Homestead, Fla. (complainant on May 24, 1978, tendered for filing a complaint stating that Florida Power & Light Co. (FP&L) has refused to provide tariff service as required by FP&L's currently effective (SR-1) tariff and its express contract commitments to the complainant. The complainant requests the Commission to issue an order directing that FP&L provide service under the SR-1 tariff and the currently effective PR rate schedule.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before July 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16105 Filed 6-9-78; 8:45 am]

[6740-02]

[Project No. 2446]

COMMONWEALTH EDISON CO.

Application for Approval of Recreation Plan

JUNE 2, 1978.

Public notice is hereby given that an application for approval of an exhibit R (recreation plan) was filed on April 16, 1976, and supplemented August 16, 1976, under the Federal Power Act (16 U.S.C. 791a-825r) by Commonwealth Edison Co. (Correspondence to: Mr. H. H. Nexon, Senior Vice President, Commonwealth Edison Co., Post Office Box 767, Chicago, Ill. 60690) for the constructed Dixon Project, FERC Project No. 2446, located on the Rock River in the city of Dixon, Lee County, Ill.

The recreation plan, filed in accordance with article 30 of the project license, proposes no development of project recreational facilities. The plan indicates that all of the existing recreational areas have been provided by others. The company proposes to not pursue future recreational development at the Dixon Project because the lands bordering the project waters are privately owned and have been developed for industrial, residential, and agriculture purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16106 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-360]

CONNECTICUT YANKEE ATOMIC POWER CO.

Order Denying Waiver, Granting Interventions and Conditionally Accepting Rate Filings

JUNE 2, 1978.

On May 5, 1978, Connecticut Yankee Atomic Power Co. (Connecticut Yankee) submitted for filing an executed Supplementary Power Contract[1] which results in a rate increase of $11,283,000 (30 percent) for the twelve month period ending December 31, 1978 (period II), as applied to the eleven sponsor-purchaser electric utilities.[2] The company requests an effective date of May 1, 1978, seeking a waiver of the notice requirements and asks that any suspension period be limited to one day.

Under Rate Schedule FPC No. 1, the 1964 Power Contract, the eleven owner companies taking shares of the net output of the nuclear plant reimburse Connecticut Yankee for its costs of service in proportion to those shares. The costs of service include a fixed overall return of 6 percent on "Net Unit Investment" consisting of specified components.

As provided in the instant submittal, Connecticut Yankee's charges are supplemented to include an additional payment, which when added to the payment provided in the 1964 Power Contract, results in an overall rate of return of 10 percent per annum on Net Unit Investment. Supplementary Power Contract also modifies "Net

[1] Designated as: Connecticut Yankee Atomic Power Co., Supplement No. 1 to FPC No. 1.

[2] See the following table:

	Ownership and power percentage
The Connecticut Light and Power Co	25.0
New England Power Co	15.0
Boston Edison Co	9.5
Central Maine Power Co	6.0
The Hartford Electric Light Co	9.5
The United Illuminating Co	9.5
Cambridge Electric Light Co	4.5
Western Massachusetts Electric Co	9.5
Public Service Co. of New Hampshire	5.0
Montaup Electric Co	4.5
Central Vermont Public Service Corp	2.0

Unit Investment" in the Power Contract to include the aggregate amounts properly chargeable to fuel accounts in accordance with the Commission's Uniform System of Accounts, less the balance of the accumulated provision for amortization of the cost of nuclear fuel.

Notice of the filing was issued on May 11, 1978, with comments, protests or petitions to intervene due on or before May 22, 1978. On May 22, 1978, petitions to intervene were filed on behalf of a number of customers by the Resale Customer Group and a petition to intervene was filed by the New England Power Co.[3] On May 25, 1978, the New Hampshire Electric Cooperative, Inc., (New Hampshire Electric) filed a petition to intervene out of time. New Hampshire is a resale customer purchasing power and energy at wholesale from both New England Power Co. and Public Service Co. of New Hampshire, both of which own shares in Connecticut Yankee. New Hampshire Electric states that it wishes to be treated procedurally as a member of the Resale Customer Group and asserts that no other party will be adversely affected by approval of its late intervention.

The Resale Customer Group consists of resale customers who purchase power and energy pursuant to either contract demand, all requirements or partial requirements rates and other contracts from Western Massachusetts Electric Co. or other affiliates of the Northeast Utilities Co., which collectively owns 44 percent of the plant and takes that amount of the plant's output; the Cambridge Electric Light Co., which owns 4.5 percent of the plant and takes that amount of the plant's output; and the New England Power Co., which owns 15 percent of the plant and takes a like amount of the plant's output.

Each member of the Resale Customer Group asserts an interest in the outcome of this proceeding and claims that its rights cannot be represented adequately by other parties. Likewise, New Hampshire Electric and New England Power Co. claim separate interests which cannot be represented adequately by other parties.

[3]The Resale Customer Group consists of the following resale customers: Belmont Municipal Light Department, Belmont, Massachusetts; Chicopee Electric Light Department, Chicopee, Mass.; South Hadley Electric Light Department, South Hadley, Mass.; and Westfield Gas and Electric Light Department, Westfield, Mass.; the NEPCO Customer Rate Committee, representing the twenty-four municipal systems of the Massachusetts towns and cities of Ashburnham, Boylston, Danvers, Georgetown, Groton, Hingham, Holden, Hudson, Hull, Ipswich, Littleton, Mansfield, Marblehead, Merrimac, Middleton, North Attlebory, Paxton, Peabody, Princeton, Shrewsbury, Sterling, Templeton, Wakefield and West Boylston.

By telecopier, Connecticut Yankee filed a May 30, 1978 response to the petition to intervene of the Resale Customer Group, claiming that the Resale Customer Group's small indirect interests do not warrant intervention. Connecticut Yankee also opposes a five month suspension.

The Resale Customer Group members object to Connecticut Yankee's request for an increase in its rate of return and to the Company's request for an additional $543,000 annual increase to reflect the inclusion of nuclear plant decommissioning costs. A full five month suspension is recommended by the Resale Customer Group.

Our review of Connecticut Yankee's proposed rate increase application indicates that the Company has included construction work in progress (CWIP) in rate base without the showing required by Order No. 555 and Section 2.16 of our regulations to substantiate such inclusion.[4] Under similar facts we have held that summary rejection of the filing would be warranted.[5] However, in the case at hand we will not reject the company's filing in total. Instead, we will require Connecticut Yankee to refile revised rates and cost of service data reflecting the elimination of CWIP from rate base.[6]

We find that the proposed rates filed by Connecticut Yankee on May 5, 1978 have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed rates for five months and establish hearing procedures.

The Commission finds: (1) Good cause has not been demonstrated to justify waiver of the Commission's notice requirements.

(2) Good cause exists to require Connecticut Yankee to file revised rates and cost of service data based on the exclusion of CWIP from the rate base.

(3) Good cause exists to conditionally accept for filing the proposed rates (to be updated by the requirements of Subsection 1 above) and to suspend those rates for five months until November 5, 1978, when they shall become effective, subject to refund, as hereinafter ordered and conditioned.

(4) It is necessary and proper and in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of Connecticut Yankee's rates as proposed to be revised herein.

(5) Participation by the Resale Customer Group and its member participants (including New Hampshire Electric) and the New England Power Co. may be in the public interest.

The Commission orders: (A) Connecticut Yankee's request for waiver of the Commission's notice requirements is hereby denied.

(B) Within 30 days of the issuance of this order, Connecticut Yankee shall file revised rates and cost of service data, based on the exclusion of CWIP from rate base.

(C) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the justness and reasonableness of the rates and charges included in the subject filing of Connecticut Yankee as proposed to be revised herein.

(D) Pending such hearing and decision hereon, the proposed increased rates and charges filed by Connecticut Yankee on May 5, 1978 are hereby conditionally accepted for filing, and suspended for five months, to become effective on November 5, 1978, subject to refund, and subject to the condition that it file revised rates pursuant to paragraph (B) above.

(E) The Resale Customer Group and its individual members (including New Hampshire Electric) and the New England Power Co. are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* that participation shall be limited to matters specifically set forth in the petition to intervene; and *Provided, further,* that the admission of the intervenors shall not be construed as recognition that they might be aggrieved by any order issued in this proceeding.

(F) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before August 8, 1978 (See Administrative Order No. 157).

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See, Delegation of Authority, 18 CFR § 33.5(d)), shall convene a conference in this proceeding to be held within ten days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

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

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16107 Filed 6-9-78; 8:45 am]

[4]Order No. 555, Docket No. RM75-13, issued November 8, 1976.

[5]Order issued in Louisiana Power & Light Co., Docket No. ER77-555, November 21, 1977.

[6]See, Order issued in Utah Power & Light Co., Docket No. ER77-311, June 23, 1977.

[6740-02]

[Docket No. ID-1838]

TERRELL C. DRINKWATER

Notice of Application

JUNE 5, 1978.

Take notice that on May 19, 1978, Terrell C. Drinkwater (Applicant), filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Southern California Edison Co., Public Utility.
Director, Amfac, Inc., Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16097 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket Nos. RP78-12 and RM77-14]

EAST TENNESSEE NATURAL GAS CO.

Notice of Rate Filing

JUNE 1, 1978.

Take notice that on May 17, 1978, East Tennessee Natural Gas Co. (East Tennessee) tendered for filing substitute Twenty-Fifth Revised Sheet No. 4 and Substitute Twenty-Sixth Revised Sheet No. 4 to Sixth Revised Volume No. 1 of its FERC Gas Tariff to be effective May 1, 1978, and June 1, 1978, respectively.

East Tennessee states that the sole purpose of the revised tariff sheets is to include an omission in the tariff sheets previously filed in the above-captioned proceedings to permit East Tennessee to recover for the period May 1, 1978, through June 30, 1978, the Demand Surcharge for Amortizing the Unrecovered Purchased Gas Cost Account which has been approved by the Commission for that period.

East Tennessee states that copies of the filing have been mailed to all its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16108 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ID-1836]

FRANK E. FISCHER

Filing

JUNE 5, 1978

Take notice that on May 12, 1978, Frank E. Fischer (Applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Orange & Rockland Utilities, Inc., public utility.
Vice President, Rockland Electric Co., public utility.
Vice President, Pike County Light & Power Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16111 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-395]

FLORIDA POWER & LIGHT CO.

Filing

JUNE 2, 1978.

Take notice that on May 25, 1978, Florida Power & Light Co. (FP&L) tendered for filing a proposed service agreement and exhibit A for the sale of power and energy to the city of Homestead, Fla. under the terms of its FERC Electric Tariff from May 23, 1978 to May 31, 1978.

FP&L states that the commencement of service under its FERC electric tariff on May 23, 1978, was requested by Homestead in letters dated May 4, 1978 and May 19, 1978, and that termination of service occurred after May 31, 1978, in full accord with its notice of cancellation filed on December 1, 1977, in docket No. ER78-81 and the Commission's order issued December 30, 1977, in that proceeding which suspended the effectiveness of that notice of cancellation for 5 months. Therefore, FP&L has requested waiver of the notice provisions of the Commission's regulations in order to permit service to be provided during this period.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16109 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-400]

FLORIDA POWER & LIGHT CO.

Cancellation

JUNE 2, 1978.

Take notice that Florida Power & Light Co. (FP&L) on May 25, 1978, tendered for filing a notice of cancellation of FP&L FERC electric tariff, original volume No. 1 proposed to be effective as of June 1, 1978. Said tariff is for service to the city of Homestead, Fla.

FP&L indicates that the notice of cancellation has been served upon the superintendent of utilities, Homestead, Fla.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16110 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-401]

GEORGIA POWER CO.

Proposed Change in Rate Schedule

JUNE 5, 1978.

Take notice that on May 30, 1978, Georgia Power Co. (Georgia) tendered for filing a proposed change in its interchange contract with Savannah Electric & Power Co. (Savannah). Georgia states that the proposed change in rate schedule does not change the level of the rate at which it and Savannah purchase and sell capacity, and that the proposed change is merely a modification of the amount of capacity Savannah will purchase from Georgia to reflect revised estimates of Savannah's load and generating capability.

Georgia requests waiver of the Commission's notice requirements to allow an effective date of June 1, 1978, to be assigned to the proposed modification since, according to Georgia, both parties have agreed upon that date, and because Savannah requires the revised quantity of capacity effective on that date.

Georgia states that copies of the proposed modification have been mailed to Savannah.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16134 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ID-1717]

THOMAS A. GRIFFIN, JR.

Application

JUNE 5, 1978.

Take notice that on May 18, 1978, Thomas A. Griffin, Jr. (Applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director and Executive Vice President, Orange & Rockland Utilities, Inc., public utility.
Director and Executive Vice President, Rockland Electric Co., public utility.
Director and Executive Vice President, Pike County Light & Power Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16098 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ES78-23]

IDAHO POWER CO.

Filing

JUNE 5, 1978.

Take notice that on May 31, 1978, Idaho Power Co. (Applicant), a corporation organized under the laws of the State of Maine, and qualified to transact business in the States of Idaho, Oregon, Nevada, and Wyoming, with its principal business office at Boise, Idaho, filed an application, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance, via negotiated sale, of up to 1,200,000 shares of its common stock, par value of $5 per share, said shares to have an aggregate par value of $6,000,000 and authorizing the issuance of $60,000,000 of its first mortgage bonds, via competitive bidding.

Applicant states that the net proceeds from the issuance and sale of the common stock and bonds will be applied to the payment of all of the short-term, unsecured promissory notes outstanding and commercial paper (estimated at $112,500,000) at the time of the sale of the common stock.

Applicant also states that the issuance of the common stock and bonds is a part of Applicant's program for financing its construction expenditures for the period January 1, 1978, through December 31, 1979, which construction expenditures are presently estimated $255,180,000.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16113 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ES78-41]

IOWA SOUTHERN UTILITIES CO.

Filing

JUNE 5, 1978.

Take notice that on May 22, 1978, Iowa Southern Utilities Co. (Applicant) filed a request for authorization to negotiate for the private placement of up to $7,500,000 in preferred stock. Applicant states that it will require approximately $25,000,000 in additional external capital during the period of July 1, 1978 to July 1, 1979, and plans to acquire this sum by the issuance of up to $7,500,000 of $30 par value preferred stock and most of the balance by the issuance of long-term debt securities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16135 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-363]

KANSAS GAS & ELECTRIC CO.

Notice of Proposed Tariff Change

JUNE 2, 1978.

Take notice that Kansas Gas & Electric Co. (K.G. & E.) on May 22, 1978, tendered for filing proposed changes in its FPC electric service tariff No. 72. K.G. & E. indicates that the proposed amendment provides for an additional point of delivery for United Electric Cooperatives, Inc.

K.G. & E. states that the amendment is necessary because the Cooperative has requested an additional delivery point to serve their customers in this area. The amendment is proposed to become effective when service is rendered, which is estimated by K.G. & E. to be early June.

Copies of the filing were served upon United Electric Cooperative, Inc., according to K.G. & E.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16114 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-364]

KANSAS GAS & ELECTRIC CO.

Proposed Tariff Change

JUNE 2, 1978.

Take notice that Kansas Gas & Electric Co. (K.G. & E.) on May 22, 1978, tendered for filing proposed changes in its FPC electric service tariff No. 46. K.G. & E. indicates that the proposed amendment extends the contract maximum load at the No. 3 and No. 7 delivery points of the Butler Rural Electric Cooperative Association, Inc.

K.G. & E. states that the amendment is necessary because the present extension expired April 18, 1978. The amendment is proposed to be effective April 17, 1978, and waiver of the Commission's notice requirements is therefore requested.

Copies of the filing were served upon the Butler Rural Electric Cooperative Association, Inc., according to K.G. & E.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16115 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ID-1840]

FREDERICK G. LARKIN, JR.

Notice of Application

JUNE 5, 1978.

Take notice that on May 19, 1978, Frederick G. Larkin, Jr., filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Southern California Edison Co., public utility.
Director, Rockwell International Corp., diversified nonutility company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16133 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ID-1837]

STEPHEN LESKY

Notice of Filing

JUNE 5, 1978.

Take notice that on May 12, 1978, Stephen Lesky (applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice president, Orange & Rockland Utilities, Inc., public utility.
Vice president, Rockland Electric Co., public utility.
Vice president, Pike County Light & Power Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16142 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ES78-40]

MONTANA-DAKOTA UTILITIES CO.

Notice of Filing

JUNE 5, 1978.

Take notice that on May 22, 1978, Montana-Dakota Utilities Co. (Montana-Dakota) filed a request for authorization to engage in negotiations, for a period of up to 90 days, for the issuance and sale of 100,000 shares of its series preferred stock, par value $100, pursuant to sections 34.1a(a)(4) and 34.2(f)(2) of the Commission's regulations under the Federal Power Act. The Company requests authorization to negotiate in order to determine whether it would be desirable and in the public interest to submit a formal application for exemption from the Commission's competitive bidding requirements in connection with the issuance and sale of such securities and states that it has not engaged in any negotiations for the issuance of such preferred stock and agrees not to do so except in accordance with the Commission's authorization.

The applicant anticipates that its total capital requirements for 1978 will aggregate $61,315,000 and that similar figures are anticipated for 1979-1981. In order to maintain a healthy capital structure to finance its continuing construction program, which constitutes a major part of its total capital requirements, the applicant states that common stock will provide the major portion of the equity component of its total capitalization and that the issuance of preferred stock offers additional flexibility. The company believes that the best interests of its customers and its stockholders would be served if the sale of the preferred stock is handled on a negotiated basis.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16117 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. EL78-24]

MUNICIPAL ELECTRIC UTILITIES ASSOCIATION OF NEW YORK STATE v. POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Complaint and Petition for Declaratory Order

JUNE 5, 1978.

Take notice that the Municipal Electric Utilities Association of New York State (complainant) on May 12, 1978, tendered for filing a complaint and a petition for a declaratory order. The complainant requests the Commission make the following declarations and orders:

A. Power Authority of the State of New York (PASNY) is required and ordered to comply with the terms and conditions of its license No. 2216 for the Niagara River project as well as the provisions of the Niagara Power Project Act.

B. PASNY is required and ordered to make available to preference entities at least 50 percent of the power and energy generated at the Niagara power project.

C. PASNY is required and ordered to continue sales to preference customers from the Niagara project until such time as their loads are equal to at least 50 percent of the power and energy generated at the Niagara project.

The complainant respectfully requests that the Commission institute any investigations or hold any hearings for the purpose of receiving testimony or evidence as it deems necessary for the resolution of the above matters.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before July 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16118 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket Nos. RP77-57 and RP76-96]

NATIONAL FUEL GAS SUPPLY CORP.

Order Granting Motion To Consolidate Cases

JUNE 5, 1978.

These two rate increase cases have been assigned to the same administrative law judge and hearings were conducted jointly.

On April 27, 1978, at the conclusion of the hearings, staff made a motion to consolidate the cases. All parties were present and concurred in the motion. On May 1, 1978, the judge certified the motion to the Commission for decision. Since many of the issues are identical in both cases, the judge also recommended consolidation.

The Commission finds: That docket Nos. RP77-57 and RP76-96 should be consolidated.

The Commission orders: That the motion to consolidate is granted.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-16119 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. CP77-156]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Petition To Amend

JUNE 2, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. The functions which are the subject of this proceeding were specificially transferred to the FERC by section 402(a)(1) of the DOE Act.

Take notice that on May 17, Natural Gas Pipeline Co. of America (petitioner), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in docket No. CP77-156 a petition to amend further the order issued June 6, 1977, in the instant docket, pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's general policy and interpretations (18 CFR 2.79) so as to authorize petitioner to extend the term of its transportation arrangement with Nabisco, Inc. (Nabisco), to June 24, 1980, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that on January 28, 1977, it was granted temporary authorization to transport up to 500 Mcf of natural gas per day for up to 60 days for Nabisco, and that the June 6, 1977, order, granted final authorization to render such service in the instant docket. Petitioner indicates that it has agreed to extend the term of the transportation service to June 24, 1980, and that in its petition to amend filed with the Commission on September 12, 1977, which is currently pending Commission action, petitioner requested authorization to extend the term to June 23, 1978, and to increase the quantity from 500 Mcf to 1125 Mcf.

Petitioner further states that Nabisco has purchased from Edwin L. Cox, Sam P. Bennet, and Alfred Lamson (successors in interest to Emerald Exploration), and Dow Chemical Co. a quantity of natural gas estimated to average 900 Mcf per day (at 15.025 psia) to be produced from the Bayou Boullion field in Iberville and St. Martin Parishes, La. Petitioner indicates that pursuant to authorization granted in docket No. CP76-241, et al., Nabisco delivers up to 1124 Mcf of natural gas per day to Transcontinental Gas Pipe Line Corp. (Transco) for redelivery to Public Service Electric & Gas Co. for Nabisco's account, and to Commonwealth Natural Gas Corp. for the account of Nabisco. The ultimate use of such gas is in Nabisco's Fairlawn, N.J., and Richmond, Va., bakeries, it is said. Pursuant to a temporary certificate issued February 11, 1977, Transco is authorized to redirect a portion of Nabisco's gas to Texas Eastern Transmission Corp. for ultimate delivery through local distribution companies to Nabisco's plants in Pittsburgh, Pa., Buffalo and Niagara Falls, N.Y., and Philadelphia, Pa., it is said.

Petitioner states that Transco would deliver gas to petitioner for Nabisco's account, with delivery taking place by displacement at the tailgate of the LaGloria plant in Jim Wells County, Tex., and that petitioner would transport such gas through its Gulf Coast system for delivery to the Peoples Gas Light & Coke Co. (Peoples), a gas distribution utility serving Chicago and a customer of petitioner, at existing delivery points for Nabisco's account. It is said that Nabisco would utilize such gas in its bakery in Chicago, Ill., to offset any curtailment by Peoples.

Petitioner states that it would retain 5 percent of the volumes received for transportation as makeup for compressor fuel and line loss, and that it would continue under the terms of the extended agreement to collect a charge of 30 cents per Mcf (at 14.65 psia) for all quantities of gas transported and delivered to Peoples for Nabisco's account.

Any person desiring to be heard or to make any protests with reference to said petition to amend should on or before June 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) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16120 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. RP78-71]

NATURAL GAS PIPELINE CO. OF AMERICA

Proposed Changes in Rates and Charges

JUNE 5, 1978.

Take notice that on May 31, 1978, Natural Gas Pipeline Co. of America (Natural) tendered for filing proposed changes to the following tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1 and Second Revised Volume No. 2:

Third Revised Volume No. 1

Thirty-fifth Revised Sheet No. 5.
Tenth Revised Sheet No. 5A.
First Revised Sheet No. 5B.
Fifth Revised Sheet No. 116.
Second Revised Sheet No. 117.
Third Revised Sheet No. 118.
Ninth Revised Sheet No. 119.
Third Revised Sheet No. 120.
Seventh Revised Sheet No. 120-A.
Second Revised Sheet No. 120-B.
Third Revised Sheet No. 121.
First Revised Sheet No. 121-A.
Original Sheet No. 121-B.

Second Revised Volume No. 2

Eleventh Revised Sheet No. 220.
Sixth Revised Sheet No. 270.
Third Revised Sheet No. 407.
Third Revised Sheet No. 433.
Second Revised Sheet No. 653.
Second Revised Sheet No. 668.
Second Revised Sheet No. 695.
Second Revised Sheet No. 744.
Second Revised Sheet No. 816.
Second Revised Sheet No. 1000.
First Revised Sheet No. 1067.
First Revised Sheet No. 1097.

Natural proposes a July 1, 1978 effective date. Natural also tendered for filing changes to the following tariff sheets to be effective January 1, 1978:

Second Revised Volume No. 2.
Second Revised Sheet No. 653.
Second Revised Sheet No. 668.
Second Revised Sheet No. 695.

The proposed tariff sheet changes would produce increased jurisdictional revenues of $85.2 million above the revenues collected under rates presently in effect subject to refund at Docket No. RP77-78. The subject-to-refund rates used in the calculation of the indicated revenue increase were adjusted to reflect the cumulative PGA unit adjustment (excluding the surcharge for recovery of the Deferred Purchased Gas Cost Balance) effective March 1, 1978.

Natural states that the jurisdictional rates as filed were designed to enable Natural to recover its increased jurisdictional cost of service for the test period which is based on the twelve months ended February 28, 1978, adjusted to include the annualized effect of changes which are known and measurable with reasonable accuracy and which will become effective by November 30, 1978. Natural states that the principal increased costs result from the potential Louisiana first use tax on certain gas produced outside the territorial limits of Louisiana, a proposed increase in overall rate of return to 10.80 percent, which would permit a rate of return to equity of 15.50 percent, a change in depreciation rate to 5.25 percent for production, gathering, storage and onshore transmission property, and 11.4 percent for all offshore property except for Natural's Stingray line which will remain at 5 percent, significant additional charges and increased costs for the transportation of gas by others from offshore and onshore gas supply sources, and the additional federal and state income taxes on fully depreciated tax property still being depreciated for book purposes. Natural has also included tariff revisions necessary to incorporate a Net Transportation Cost Adjustment in its existing Purchased Gas Cost Adjustment provision.

Copies of this filing have been served on the customers of Natural, and interested public bodies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol NE., Washington, D.C., 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Com-

mission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16121 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-398]

NORTHERN STATES POWER CO.

Notice of Supplement No. 1

JUNE 2, 1978.

Take notice that Northern States Power Co., on May 26, 1978 tendered for filing Supplement No. 1, dated May 15, 1978, to the Municipal Resale and Transmission Service Agreement with the City of Sioux Falls, S. Dak.

Waiver of the Commission's notice requirements is requested to allow for an effective date of May 15, 1978.

Supplement No. 1 provides a second Point of Delivery between the parties in the City of Sioux Falls, according to Northern States.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16137 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket Nos. RP71-119, RP74-31-24]

PANHANDLE EASTERN PIPE LINE CO. AND PANHANDLE EASTERN PIPE LINE CO. (ANCHOR HOCKING CORP.)

Notice of Petition for Relief

JUNE 5, 1978.

Take notice that on May 22, 1978, Anchor Hocking Corp. (Petitioner) filed a petition pursuant to section 1.7 of the Commission's Rules of Practice and Procedure requesting the Commission to reverse its order of August 31, 1976, in the above captioned dockets insofar as that order required Petitioner to pay back to Panhandle Eastern Pipe Line Co. (Panhandle) gas received as extraordinary relief. Petitioner also requests that the Commission order Panhandle to restore to Petitioner an amount of gas equivalent to the amount that Petitioner previously paid back pursuant to the order of August 31, 1976.

Petitioner states that on August 31, 1976, the Federal Power Commission found that its process use requirements of 790 Mcf of gas per day should be upgraded from Priority 3 under the 467-B curtailment plan to Priority 2 under the curtailment plan prescribed for Panhandle in FPC Opinion No. 754.[1] At the same time, says Petitioner, the Commission enforced an earlier order requiring Petitioner to pay back gas received as extraordinary relief under the 467-B curtailment plan that had been set aside by Opinion No. 754.

Petitioner says that on August 31, 1976, in Docket No. RP71-119, the Commission also ordered Michigan Seamless Tube Co., now Quanex, to pay back gas purchased as extraordinary relief under Panhandle's 467-B curtailment plan even though Quanex would not have needed extraordinary relief if the curtailment plan approved in Opinion No. 754 had been in effect. On December 14, 1977, however, the Commission relieved Quanex of the payback obligations of the August 31, 1976 order and ordered Panhandle to restore to Quanex any gas already paid back. In relieving Quanex of the order to pay back extraordinary relief, the Commission relied on the court's decision in *Hercules Inc.*, v. *Federal Power Commission*, 552 F.2d 74 (3rd Cir. 1977). Petitioner maintains that in all substantive respects its position is the same as that of Quanex and it is therefore entitled to the same relief.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The notice and petitions for intervention previously filed in Docket Nos. RP71-119, et al., and RP74-31-24 will not operate to make those parties interveners or protestants with respect to the instant petitions. All protests filed with the Commission will be considered by it in determing the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16122 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. CI77-702 and CI78-96]

PENNZOIL LOUISIANA AND TEXAS OFFSHORE CO., INC., AND PENNZOIL OIL AND GAS, INC.

Order Vacating in Part Prior Orders and Establishing Refund Condition

MAY 26, 1978.

On May 8, 1978 the Commission issued an order in Docket Nos. CI77-702, CI77-703, and CI78-96 rejecting applications for certificates under the optional procedure for including impermissible pricing provisions within their respective contracts. As an alternative to rejection, the Commission, in its May 8, 1978 order offered the applicants an opportunity to continue their applications on file provided each applicant, respectively, agreed to collect its $2.54 and $3.30 rates subject to refund with interest. The May 8, 1978 order gave applicants until May 18, 1978 to make their election on the refund condition.

On May 10, 1978 Pennzoil Louisiana and Texas Offshore, Co. (PLATO), Pogo Producing Co. (Pogo), and Pennzoil Oil and Gas, Inc. (POGI) filed a conditional agreement to collect their rates subject to refund, provided that each applicant could pursue its application for rehearing of the May 8, 1978 order and, if necessary, judicial review thereof.

The Commission in a May 17, 1978 order rejected this May 10, 1978 conditional agreement as not comporting with the settlement offered to the applicants, and reiterated that unless a satisfactory election was made by May 18, 1978, the applications were deemed dismissed as of May 5, 1978.

The applicants, on May 18, 1978, filed a Motion For Stay of the May 8, and 17, 1978 orders, in the Court of Appeals for the Fifth Circuit.[1] The Court, on May 18, 1978, entered an order staying Ordering Paragraph (A) of the Commission's May 8, 1978 order until midnight May 26, 1978. Ordering Paragraph (A) states that the applications are deemed rejected effective May 5, 1978 unless the applicants have made a satisfactory election to collect their rates subject to refund by May 18, 1978.

Thereafter, counsel for the Commission, applicants, and intervenors met to discuss procedures that might re-

[1] Panhandle Eastern Pipe Line Co., Docket No. RP71-119, Opinion No. 754, February 27, 1976.

[1] *Pennzoil Louisiana and Texas Offshore Co., Inc. et al.* v. *FERC*, 5th Circuit, No. 78-2064.

solve the matters at issue. As a result of these negotiations, applicants, on May 25, 1978, proposed certain procedures to the Commission, which if accepted, would resolve certain matters at issue in the May 8, 1978 order between PLATO and POGI and the Commission. Pogo declined to join PLATO and POGI in the latter's proposal to the Commission, and therefore, this order does not modify the May 8 and 17, orders as far as Pogo is concerned.

The two applicants (PLATO and POGI) propose to amend their respective applications and contracts eliminating therefrom all indefinite pricing provisions which the Commission found objectionable in its May 8, 1978 order, and they agree to collect their fixed rates of $3.30/Mcf (PLATO) and $2.54/Mcf (POGI) subject to refund with applicable interest, from May 5, 1978 until July 5, 1979, or until the Commission has issued its order on the merits of their applications (which order is no longer subject to rehearing), whichever first occurs (the "cutoff date").

In return the Commission hereby agrees to vacate those portions of the May 8, and 17 orders that pertain to PLATO and POGI and accepts each company's applications, as set forth in this order. As to Pogo, the May 8 and 17, 1978 orders remain unchanged. PLATO and POGI are authorized to collect $3.30/Mcf and $2.54/Mcf, respectively, from May 5, 1978 on all gas presently flowing from the subject 7 offshore Louisiana blocks [2] subject to refund with interest for all sales made from May 5, 1978 until the aforementioned cutoff date. If the Commission has not issued its order on the merits of these 2 applications (which order is no longer subject to rehearing) by July 5, 1979, then, in that event, PLATO and POGI shall be authorized to collect the fixed rates of $3.30/Mcf and $2.54/Mcf, respectively, not subject to refund, from July 5, 1979 until 10 calendar days following the Commission's order on the merits (such order being no longer subject to rehearing).

As gas deliveries commence from other of the 7 subject blocks than are presently producing, PLATO and POGI are authorized to collect their fixed rates of $3.30/Mcf and $2.54/Mcf, respectively, for sales of each company's share of the block's reserves subject to refund with interest from the date deliveries commence to the aforementioned cutoff date, and thereafter not subject to refund in accordance with the terms described above.

Refunds, if any are ordered in the Commission's order on the merits, shall be measured as the difference between the fixed rates of $3.30/Mcf and $2.54/Mcf respectively, and the rate determined to be just and reasonable, or the applicable nationwide rate for gas covered by the 2 applications, as may be established by the Commission or by statute from time to time, whichever is the higher. If the applicants elect to reject, pursuant to 18 CFR § 2.75(n), the final order on the applications tendered by the Commission, applicants agree to refund for the period prior to July 5, 1979, the difference between the fixed rates and the applicable nationwide rate for gas covered by the appications herein as may be established from time to time by the Commission or by statute.

PLATO and POGI expressly agree to refund the computed refund principal, if any is so determined by the Commission's order on the merits, with simple interest computed at 9 percent per annum, to Sea Robin Pipe Line Co. (Sea Robin).

The term "order on the merits" would include not only an order establishing a just and reasonable rate under section 2.75, but also an order dismissing the application, because, for example, the blocks involved did not comprise the type project which qualified under section 2.75 or because of failure diligence to prosecute the application.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 16, and 19 thereof, and the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Chapter I) in effect on May 25, 1978, the Commission hereby vacates those parts of its May 8, and 17, 1978 orders as are applicable to the applications for optional procedure certificates in Docket Nos. CI77-702 (PLATO) and CI78-96 (POGI), except that the interventions granted in Ordering Paragraph (D) of the May 8, 1978 order shall be in no way affected by this Commission order.

(B) The May 8 and 17, 1978 orders, as they relate to the application filed in CI77-703 (Pogo) remain fully effective and unchanged. Pogo's application is deemed rejected effective May 5, 1978 and all sales made by Pogo from May 5 through midnight May 26, 1978 shall be at the applicable nationwide rate. As of 12:01 a.m. CDT May 27, 1978 Pogo has no authority to make sales or deliveries of its gas from any of the offshore Louisiana blocks included in Docket No. CI77-703.

(C) The applications for certificates under the Commission's optional procedure (18 CFR § 2.75) filed in Docket Nos. CI77-702 (PLATO) and CI78-96 (POGI) are accepted for filing in accordance with the provisions of this order.

(D) The applications and their supporting contracts in Docket Nos. CI77-702 and CI 78-96 shall be amended to eliminate the indefinite pricing provisions within 10 days of the issue date of this order. Should the applicants fail to amend their applications and contracts within the time provided, this order will cease to be effective and the pertinent provisions of the May 8, and 17, 1978 orders shall be operative *nunc pro tunc*. All sales and deliveries made on and after May 5, 1978, shall be at the applicable nationwide rate, in the event this order becomes inoperative pursuant to this subsection.

(E) Applicants in CI77-702 and CI78-96 shall collect their respective fixed rates of $3.30/Mcf and $2.54/Mcf for all sales made on or after May 5, 1978 until the cutoff date as described herein, subject to refund with simple interest computed at 9 percent per annum. The cutoff date shall be the earlier of: (1) July 5, 1979 or; (2) the date of issuance of a Commission order on the merits of these 2 applications (which order is no longer subject to rehearing). On and after July 5, 1979, if a Commission order on the merits (no longer subject to rehearing) has not been issued in these dockets, until 10 calendar days next following the Commission's order on the merits (no longer subject to rehearing), the applicants shall be authorized to collect their respective fixed rates not subject to refund, whether or not there is a rejection pursuant to 18 CFR § 2.75(n) by the applicants of the certificate tendered by the Commission.

(F) The applicants in CI77-702 and CI78-96 are authorized to collect their respective fixed rates in accordance with this order on and after May 5, 1978 for all gas flowing as of that date and on and after the date of commencement of deliveries from any other of the subject 7 blocks which were not producing as of May 5, 1978.

(G) Refunds, if any are ordered in the Commission's order on the merits (no longer subject to rehearing), shall be measured as the difference between (1) the fixed rate of $3.30/Mcf or $2.54/Mcf, as the case may be, and (2) the higher of: (a) the just and reasonable rate determined in these docketed proceedings, by final non-appealable order or (b) the applicable nationwide rate set for gas covered by these 2 applications, as may be established by the Commission or by statute, from time to time. The applicants shall refund any amounts so ordered by the Commission plus simple interest computed at 9 percent per annum to Sea Robin. Subject to all the provisions of this order, if applicants elect to reject pursuant to 18 CFR § 2.75(n), the certificates tendered by the Commission's final order on the merits (no longer subject to rehearing) on the applica-

[2] The 7 offshore Louisiana blocks are: West Cameron (W.C.) 563, 609, 617, Euguene Island (E.I.) 261, 262, 312, and 333.

tions herein, applicants agree to refund with interest the difference between their fixed rates and the applicable nationwide rate for the gas covered by the applications herein, as may from time to time be established by the Commission or by statute.

By the Commission. Commissioner Holden dissenting. Commissioner Hall dissenting.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16283 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-409]

PHILADELPHIA ELECTRIC CO.

Notice of Proposed Tariff Change

JUNE 5, 1978.

Take notice that Philadelphia Electric Co. (PE), on May 31, 1978 tendered for filing proposed changes in its FERC Electric Service Tariff, applicable for service to the Borough of Lansdale. PE indicates that the proposed changes would increase revenues from jurisdictional sales and service by $914,700 based on the twelve-month period ending December 31, 1978. PE proposes an effective date of July 1, 1978.

Copies of the filing were served upon the Borough of Lansdale and the Pennsylvania Public Utility Commission, according to PE.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16138 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-397]

PUBLIC SERVICE CO. OF OKLAHOMA

Notice of Proposed Rate Schedule Change

JUNE 2, 1978.

Take notice that Public Service Co. of Oklahoma (PSO), on May 25, 1978, tendered for filing a Letter Agreement dated May 19, 1978 between PSO and Arkansas Power and Light Co. (AP&L) which provides for PSO to transfer 195,000 megawatthours of its 286,000 megawatthour entitlement for the 1978 summer exchange period. PSO indicates that this entitlement, provided for in the agreement between Tennessee Valley Authority and the Mississippi Power and Light Co., provides for delivery of the allocated diversity capacity and energy within the South Central Electric Co.'s agreement, rate schedule FERC No. 118 with Southwestern Electric Power Co. PSO states that it desires to transfer the energy and acompanying capacity entitlement to reduce its excess reserves in 1978 and AP&L desires to purchase this entitlement for its system requirements in the summer exchange period.

PSO requests waiver of the Commission's notice requirements to allow the proposed sale to become effective as of May 28, 1978.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16139 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-405]

PUGET SOUND POWER & LIGHT CO.

Notice of Proposed Agreement

JUNE 5, 1978.

Take notice that Puget Sound Power & Light Co. (Puget) on May 30, 1978, tendered for filing as a change in rate schedule, FPC Electric Tariff Original Volume No. 3, a Service Agreement dated March 21, 1978, between Puget and the city of Tacoma (Tacoma).

Puget indicates that this Service Agreement is an addition to Service Agreements previously accepted for filing under said FPC Electric Tariff Original Volume No. 3. Puget further indicates that service under FPC Electric Tariff Original Volume No. 3 is non-firm thermal energy delivered from Puget's thermal resources.

Service to Tacoma commenced on March 21, 1978, to meet a short term generating deficiency on Tacoma's system, and Puget requests waiver of the Commission's notice requirements pursuant to 18 CFR, section 35.11 to allow an effective date of March 21, 1978 for said Agreement.

A copy of the filing has been sent to the city of Tacoma, according to Puget.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16140 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-399]

SAFE HARBOR WATER POWER CORP.

Notice of Proposed Rate Schedule Change

JUNE 5, 1978.

Take notice that Safe Water Harbor Power Corp. on May 30, 1978, tendered for filing proposed changes in its rate schedule FPC No. 6 under which it sells its output to its two customers, Baltimore Gas and Electric Co. and Pennsylvania Power & Light Co. The company states that the proposed changes would increase base rate revenues from jurisdictional sales and service by $909,465 based upon the 12-month period ending December 31, 1977.

The company states that it has experienced an inadequate rate of return from its hydroelectric operation and that an increase is necessitated by increased financing costs.

The company proposes an effective date of July 1, 1978. Copies of the filing were served upon the public utility's jurisdictional customers named above, according to the company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE.,

Washington, D.C. 20426 in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16141 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ID-1602]

DEAN B. SEIFRIED

Notice of Application

JUNE 5, 1978.

Take notice that on May 18, 1978, Dean B. Seifried (applicant), filed and application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Chairman of the board of directors and chief executive officer, Orange and Rockland Utilities, Inc., public utility.
Chairman of the board of directors and chief executive officer, Rockland Electric Co., public utility.
Chairman of the board of directors and chief executive officer, Pike County Light & Power Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16132 filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ID-1839]

H. RUSSELL SMITH

Notice of Application

JUNE 5, 1978.

Take notice that on May 19, 1978, H. Russell Smith (applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Southern California Edison Co., public utility.
Director, Beckman Instruments, Inc., manufacturing company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16112 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ID-1599]

JAMES F. SMITH

Notice of Application

JUNE 5, 1978.

Take notice that on May 17, 1978, James F. Smith (applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice chairman of the board of directors and chief financial officer, Orange and Rockland Utilities, Inc., public utility.
Vice chairman of the board of directors and chief financial officer, Rockland Electric Co., public utility.
Vice chairman of the board of directors and chief financial officer, Pike County Light & Power Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16136 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-411]

TAMPA ELECTRIC CO.

Notice of Filing

JUNE 5, 1978.

Take notice that on May 31, 1978, Tampa Electric Co. (Tampa) tendered for filing a contract for economy interchange service between Lake Worth Utilities Authority and Tampa. Tampa asks that the contract be permitted to become effective on June 1, 1978, so that economy interchange transactions between Tampa and Lake Worth may be initiated as soon as possible. Tampa requests waiver of the Commission's notice requirements to allow for such effective date.

Copies of the filing were served upon Lake Worth and the Florida Public Service Commission, according to Tampa.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16143 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-412]

TAMPA ELECTRIC CO.

Notice of Filing

JUNE 5, 1978.

Take notice that on May 31, 1978, Tampa Electric Co. (Tampa) tendered

for filing a contract for economy interchange service between Homestead Municipal Electric Department and Tampa. Tampa asks that the contract be permitted to become effective on June 1, 1978, so that economy interchange transactions between Tampa and Homestead may be initiated as soon as possible. Tampa requests waiver of the Commission's notice requirements to allow for such effective date.

Copies of the filing were served upon Homestead and the Florida Public Service Commission, according to Tampa.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of sections 1.8 and 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to be come a party should file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16095 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-413]

TAMPA ELECTRIC CO.

Notice of Filing

JUNE 5, 1978.

Take notice that on May 31, 1978, Tampa Electric Co. (Tampa) tendered for filing a contract for economy interchange service between Orlando Utilities Commission and Tampa. Tampa asks that the Contract be permitted to become effective on June 1, 1978, so that economy interchange transactions between Tampa and Orlando may be initiated as soon as possible. Tampa requests waiver of the Commission's notice requirements to allow for such effective date.

Copies of the filing were served upon Orlando and the Florida Public Service Commission, according to Tampa.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party should file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16096 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. RP76-99]

TENNESSEE NATURAL GAS LINES, INC.

Notice of Informal Settlement Conference

JUNE 2, 1978.

Take notice that on June 8, 1978, at 10 a.m. an informal conference will be convened of all interested parties to discuss a stipulation that is required to be submitted under ordering paragraphs (B), (C), and (D) of Opinion No. 8, issued February 21, 1978, in this proceeding. The conference will be held in a hearing room at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

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

All parties will be expected to come fully prepared to discuss the merits of all issues arising in this proceeding and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16123 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. CP78-324]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Erratum Notice [1]

Application

JUNE 2, 1978.

Page 1, caption: Change "CP78-334" to read "CP78-324". Page 1, line 3: Change "CP78-334" to read "CP78-324".

[1] See 43 FR 23646, May 31, 1978, FR Doc. 78-14979.

Issued May 23, 1978.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16124 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. RP77-108]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Settlement Conference

JUNE 2, 1978.

Take notice that on June 12, 1978, at 11 a.m. an informal conference will be convened of all interested persons with a view towards settling the issues in the captioned proceeding. The conference will be held in a hearing room at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C.

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

All parties will be expected to come fully prepared to discuss the merits of all issues arising in this proceeding and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16125 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. RP77-107]

UNITED GAS PIPE LINE CO.

Notice of Settlement Conference

JUNE 2, 1978.

Take notice that on June 13, 1978, at 10 a.m. an informal conference will be convened of all interested persons with a view towards settling the issues in the captioned proceeding. The conference will be held in a hearing room at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C.

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

All parties will be expected to come fully prepared to discuss the merits of all issues arising in this proceeding and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settle-

ment or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16126 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ES78-37]

UPPER PENINSULA POWER CO.

Application by Upper Peninsula Power Co. for Authorization To Issue Securities Under Section 204(a)

JUNE 5, 1978.

Take notice that on May 23, 1978, Upper Peninsula Power Co. (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 204(a) of the Federal Power Act, to issue short-term notes of an aggregate principal amount of up to $11,000,000.

The Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Houghton, Mich. The Applicant is engaged in the electric utility business in a 4,460 square mile area in the upper peninsula of Michigan with a population of approximately 140,000.

The Applicant has proposed to issue unsecured promissory notes of a principal amount of up to $11,000,000 outstanding at any one time, payable to such bank or banks from which the Applicant may borrow, for periods not exceeding 12 months from the date of original issuance, extension, or renewal. The notes will be issued on or before June 30, 1979, and will have a final maturity date not later than June 30, 1980. The interest rate on such notes will not exceed 120 percent of the prevailing prime commercial rate in effect from time to time. The notes will not be subject to resale to the public.

The proceeds from the sale of the notes will be used, pending permanent financing, to finance the continuation of the Applicant's construction program and the purchase of fuel supplies through June 30, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1978.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16127 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ES78-38]

UPPER PENINSULA GENERATING CO.

Application by Upper Peninsula Generating Co. for Authorization To Issue Securities Under Section 204(a)

JUNE 5, 1978.

Take notice that on May 23, 1978, Upper Peninsula Generating Co. (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 204(a) of the Federal Power Act, to issue short-term notes and bankers' acceptances of an aggregate principal amount of up to $40,000,000.

The Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Houghton, Mich. The Applicant is engaged in generation and transmission of electric energy for sale to its owners, Upper Peninsula Power Co. and Cliffs Electric Service Co.

The Applicant has proposed to issue unsecured promissory notes and bankers' acceptances of a principal amount of up to $40,000,000 outstanding at any one time, payable to such bank or banks from which the Applicant may borrow, for periods not exceeding 12 months from the date of original issuance, extension or renewal. The notes and bankers' acceptances will be issued on or before July 1, 1979, and will have a final maturity date not later than July 1, 1980. The interest rate on such notes and bankers' acceptances will not exceed 120 percent of the prime rate in effect at the time of issue. The notes and bankers' acceptances will not be subject to resale to the public.

The notes and bankers' acceptances proposed to be issued would be in addition to short-term notes of an aggregate principal amount not exceeding $30,000,000 at any one time, which the Applicant may issue under a revolving credit agreement authorized by the Commission in docket No. E-9461.

The proceeds from the sale of the notes and bankers' acceptances will be used for the purchase of coal supplies through July 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16128 Filed 6-9-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-473]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

JUNE 5, 1978.

The Applications listed herein have been found, upon initial review, to be Acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1). Effective March 6, 1978, all applications accepted for filing will be assigned Call Signs. However these assignments are for administrative purposes only and do not in any way prejudice Commission actions.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

309-CSG-R-78 Communications Satellite Corp. (WA20), Andover, Maine. Renewal of this stations license, which includes ANDOVER 3, until: June 30, 1979.

654-DSE-AL-78 Don Corbitt, d.b.a. Cobre Valley Cablevision (KF94), Globa, Ariz. Application for consent to assignment of license from Cobre Valley Cablevision to Cablecom-General, Inc.

[FR Doc. 78-16182 Filed 6-9-78; 8:45 am]

[6720-01]

FEDERAL HOME LOAN BANK BOARD

[No. AC-49]

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF SUFFOLK, VA.

Notice of Approval of Conversion Application Notice of Final Action

JUNE 7, 1978.

Notice is hereby given that on May 18, 1978, the Federal Home Loan Bank

Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 78-310 approved the application of First Federal Savings and Loan Association of Suffolk, Suffolk, Va. for permission to convert to a Virginia stock association. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 1700 G Street NW., Washington, D.C. 20552, and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Station NW., Atlanta, Ga. 30343.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-16186 Filed 6-9-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

O'CONNELL DISTRIBUTING CO., INC.

Notice of Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat, 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 3, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreements Nos.: T-2966-2, T-2966-A-1 and T-2966-B-1.

Filing Party: Mr. J. L. Haskell, acting municipal port director, 500 North Harbor Drive, Milwaukee, Wis. 53202.

Summary: O'Connell, Distributing Co., Inc., (ODC) and the Domtar Industries, Inc., (Domtar) have filed a single document amending Agreements Nos. T-2966, T-2966-A and T-2966-B. The document provides for ODC's assignment of its right, title and interest in the following agreements: (1) Agreement No. T-2966, as amended, which provides for the lease of a port terminal facility designated as Municipal Bulk Terminal No. 1; (2) Agreement No. T-2966-A which provides for the lease of Jones Island Dock and property containing approximately 4.004 acres; and (3) Agreement No. T-2966-B which provides for the lease of 1.13 acres of land located south of east Bay Street. The City of Milwaukee consents and approves of the assignment by ODC to Domtar. The modification bears the numbers FMC Nos. T-2966-2, T-2966-A-1 and T-2966-B-1, respectively.

Agreements Nos.: T-2966-3 and T-2966-B-2.

Filing Party: Mr. J. L. Haskell, acting municipal port director, 500 North Harbor Drive, Milwaukee, Wis. 53202.

Summary: City of Milwaukee (City) and Domtar Industries, Inc., (Domtar) have filed a single document amending Agreements Nos. T-2966 and T-2966-B. The agreement modifies Agreement No. T-2966 between the parties which provides for the lease of Municipal Terminal No. 1. The purpose of the agreement is as follows: (1) provide for the relocation of Domtar in the event City determines to introduce, on Municipal Terminal No. 1, a competitive stevedoring business handling breakbulk cargo and containers; (2) increase minimum guaranteed annual rental to $25,000 payable in equal monthly installments of $2,083.34; (3) delete paragraph 4 of the basic agreement providing for Domtar to furnish a cash deposit, negotiable securities or letter of credit with respect to the payment of rent; and (4) increase the load limitation to 750 pounds per square foot. In addition, the agreement modifies Agreement No. T-2966-B which provides for the lease of 1.13 acres of land located south of East Bay Street. The purpose of the modification is to: (1) increase the monthly rental to $489.76; and (2) convert the month-to-month lease to a lease which expires May 31, 1980. The modification bears the numbers FMC Nos. T-2966-3 and T-2966-B-2, respectively.

Agreement No. T-3014.

Filing party: Mr. Karl B. Eckhardt, Jr., vice President, general Manager, Atlantic division, Prudential Lines, Inc., One World Trade Center, Suite 3601, New York, N.Y. 10048.

Summary: Agreement No. T-3014, between Compania Anonima Venezolana De Navegacion (CAVN), Compania Peruana De Vapores (CPV) and Prudential Lines, Inc. (Prudential), provides for the sharing on a tonnage basis, of a leasehold expenses (including rent) of Pier 1, Brooklyn, N.Y., under a joint lease with the Port Authority of New York and New Jersey (known as F.M.C. Agreement No. T-3658), and the sharing, on the same basis, of any revenues from use of the pier by others. Universal Marine Service Corp. will provide stevedoring at the Pier under separate contract with Prudential, CAVN and CPV. CAVN will administer the various affairs related to the joint terminal lease by the parties as the representative for the parties.

Agreement No. T-3658.

Filing Party: Albert B. Dearden, deputy chief, leases and operating agreements division, The Port Authority of New York and New Jersey, One World Trade Center, New York, N.Y. 10048

Summary: Agreement No. T-3658, between the Port Authority of New York and New Jersey (Port) and Prudential Lines, Inc., C.A. Venezolana de Navegacion and Compania Peruana de Vapores (collectively called "the Lines"), provides for the month-to-month lease of Pier 1 at the Brooklyn-Port Authority Marine Terminal, New York, N.Y., for use by the Lines as a public marine terminal facility. As compensation, the Lines will pay the Port the greater of $2 multiplied by the revenue tons handled at the facility, or $327,750 per annum, not to exceed a maximum annual payment of $655,500. The Lines will be subject to all Port rules and regulations, including tariffs, and will have the exclusive right to collect warfage and dockage from all vessels calling at the facility.

Agreement No. T-3659.

Filing Party: Mr. Richard L. Landes, deputy city attorney, City Hall, 333 West Ocean Boulevard, Long Beach, Calif. 90802.

Summary: Agreement No. T-3659, between City of Long Beach and Marine Terminals Corporation (MTC), provides for the five-year lease of approximately 70,270 square feet together with an office building and a garage and gear storage building located in the Harbor District of Long Beach, Calif. The premises will be used for the storage and maintenance of stevedoring equipment, for vehicular parking, for the operation of an office, and for other pruposes incidental to MTC's stevedoring, container freight station and terminal operations business. As compensation, MTC will pay $3,640 per month as rental plus utility charges. Upon approval, Agreement No. T-3659 will supersede Agreement No. T-2783.

Agreement No. 2846-37.

Filing Party: David C. Jordan, Esq., Billig, Sher & Jones, P.C., 2033 K Street NW., Washington, D.C. 20006.

Summary: Agreement No. 2846-37 would amend Article 24 of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference Agreement (WINAC) to (1) provide that conference expenses shall be allocated among the member lines as they shall by a four-fifths vote determine, and (2) increase the dual deposit for current conference expenses required of member lines from 500,000 Italian lire and four hundred dollars ($400) to, respectively, three-million Italian lire and three thousand four hundred dollars ($3,400).

Agreement No. 8900-9.

Filing Party: John R. Attanasio, Esq., billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

Summary: Agreement No. 8900-9 would expand the scope of the "8900" Lines Rate Agreement to provide for the movement of cargo under through bills of lading to interior points in Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates. In addition, the instant agreement provides that the parties may (1) enter into arrangements with inland carriers; (2) agree on rates, rules, charges, classifications, practices, etc., or any other matter ancillary to the transportation and handling of intermodal shipments; and (3) individually alter any rate, rule, charge, etc. agreed upon with respect to the movement of cargo to inland points on 48 hours' notice to the other parties.

By Order of the Federal Maritime Commission.

Dated: June 7, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-16200 Filed 6-9-78; 8:45 am]

[6730-01]

SECURITY FOR THE PROTECTION OF THE PUBLIC; FINANCIAL RESPONSIBILITY TO MEET LIABILITY INCURRED FOR DEATH OR INJURY TO PASSENGERS OR OTHER PERSONS ON VOYAGES

Issuance of Certificate

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, La. 70150.

Dated: June 7, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-16198 Filed 6-9-78; 8:45 am]

[6730-01]

SECURITY FOR THE PROTECTION OF THE PUBLIC; INDEMNIFICATION OF PASSENGERS FOR NONPERFORMANCE OF TRANSPORTATION

Issuance of Certificate

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, La. 70150.

Dated: June 7, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-16199 Filed 6-9-78; 8:45 am]

[1505-01]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

Correction

In FR Doc. 78-14547 appearing at page 22768 of the issue of Friday, May 26, 1978, at page 22770 under the brand name "Vantage", the second listing for "King size, filter" should read "King size, filter, menthol" and the listing for "100 mm, filter, menthol" should read "100 mm, filter".

[6820-24]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 66; Docket No. ER-78-337]

FEDERAL ENERGY REGULATORY PROCEEDING, PUBLIC SERVICE COMPANY OF NEW MEXICO

Proposed Intervention in Utility Rate Proceeding

The Administrator of General Services seeks to intervene in a proceeding before the Federal Energy Regulatory Commission involving an application of Public Service Company of New Mexico for an increase in rates charged for wholesale electric service. The Administrator of General Services represents the interests of the executive agencies of the United States Government as consumers of electricity services.

Persons desiring to make inquiries of GSA concerning this case should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, telephone 202-566-0726, on or before July 12, 1978, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act (40 U.S.C. 481(a)(4)).)

Dated: May 31, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-16089 Filed 6-9-78; 8:45 am]

[6820-24]

[Intervention Notice; Docket No. 78-03514]

UTAH PUBLIC SERVICE COMMISSION, UTAH POWER & LIGHT CO.

Proposed Intervention in Utility Rate Proceeding

The Administrator of General Services seeks to intervene in a proceeding before the Utah Public Service Commission involving an application of the Utah Power & Light Co. for an increase in rates charged for intrastate electric service. The Administrator of General Services represents the interests of the executive agencies of the United States Government as consumers of electric utility services.

Persons desiring to make inquiries of GSA concerning this case should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets NW, Washington, D.C. 20405, telephone 202-566-0726, on or before July 12, 1978, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, (40 U.S.C. 481(a)(4)).)

Dated: May 31, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-16090 Filed 6-9-78; 8:45 am]

[4110-12]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Part S (Social Security Administration) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare, 33 FR 5836-5837, dated April 16, 1968, as amended, including as pertinent here, the additional amendments made by 38 FR 15648, dated June 14, 1973; 38 FR 32828, dated November 28, 1973; 39 FR 37796, dated October 24, 1974; 40 FR 42233, dated September 11, 1975; and 41 FR 52724 dated December 1, 1976, is hereby further amended to add the following subsection at the end of the section on Delegations of Authority to the Commissioner of Social Security:

Authority vested in the Secretary under section 405 of Pub. L. 95-216, enacted on De-

cember 20, 1977, which authorizes and directs the Secretary to pay States amounts equal to the amounts expended by States for erroneous supplementary payments to aged, blind or disabled individuals where it has been determined, through an audit by the Department of Health, Education, and Welfare, which has been reviewed and concurred in by the Department's Inspector General, that: such erroneous State payments were paid during calendar year 1974, pursuant to an agreement with the particular State under section 212(a) of Pub. L. 93-66, or paid by that State as an optional State supplementation, as defined in section 1616 of the Social Security Act; such payments were made as a result of the State's good faith reliance on erroneous or incoplete information supplied by the Department of Health, Education, and Welfare through the State data exchange, or good faith reliance on incorrect supplemental security income benefit payments; and recovery of such State payments would be impossible or unreasonable.

This delegation is effective as of the date that this General Notice thereof is published in the FEDERAL REGISTER (June 12, 1978). The Commissioner or Acting Commissioner of Social Security may redelegate this authority. Any actions taken prior to the date that notice of this delegation is published in the FEDERAL REGISTER, by the Commissioner, the Acting Commissioner, or any other properly authorized SSA official which, in effect, involve the exercise of authority formally delegated by this document, are hereby affirmed and ratified.

Dated: May 29, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

[FR Doc. 78-16148 Filed 6-9-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-78-878]

PROPOSED NEW SYSTEMS OF RECORDS

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed new systems of records.

SUMMARY: As required by law (5 U.S.C. 552a), the Secretary is publishing for comment three new systems of records that are maintained by the Department. The proposed new records systems are: (1) "Executive Personnel Files" consisting of skills and attributes data pertaining to executive staff, (2) "Telephone Numbers of HUD Officials" consisting of names, titles, and home phone numbers of executive officials, and (3) "Adverse and Disciplinary Actions and Employee Grievance Records" consisting of records affecting individual employees.

EFFECTIVE DATE: These systems shall become effective as proposed without further notice on July 12, 1978, unless comments are received on or before July 12, 1978, which would result in a contrary determination.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold Rosenthal, Departmental Privacy Act Officer, 202-755-5192.

SUPPLEMENTARY INFORMATION: Reports describing these new systems are being filed, concurrently with this publication, with the Speaker of the House, the president of the Senate, and the Office of Management and Budget. The Department requested a waiver of the Office of Management and Budget 60-day advanced notice requirement because these systems existed prior to September 27, 1975. A notice for each of these systems was omitted from the original notices published on August 28, 1975, at 40 FR 29729, due to administrative oversight and suspending operation of these systems would adversely affect the public interest.

The prefatory statement containing general routine uses applicable to all of the Department's systems of records was published at 42 FR 54756 (October 7, 1977). Appendix A which lists the addresses of HUD's field offices was published at 42 Fr 54777 (October 7, 1977).

It is hereby certified that the economic impact of this proposed notice has been carefully evaluated in accordance with OMB Circular A-107.

HUD/DEPT-55

System name:

Executive Personnel Files.

System location:

Headquarters office.

Categories of individuals covered by the system:

Executive employees, namely, executive levels, supergrades, schedule C's, experts and consultants, field office directors, and high potential senior level employees.

Categories of records in the system:

Data pertaining to experience, training, education, achievements, personal activities, potential and career objectives, and evaluation of these skills and attributes.

Routine uses of records maintained in the system, including categories of users and purposes of such uses:

See routine uses paragraph in prefatory statement. Other routine uses; to former employers, education, institutions, and references for information verification.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storage:

Paper records in file cabinets.

Retrievability:

Name of applicant or HUD organization.

Safeguards:

Records are maintained in locakable file cabinets with access limited to authorized personnel.

Retention and disposal:

Retained during active status and then disposed, usually 3 years.

System manager and address:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure:

For information, assistance, or inquiry about the existence of records, contact the Privacy Act officer at the headquarters location, in accordance with 24 CFR Part 16. This location is given in appendix A.

Record access procedure:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act officer at the headquarters location. This location is given in appendix A.

Contesting record procedures:

The Department's rules for contesting the contents of records and appealing initial denials, by the individuals concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act officer at the headquarters location. This location is given in appendix A. (ii) In relation to appeals of initial denials, the HUD departmental privacy appeals officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories:

Subject individuals, former employers and references.

HUD/DEPT-56

System name:

Telephone Numbers of HUD Officials.

System location:

Headquarters office.

Categories of individuals covered by the system:

HUD senior staff officials.

Categories of records covered by the system:

Name, title, and home phone number.

Routine uses of records maintained in the system, including categories of users and purposes of such uses:

See routine uses paragraph in prefactory statement. Other routine uses; Executive Office of the President for identification and communication with key staff.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Bookcase of Director, Office of Executive Secretariat.

Retrievability:

Office, name, and title.

Safeguards:

Records are maintained in lockable room with access limited to authorized personnel.

Retention and disposal:

Records are revised as personnel and telephone numbers change. When records are revised, older records are destroyed.

System manager and address:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure:

For information, assistance, or inquiry about the existence of records, contact the Privacy Act officer at the headquarters location, in accordance with 24 CFR Part 16. This location is given in appendix A.

Record access procedure:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act officer at the headquarters location. This location is given in appendix A.

Contesting record procedures:

The Department's rules for contesting the contents of records and appealing initial denials, by the individuals concerned, appear in 24 CFR Part 16. If additional information or assistance is needed it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act officer at the headquarters location. This location is given in appendix A; (ii) in relation to appeals of intitial denials, the HUD departmental privacy appeals officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories:

Subject individuals.

HUD/DEPT-57

System name:

Adverse and Disciplinary Action and Employee Grievance Records.

System location:

Many regional, area, and insuring offices, as well as the headquarters office, maintain files of this type. For a complete listing of these offices, with addresses, see appendix A.

Categories of individuals covered by the system:

Present and former HUD employees.

Categories of records in the system:

Records contain information or documents relating to a decision or determination made by HUD affecting an individual. Records include classification appeals, performance grievance files, adverse action files, and negative determinations in acceptable level of competence (denial of within-grade increases).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See routine uses paragraphs in prefatory statement. Other routine uses: to non-HUD grievance examiners to adjudicate employee grievances; to Civil Service Commission to adjudicate appeals.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Name of subject.

Safeguards:

Files are maintained in lockable file cabinets and desks with access limited to authorized persons.

Retention and disposal:

Adverse action files retained for 4 years after case is closed and then destroyed; grievance files retained for 3 years after case is closed unless case goes to arbitration and therefore retained for 5 years after case is closed.

System manager and address:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure:

For information, assistance, or inquiry about existence of records, contact the Privacy Act officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in appendix A.

Record access procedures:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act officer at the appropriate location. A list of all locations is given in appendix A.

Contesting record procedures:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act officer at the appropirate location. A list of all locations is given in appendix A; (ii) in relations to appeals of initial denials, the HUD departmental privacy appeals officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories:

Subject individual, supervisors, other HUD officials, HUD investigation files and pay and leave records of employees, and Civil Service Commission.

(5 U.S.C. 552a, 88 Stat. 1896; sec. 7(d) Department of HUD Act (42 U.S.C. 3535 (d)).)

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

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc. 78-16197 Filed 6-9-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

THREATENED SPECIES PERMIT

Receipt of Application

The applicants listed below wish to apply for Captive Self-Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR

17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240. Interested persons may comment on these applications on or before July 12, 1978 by submitting written data, views, or arguments to the Director at the above address.

Clifford M. Elbert, 12520 Kent Kangley Road, Kent, Wash. 98031, PRT 2-2537.
Applicant: W. Grady Fort II, 17191 Hillwood Drive, Yorba Linda, Calif. 92686, PRT 2-2533.

Please refer to the individual applicant and the appropriately assigned PRT 2- file number when submitting comments.

Dated: June 7, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-16172 Filed 6-9-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: National Zoological Park, Washington, D.C. 20008.

The applicant requests a permit to take (capture) 4-6 female prairie dogs (*Cynomys parvidens*) in Utah with the assistance of the Utah Division of Wildlife Resources, for enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2539. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before July 12, 1978. Please refer to the file number when submitting comments.

Dated: June 7, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-16174 Filed 6-9-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: B. Riley McClelland, School of Forestry, University of Montana, Missoula, Mont. 59812.

The applicant requests a permit to take (capture) bald eagles (*Haliaeetus leucocephalus*) for banding and marking in Glacier National Park.

Document and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2552. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before July 12, 1978. Please refer to the file number when submitting comments.

Dated: June 7, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch
Federal Wildlife Permit Office.

[FR Doc. 78-16175 Filed 6-9-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: Winston Paul Smith, Department of Fisheries and Wildfish, Nash Hall, Corvallis, Oreg. 97331.

The applicant requests a permit to take (capture) and salvage Columbian white-tailed deer (*Odocoileus virginianus leucurus*) for scientific research in Douglas County, Oreg. Deer will be captured using box traps or immobilizing drugs in order to take measurements and mark with observation and/or radio collars.

Document and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2551. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before July 12, 1978. Please refer to the file number when submitting comments.

Dated: June 7, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch
Federal Wildlife Permit Office.

[FR Doc. 78-16173 Filed 6-9-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[TA-201-34]

CERTAIN FISHING TACKLE

Change of Hearing Date and Notice of Hearing Time and Site

Notice is hereby given that the date for the public hearing in the Commission's Investigation No. TA-201-34, Certain Fishing Tackle, an investigation under section 201(b) of the Trade Act of 1974 (19 U.S.C. 2251(b)), previously announced by public notice in the FEDERAL REGISTER of April 4, 1978 (43 FR 14156), as beginning on Tuesday, June 13, 1978, has been changed to Tuesday, June 27, 1978.

The public hearing will commence at 9:30 a.m., C.D.T. in Chicago, Ill., in Room 3619 of the Federal Building, 230 South Dearborn Street. Requests for appearances at he hearing should be received in writing by the Secretary of the Commission at his office at 701 E Street NW., Washington, D.C. 20436, not later than noon of Thursday, June 22, 1978.

Inspection of the petition. The petition filed in this matter is available for public inspection at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and at the New York City office of the U.S. International Trade Commission located at 6 World Trade Center.

By order of the Commission.

Issued: June 7, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-16213 Filed 6-9-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-44]

CERTAIN ROLLER UNITS

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in connection with the above-styled investigation at 10 a.m. on June 21, 1978, in the Hearing Room of the Administrative Law Judge, Room 610, Bicentennial Building, 600 E Street NW., Washington, D.C. On or before June 15, 1978, the parties will have completed service of prehearing conference statements by order of the Presiding Officer. The purpose of this prehearing conference is to review such statements, complete the exchange of exhibits, and resolve any other necessary matters in preparation for the hearing.

Notice is also given that the hearing in this proceeding will commence at 10

a.m. on June 27, 1978, in the Hearing Room of the Administrative Law Judge, Room 610, Bicentennial Building, 600 E Street NW., Washington, D.C., and will continue daily until completed.

The Secretary shall serve a copy of this Notice upon all parties of record, and shall publish this notice in the FEDERAL REGISTER.

Issued June 2, 1978.

JUDGE DONALD K. DUVALL,
Presiding Officer.

[FR Doc. 78-16214 Filed 6-9-78; 8:45 am]

[7537-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THEATRE ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Theatre Advisory Panel to the National Council on the Arts will be held June 23, 1978, from 9:30 a.m. to 5:30 p.m.; June 24, 1978, from 9:30 a.m. to 5:30 p.m.; and June 25, 1978, from 9:30 a.m. to 5 p.m., at the Essex House, 160 Central Park South, New York, N.Y.

A portion of this meeting will be open to the public on June 25, 1978 from 1:30 p.m. to 5 p.m. The topic of discussion will be program guidelines.

The remaining sessions of this meeting on June 23, 1978, from 9:30 a.m. to 5:30 p.m.; June 24, 1978, from 9:30 a.m. to 5:30 p.m.; and June 25, 1978, from 9:30 a.m. to 1:30 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

Dated: June 2, 1978.

JOHN H. CLARK,
Director, Office of Council and Panel Operation, National Endowment for the Arts.

[FR Doc. 78-16178 Filed 6-9-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON NAVAL REACTORS/NAVAL OPERATIONS

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.) the ACRS Subcommittee on Naval Reactors/Naval Operations will meet on June 29, at the Kenneth H. Kesselring Site, a U.S. Government-owned reservation in Saratoga County, N.Y. This meeting will be closed to the public.

The Subcommittee will meet in closed session with its consultants, members of the NRC staff, representatives of the Division of Naval Reactors, Department of Energy (DOE), and their contractors, to exchange opinions and discuss preliminary views and recommendations related to proposed operation of the S8G prototype. The discussion of the S8G prototype will be based on documents classified as confidential restricted data as defined by the Atomic Energy Act of 1954.

I have determined in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to close this meeting which will consist of matters specifically exempted from disclosure by statute (5 U.S.C. 552b(c)(1)).

Dated: June 7, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-16166 Filed 6-9-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE NEW ENGLAND POWER COMPANY NUCLEAR PROJECT, NEP UNITS 1 AND 2

Meeting

The ACRS Subcommittee on the New England Power Co. Nuclear Project, NEP units 1 and 2, will hold a meting on June 28-29, 1978, at the Cranston Hilton Inn, Route 1A, Cranston, R.I. 02905, to review the application of the New England Power Co. for a permit to construct units 1 and 2 of this project.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the designated Federal employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Wednesday, June 28, 1978—6 p.m. until the conclusion of business. Thursday, June 29, 1978—8 a.m. until the conclusion of business.

The Subcommittee may meet in executive session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the executive session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, the New England Power Co., and their consultants, pertinent to this review.

The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discusscd. whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the designated Federal employee for this meeting, Mr. Robert L. Wright, Jr., telephone 202-634-1919, between 8:15 a.m. and 5 p.m., e.d.t.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Cross Mill Public Library, Old Post Road, Charlestown, R.I. 02831.

Dated: June 7, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-16165 Filed 6-9-78; 8:45 am]

[7590-01]

[Docket No. 50-334]

DUQUESNE LIGHT COMPANY, ET AL. (BEAVER VALLEY POWER STATION, UNIT NO. 1)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this spent fuel pool modification proceeding:

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Dr. W. Reed Johnson

Dated: June 5, 1978.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc. 78-16078 Filed 6-9-78; 8:45 am]

[7590-01]

[Docket No. 40-8681]

ENERGY FUELS NUCLEAR, INC., WHITE MESA URANIUM PROJECT, SAN JUAN COUNTY, UTAH

Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, Energy Fuels Nuclear, Inc., has filed an environmental report in support of their application for a source material license for the White Mesa Uranium Project located in San Juan County, Utah. The report, which discusses environmental considerations related to the proposed acid leach uranium mill is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. Copies of the report are also being made available at the Utah State Clearinghouse, Utah Planning Coordinator, Office of the Governor, State Capitol Building, Salt Lake City, Utah 84114 and the Southeastern Utah Association of Governments, Post Office Box 686, 109 South Carbon Avenue, Price, Utah 84501.

After the environmental report has been analyzed by the staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Silver Spring, Md., this 2d day of June, 1978.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Chief, Fuel Processing & Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 78-16079 Filed 6-9-78; 8:45 am]

[7590-01]

[Docket No. 50-335]

FLORIDA POWER AND LIGHT CO.

Issuance of amendment to facility operating license

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. DPR-67 issued to Florida Power and Light Co. (the licensee), which revised the license and its appended Technical Specifications for operation of St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Fla. The amendment is effective as of its date of issuance.

The amendment authorizes:

(1) Technical Specification changes resulting from the analyses of Cycle 2 reload fuel;

(2) Technical Specification changes to include consideration of a new water hole peaking factor;

(3) Operation with sleeved Control Element Assembly (CEA) guide tubes;

(4) Deletion of certain license requirements that have been completed;

(5) Technical Specification changes authorizing the removal of all part length control element assemblies;

(6) Resistance Temperature Detector testing requirements; and

(7) Extenstion of time to install neutron shielding.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with Items (1) and (3) above was published in the FEDERAL REGISTER on April 18, 1978 (43 FR 16435). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action. Prior public notice of the other items was not required since the items do not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated March 3 and 22, April 4, 5, 12 and 28, and May 1, 1978, as supplemented April 17 and 21, and May 11, 19, 22 and 23, 1978, (2) Amendment No. 27 to License No. DPR-67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Fla. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md. this 26th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-16080 Filed 6-9-78; 8:45 am]

[7590-01]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO. et al.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Co., Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of the date of issuance.

The amendment incorporates fire protection Technical Specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. The amendment also adds a license

condition that approves and requires completion of fire protection system modifications. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

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 is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an envirnonmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 26, 1977, as supplemented by letter dated December 9, 1977, (2) the Commission's letter of November 23, 1977, transmitting proposed interim Technical Specifications on fire protection and a related Safety Evaluation, (3) Amendment No. 43 to License No. DPR-49, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue SE., Cedar Rapids, Iowa 52401. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this first day of June 1978

For The Nuclear Regulatory Commission.

GEORGE LEAR,
Chief Operating Reactors Branch No. 3 Division of Operating Reactors.

[FR Doc. 78-16081 Filed 6-9-78; 8:45 am]

[7590-01]

[Docket Nos. STN 50-522, STN 50-523]

PUGET SOUND POWER AND LIGHT CO., ET AL. (SKAGIT NUCLEAR POWER PROJECT, UNITS 1 AND 2)

Order Modifying Agenda for Evidentiary Hearing To Convene on June 20, 1978

The Atomic Safety and Licensing Board has been in telephonic communication with the attorneys for the parties to this proceeding in a conference call initiated by the Regulatory Staff of the Commission respecting the advisability of further exploratory investigation of geologic and seismic matters in areas in the general vicinity of the proposed Skagit nuclear power site. In view of that discussion, it appears desirable to modify the Board Order issued on May 16, 1978 (43 FEDERAL REGISTER 21,957, May 22, 1978) setting forth the items to be considered at the evidentiary hearing scheduled to convene at 9 a.m. on Tuesday, June 20th in Seattle. The attorneys for the parties have indicated that consideration is being given to the advisability of further exploratory work, and one of the parties desires to suggest certain aspects that might be included in the exploratory work.

In addition to the foregoing, intervenor generally identified as SCANP, has filed a motion to reopen the record of the proceedings to consider further the need for power. The time for answers to that motion has not yet expired and opportunity should be given to consider this matter further at the June 20, 1978 evidentiary session.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that the evidentiary session in this proceeding scheduled by Order of the Atomic Safety and Licensing Board dated May 16, 1978 shall include for consideration in addition to the items recited in the May 16, 1978 Order various aspects and matters pertaining to the advisability and scope of further exploratory and investigative work related to geologic and seismic considerations affecting the site proposed for the construction and operation of the Skagit nuclear power facility.

The June 20, 1978 evidentiary session will also consider the motion and answers thereto respecting reopening the record to further consider the need for power from the proposed Skagit facility. This matter will be considered at the commencement of the session on June 20th, and a recess will be taken for the afternoon of June 20th in order to permit one of the attorneys in this proceeding to present an argument to the Court of Appeals of the State of Washington. The evidentiary hearing will reconvene at 9 a.m. on Wednesday, June 21, 1978 at the same place in Seattle, Wash.

Issued: June 5, 1978, Bethesda, Md.

ATOMIC SAFETY AND LICENSING BOARD,

SAMUEL W. JENSCH,
Chairman.

[FR Doc. 70-16082 Filed 6-9-78; 8:45 am]

[7590-01]

[Docket No. 50-346]

THE TOLEDO EDISON CO. AND THE CLEVELAND ELECTRIC ILLUMINATING CO. DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. NPF-3, issued to the Toledo Edison Co. and the Cleveland Electric Illuminating Co., for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

The amendment removes a condition which stipulated the amount of time allowed from date of issuance of the operating license for completing the installation of flow measuring devices to be used for boron dilution control.

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 1, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action see: (1) Amendment No. 10 to License No. NPF-3, and (2) the Commission's related Safety Evaluation supporting Amendment No. 10 to License No. NPF-3. 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 Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio 43452. A copy of items (1) and (2) 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 26th day of May 1978.

For The Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc. 78-16083 Filed 6-9-78; 8:45 am]

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

REVIEW PANEL ON DAM SAFETY PROGRAMS

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Review Panel on Dam Safety Programs.
Date: June 28, 1978.
Time: 9:30 a.m. to 4 p.m.
Place: Room 3025, New Executive Office Building, Washington, D.C. 20500.
Type of Meeting: Open.
Contact Person: Mr. William Montgomery, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-4692.
Summary Minutes: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.
Purpose of Review Panel: The Office of Science and Technology Policy, in accordance with the statutory mandate to analyze and interpret significant developments and trends in science and technology and relate these to their impact on the achievement of national goals and objectives, is reviewing the activities and plans appropriate to the Federal, State, local government units, and the private sector to insure the safety of dams which are in any way affected by a Federal role.
Agenda: 9:30 a.m. to 4 p.m.—a discussion of draft materials prepared as part of the policy review process for the President.

WILLIAM J. MONTGOMERY,
Executive Officer.

[FR Doc. 78-16234 Filed 6-9-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 10263; 812-4233]

FEDERATED OPTION INCOME FUND, INC., FEDERATED HIGH INCOME SECURITIES, INC., AND FEDERATED SECURITIES CORP.

Application for Order to Permit Offers of Exchange, and for Exemption From Provisions

JUNE 2, 1978.

Notice is hereby given that Federated Option Income Fund, Inc. ("Option Fund"), Federated High Income Securities, Inc. ("Income Fund"), both of which are registered under the Investment Company Act of 1940 ("Act") as open-end, diversified management investment companies, and Federated Securities Corp. ("FSC"), (collectively, "Applicants"), 421 Seventh Avenue, Pittsburgh, Pa. 15219, filed an application on November 23, 1977, and amendments thereto on March 7, 1978, April 12, 1978, and May 16, 1978, for an order of the Commission (1) pursuant to Section 11(a) of the Act permitting shareholders of the Income Fund and Option Fund to exchange their shares on a basis other than the relative net asset values of the securities to be exchanged, and (2) pursuant to Section 6(c) of the Act granting an exemption from Section 22(d) of the Act and Rule 22d-1 thereunder in connection with such exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

FSC, registered as a broker-dealer under the Securities Exchange Act of 1934, is a wholly-owned subsidiary of Federated Investors, Inc. FSC acts as the principal distributor for the Option Fund.

Applicants state that the Option Fund's investment objective is to seek high current return by investing primarily in high quality, dividend paying common stocks, selling covered call options on such stocks, and entering into closing purchase transactions with respect to certain of such call options. On January 10, 1978, the Option Fund commenced a continuous public offering of its shares. The sales load imposed on such offering is 8.5 percent of the purchase price on purchases of less than $15,000 and is reduced on larger purchases.

According to the application, the Income Fund's investment objective is to seek high interest income by investing primarily in a diversified portfolio of professionally managed fixed income securities. The underwriting discount imposed on the initial offering, which closed December 29, 1977, was 5 percent on the purchase of 999 shares or less, at a public offering price of $15 per share, in a single transaction, such discount also diminishing as the number of shares purchased increased.

Applicants assert that on January 18, 1978, the Income Fund commenced a continuous public offering of its shares. The sales load imposed on the continuous offering is 6.5 percent of the purchase price on purchases of less than $15,000 and is reduced on larger purchases.

Applicants state that the Income Fund has filed an application with the Commission, separate and distinct from the instant application, seeking an order which, if granted, would permit investors who purchased shares of the Income Fund in its initial offering to make additional purchases for a 12 month period from the closing date of the initial offering at the same sales charge applicable to the initial offering, rather than the higher sales charge which will be applicable to the continuous offering. The instant application involves proposed offers of exchange ("Exchange Privilege").

Applicants propose to allow shareholders of the Income Fund who purchase shares of that Fund either in its initial offering or in its continuous offering to exchange all or part of their shares of the Income Fund for shares of the Option Fund on the basis of their relative net asset values plus a sales charge equal to the difference between the sales charge paid on the shares of Income Fund and the sales charge described in the Option Fund prospectus at the time of exchange. According to the application, a shareholder's investment dealer and the Option Fund's distributor will receive the additional sales load paid by the shareholder exercising the Exchange Privilege. However, the amount that the investment dealer receives as additional sales charge, when added to the amount he received on the initial sale of the Income Fund shares being exchanged, will not be greater than the amount the investment dealer would have received had he made the sale of the Option Fund shares initially.

Applicants submit that all exchanges will be made in accordance with an accumulation privilege described in the Option Fund prospectus at the time of exchange. The result, the application states, is that if a shareholder owns shares of both the Option Fund and the Income Fund and wishes to exchange some or all of his Income Fund shares for additional shares of the Option Fund, he would be permitted to add the Option Fund shares owned to the Option Fund shares to be acquired for the purpose of determining the applicable sales charge on the Option Fund shares to be acquired.

Applicants state that (1) there is no limit on the number of exchanges a shareholder may make, and (2) any Income Fund shares acquired through a dividend reinvestment plan may be exchanged at relative net asset value without a sales charge. Applicants assert that, unless otherwise requested by a shareholder, those shares which may be exchanged at relative net asset value without imposition of a sales charge will be exchanged first, and that the remaining shares to be exchanged will be selected from those shares which are entitled to be exchanged upon payment of the lowest additional sales charge. Applicants further assert that, at present, no transaction fees are charged for an exchange.

According to the application, if the shareholder does not already own

shares of the Option Fund, the minimum amount necessary for an exchange is the same as the minimum initial investment required by the Option Fund, as stated in its prospectus at the time of the exchange. If the shareholder does own shares of the Option Fund, the minimum amount necessary for an exchange is the same as the minimum additional investment required by the Option Fund, as stated in its prospectus at the time of the exchange.

Applicants submit that, in general, (1) a shareholder of the Option Fund may exchange his shares in that Fund for shares of the Income Fund at net asset value, and (2) any shares of the Income Fund so acquired may be reexchanged for shares of the Option Fund at net asset value.

However, Applicants also propose that if, due to the sales charge break points on large sales, the sales charge on shares of the Income Fund is higher than the sales charge paid on the Option Fund, these shares of the Option Fund may be exchanged for shares of the Income Fund at relative net asset values per share plus a sales charge equal to the difference between the sales charge paid on the shares of the Option Fund and the sales charge described in current prospectus of the Income Fund at the time of the exchange, subject to all of the conditions, summarized above, applicable to exchanges from the Income Fund to the Option Fund.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make, or cause to be made, an offer to the shareholder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission.

Accordingly, Applicants request an order of the Commission, pursuant to section 11(a) of the Act, permitting the proposed offers of exchange.

Applicants also request an order exempting the exchanges proposed to be made pursuant to the Exchange Privilege from the provisions of section 22(d) of the Act and Rule 22d-1 thereunder. Section 22(d) provides, in part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. Rule 22d-1 permits certain variations in the sales load, none of which are applicable to the proposed Exchange Privilege.

Applicants assert that if, for example, shares of the Option Fund could be acquired by a shareholder of the Income Fund at net asset value in an exchange, rather than as they propose, such an exhcange would arguably be in violation of section 22(d) of the Act, since an investor would be able to purchase shares of the Option Fund at a sales charge other than that described in its prospectus merely by purchasing shares of the Income Fund and subsequently exchanging those shares at net asset value for shares of the Option Fund.

Applicants assert further that an exchange offer based on the relative net asset values of the prospective securities to be exchanged would result, for example, in shareholders of the Income Fund paying a lesser sales charge for their chares of the Option Fund than similarly situated shareholders of the Option Fund who purchased their shares in accordance with the sales load listed in the Option Fund prospectus.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 27, 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 Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 or 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. 78-16072 Filed 6-9-78; 8:45 am]

[8010-01]

[Rel. No. 10266; 812-4303]

GOVERNMENT SECURITIES TRUST, GNMA SERIES 1 (AND SUBSEQUENT SERIES) ET AL.

Filing of Application for an Order of Exemption

JUNE 2, 1978.

Notice is hereby given that Government Securities Trust, GNMA Series 1 (and Subsequent Series) ("Fund"), a unit investment trust registered under the Investment Company Act of 1940 (the "Act"), and the Fund's sponsors, Loeb Rhoades, Hornblower & Co., Smith Barney, Harris Upham & Co. Inc. and Blyth Eastman Dillon & Co. Inc. ("Sponsors," collectively referrred to with Fund as the "Applicants"), 14 Wall Street, New York, N.Y. 10005, have filed an application on May 2, 1978, and amendments thereto on May 25, and June 2, 1978, pursuant to section 6(c) of the Act for an order of the Commission exempting the Applicants from the provisions of section 14(a) of the Act and rules 19b-1 and 22c-1 thereunder to the extent necessary to permit them to operate in the manner described in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Series 1 of the Fund will be created under Massachusetts law by a trust agreement between the Sponsors, New England Merchants National Bank ("Trustee"), and Interactive Data Services, Inc. ("Evaluator"). In the case of subsequent series of the Fund, Applicants state that one or more additional or fewer investment banking firms may act as sponsor in lieu of Sponsors; that a different bank may act as trustee in lieu of Trustee; and that a different evaluating firm may act as evaluator in lieu of Evaluator. Applicants state, however, that if none of the Sponsors would remain a sponsor as a result of any such substitution, Sponsors shall, as a condition of such substitution, cause to be filed a new registration statement under the Act for the Fund.

Applicants state further that the format of subsequent series of the Fund will follow substantially the same pattern described in the application for Series 1 of the Fund.

Applicants state that, following filings with the Commission under the Securities Act of 1933 (the "1933 Act")

and the Act, relating to each subsequent series of the Fund, there will be a period of accumulation of underlying securities backed by the full faith and credit of the United States (the "Obligations"). The Obligations to be deposited in the Fund, Series 1, will primarily be mortgaged-backed Obligations of the modified pass-through type fully guaranteed as to principal and interest by the Government National Mortgage Association ("GNMA"), although up to 20 percent of the portfolio of other series may be other types of securities backed by the full faith and credit of the United States. Applicants state that subsequent series may contain Obligations issued or guaranteed by the U.S. Government or other U.S. Government agencies or instrumentalities.

Applicants state that, when accumulation of a portfolio is completed, a closing will be held at which the Obligations are deposited with the Trustee. Simultaneously the Trustee will deliver to the Sponsors certificates representing fractional undivided interests ("Units") in the series at the rate of approximately one Unit for each $1,000 principal amount or par or liquidation value of the Obligations deposited, which will, in the aggregate, represent the entire ownership of the series. Applicants state that at the present time the Sponsors intend to deposit with the Trustee approximately $10,000,000 principal amount of Obligations to be included in the portfolio of the Fund, Series 1, but that this figure may be increased or decreased in the case of other series.

The application states that the Units will be offered for sale to the public at a public offering price computed by adding to the offering side evaluation of the Obligations (reflecting the best price at which the Evaluator believes an individual could purchase the particular Obligations), divided by the number of Units, a sales charge (in an amount not exceeding 3.627 percent of such evaluation in the case of the Fund, Series 1). Applicants state that while the public offering price of units will be determined on the basis of offering side evaluation of the Obligations, the value at which Units may be redeemed will be determined on the basis of the bid side valuation thereof (reflecting the best price at which the Evaluator believes an individual could sell the particular Obligations). The application also states that the aggregate offering side evaluation of the Obligations is to be determined by the Evaluator (1) on each business day during the initial public offering period, and (2) on the last business day of each week upon completion of the initial public offering, effective for all sales made during the preceding 24 hours or the following week, respectively.

Sponsors intend to maintain a secondary market for Units of the Fund and to offer to purchase such Units at prices which are based upon the aggregate offering price of the Obligations; however, if the supply of Units of any series exceeds demand, or for some other business reason, the Sponsors may discontinue such purchases of Units of that series. In that event, however, Sponsors state that they may nonetheless purchase Units, as a service to Unitholders, at a price based on the current redemption price for those Units. The application states that if the Sponsors repurchase Units in the secondary market at a price below the offering prices of Obligations in any Fund, they will not resell such Units in the secondary market.

Applicants state that the Sponsors may direct the Trustee to dispose of Obligations upon default in payment of principal or interest which is not promptly cured by the guarantor of the Obligations, default in payment of principal or interest on other obligations backed by the full faith and credit of the United States, institution of certain legal proceedings, decline in price or the occurrence of other market or credit factors which, in the opinion of the Sponsors, may make the retention of such Obligations in the fund detrimental to the interests of the Unitholders, or if the disposition of such Obligations is desirable in order to maintain the qualification of the Fund as a regulated investment company under the Internal Revenue Code.

According to the application, in Fund, Series 1, interest and principal (including any prepayment or redemption proceeds received in respect of mortgaged-backed Obligations) received by the Fund must be paid out, less applicable expenses, on the first day of the following month on a pro rata basis to Unitholders of record on the 17th day of the preceding month.

Section 14(a)

Section 14(a) of the Act provides, in part, that no registered investment company may make a public offering of its securities unless (1) such company has a net worth of at least $100,000, (2) it has previously made a public offering and at that time has had a net worth of $100,000, or (3) arrangements have been made for at least 100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants state that each series, at the date of deposit of the underlying Obligations and before any Unit is offered to the public, is intended to have a net worth, represented by the market value of the Obligations on that date, far in excess of $100,000, and that it is the intention of the Sponsors to sell all the units to the public at a public offering price disclosed in the prospectus. Applicants seek an exemption from any additional requirement of section 14(a) that the Sponsors invest in $100,000 worth or more of Units of each series under an investment letter representing that such Units are purchased for investment and not for resale to the public (or to make such a private placement to outside parties, which Applicants believe could only be done on reduced load or no-load basis). Applicants assert that any such requirement would increase the costs to the Sponsors of marketing Units without creating any significant increase in the protection of Unitholders.

Applicants state that, in connection with this request for exemption, the Sponsors agree, as a condition to such exemption, that they will (1) refund, on demand and without deduction, all sales charges to purchasers of Units of any series from the Sponsors from any underwriter or dealer participating in the distribution, and (2) liquidate the Obligations held by any Fund and distribute the proceeds thereof, if, within 90 days from the time that the registration statement relating to the Units of such Fund shall have become effective under the 1933 Act, the net worth of that series shall be reduced to less than $100,000, or if such series shall have been terminated. The Sponsors further agree to instruct the Trustee to terminate such series in the event redemption by the Sponsors of unsold Units results in such series having a net worth of less than 40 percent of the principal amount of Obligations in the initial portfolio, and, in the event of any such termination, the Sponsors will refund, on demand and without reduction, all sales charges to purchasers of Units of such Fund from the Sponsors or from any underwriters or dealer participating in the distribution. The Application states that any future sponsor of the Fund will, as a condition to becoming a Sponsor, agree to the foregoing undertakings.

Rule 19b-1

Rule 19b-1 promulgated under the Act provides, in part, that no registered investment company shall make more than one long-term capital gains distribution in any one taxable year.

Applicants, however, propose that distributions of principal, including any capital gains, and interest on the Fund, Series 1, will be made to Unitholders each month. Applicants state that distributions of principal constituting capital gains to Unitholders may arise in the following instances: (1) An issuer might call or redeem Obligations held in the portfolio, (2) Obligations might be liquidated in order to provide the funds necessary to meet redemptions, and (3) Obligations may be disposed of in order to maintain the

qualification, of such Fund as a regulated investment company under the Internal Revenue Code. Applicants assert that it is unlikely that any capital gains will arise from sales upon default on payment of principal or interest or the occurence of other market or credit factors which, in the opinion or the Sponsors would make retention of such Obligations in the Fund detrimental to the interests of the Unitholders. However, Applicants seek an order exempting their proposed operations from the requirements of Rule 19b-1.

Applicants submit that the dangers against which Rule 19b-1 is intended to guard do not exist in the Funds situation since the Fund and the Sponsors have no control over events which can reasonably be expected to trigger capital gains, i.e., the tendering of Units for redemption, the prepayment of Obligations or other market or credit factors of the issuers. Applicants further submit that the regular distribution per Unit is fairly constant, and that any capital gains or return of capital distributions will be clearly distinguished from income distributions in the accompanying report by the Trustee to Unitholders. Applicants argue that in order to comply with the literal requirements of Rule 19b-1, each series would be forced to hold any monies constituting capital gains from the disposition of Obligations until the end of its taxable year, and that such a practice would clearly be to the detriment of Unitholders.

RULE 22c-1

Rule 22c-1 under the Act provides, in part, that redeemable securities issued by registered investment companies may not be sold, redeemed, or repurchased except at a price based on their current net asset value (computed on each day during which the New York Stock Exchange is open for trading, not less frequently than once daily as the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants cite two purposes of Rule 22c-1: (1) To eliminate or reduce any dilution of the value of outstanding redeemable securities of registered investment companies occurring through the practice of redeeming or repurchasing securities at a price above their net asset value or selling securities at a price based upon a previously established net asset value ("backward pricing") which permits a potential investor to take advantage of an upswing in the market and an accompanying increase in the net asset value of investment company shares, and (2) to minimize speculative trading practices which so compromise registered investment companies as to be unfair to the holders of their outstanding securities.

Applicants submit that the Sponsors' sale and repurchase of Units in the secondary market cannot possibly dilute the value of outstanding securities, since such sales and repurchases in no way involve the assets of the Fund. Applicants further submit that the only time Fund assets are affected by a secondary market transaction is upon redemption, and, in the case of redemption, that the Fund states that it will continue to follow the daily pricing and forward pricing procedures required by Rule 22c-1.

Applicants assert, however, that interests of investors would be impaired by imposing upon them, in connection with the Sponsors' secondary market operations, the cost of the additional determinations of net asset value which would be required by Rule 22c-1. They submit that, when the cost of the additional evaluations required by Rule 22c-1 is compared with the number of the anticipated daily transactions in the fund, the low volume of the trading would hardly seem to justify the loss of income to investors. Applicants asset that backward pricing is, given their proposed weekly pricing in the secondary market, also a necessity, for while a buyer may be willing to wait until the end of the day in the initial offering period to learn the public offering price (and, more importantly, the yield), he will not wait several days. Applicants claim that if the Fund is to remain marketable in secondary trading, Sponsors must be able to quote a yield to prospective buyers.

Applicants state that they will institute a procedure to insure, without additional cost to investors, that an investor who wishes to dispose of his Units will never receive less than the redemption value by selling his Units to the Sponsors. The Application states that the Evaluator will determine, without a formal evaluation and thus without the expense which a formal evaluation would impose upon investors, whether the bid side evaluation on any day during the week, which would be used for redemption purposes, has so changed that it might have become higher than or equal to the offering side evaluation made on the last business day of the preceding week (which is used by the Sponsors for their offers to repurchase Units). The Sponsors will obtain from the Evaluator, for each series on each trading day, a letter to the effect that, in its independent judgment, it can state that the bid side evaluation is not higher than or equal to the offering side evaluation made on the last business day of the preceding week; if the Evaluator does not believe that it can give such a letter, the Sponsors will order a new evaluation.

Applicants also propose, in order to minimize the risk that a purchasing investor may be paying more than he would pay if daily evaluations we made, that the Evaluator will, without a formal evaluation, also determine if the evaluation has decreased by an amount greater than or equal to one-half point (or approximately $5 in $1,000), and if it determines that such a decrease has occurred it will perform a new evaluation which will become the basis for the public offering price until the next succeeding evaluation.

Sponsors state that interest is generally paid on Mortgage-backed Obligations of the modified pass-through type on a monthly basis, and is calculated at the coupon rate of the Obligation based on the principal amount of the underlying mortgages outstanding at the close of business on the last day of the preceding month. They state further that there is a period of a few days (usually not more than 7 or 8 business days), beginning on the first day of each month, during which the precise amount of the various mortgages underlying each of such mortgage-backed Obligations has not yet been reported by the issuer to the Government National Mortgage Association and made generally available in the marketplace. Therefore, with respect to the Fund, Series 1, and subsequent series which plan to invest in portfolios containing such Mortgage-backed Obligations, the Sponsors except that there will be a period of a few days during the first part of every month when the precise principal amount of such Obligations in the portfolios of the Funds will not be know, although the precise principal amount as of the close of business on the last day of the preceding month will be known. The Sponsors expect that the differences in such principal amounts from month to month for the Fund will not be significant. Nevertheless, the Sponsors will adopt procedures as to pricing an evaluation for the Units of the Fund which will minimize the impact of such differences, with the result that this situation will not have, in Applicants' view, a material impact upon the calculation of the public offering price per Unit, the repurchase price per Unit in the secondary market or the redemption price per Unit.

Applicants further assert that, while Rule 22c-1 requires that net asset value be determined as of the time of the close of trading on the New York Stock Exchange, Inc. ("NYSE") it is anticipated that only rarely will Obligations in the portfolios of the Fund be listed on the NYSE and, if so listed, the principal market therefore would be over-the-counter. Applicants state that the time of the close of trading on the NYSE is therefore not necessarily related to the evaluation procedures used in determining net asset value for the Funds, and that the eval-

uation procedure depends heavily on developments in the over-the-counter market during the day on which the evaluation is made. Applicants state that the Evaluator has indicated that 4 p.m. is the proper time for reliable evaluations, regardless of the time of the close of trading on the NYSE, which is currently 4 p.m. but which may change from time to time. They therefore seek an exemption from the provisions of Rule 22c-1, both for the initial offering periods and for secondary market operations, to permit the evaluation time to remain 4 p.m., notwithstanding any future change in the time of closing of the NYSE.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 26, 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 Applicants at the address 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. 78-16073 Filed 6-9-78; 8:45 am]

[8010-01]

[Release No. 20575; 70-6170]

LOWELL GAS CO. AND CAPE COD GAS CO.

Proposed Short-Term Financing

JUNE 2, 1978.

Notice is hereby given that Lowell Gas Co. ("Lowell") 95 East Merrimack Street, Lowell, Mass. 01853, and Cape Cod Gas Co. ("Cape Cod"), P.O. Box 1360, Hyannis, Mass. 02601 public utility subsidiaries of Colonial Gas Energy System ("Colonial"), a registered holding company, have filed a joint declaration seeking authorization to extend until not later than June 30, 1980, their respective revolving line of bank credit agreements. They designate sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") and rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration for a complete statement of the proposed transactions.

On October 7, 1977, Colonial filed an application for exemption under section 3(a)(1) of the Act. (File No. 31-763.) Its application for exemption is pending at this time. Pursuant to a stipulation in that proceeding dated January 26, 1978, entered into by Colonial and the Division of Corporate Regulation, Colonial has registered as a public utility holding company under section 5(a) for the limited purpose of complying with the provisions of sections 6, 7, and 12(b) of the Act.

Lowell and Cape Cod each have revolving lines of credit pursuant to separate credit agreements (collectively, the "Credit Agreements") dated January 1, 1976, as amended, with Chase Manhattan Bank (N.A.), Union National Bank, Shawmut Bank of Boston, N.A., State Street Bank and Trust Co., and BayBank Middlesex, N.A. Under the Credit Agreements, the maximum principal amounts of loans which may be outstanding at any one time shall not exceed $11,800,000 in the case of Lowell and $7,250,000 in the case of Cape Cod. They have borrowed the full amount authorized, which loans mature June 30, 1978. Lowell also owes $1,750,000 of the same maturity under a $3,500,000 supplement to the bank credit agreement. Lowell and Cape Cod propose to repay $1,750,000 and $250,000, respectively, on or before June 30, 1978.

Lowell and Cape Cod propose to amend the Credit Agreements to extend their term to a date not later than June 30, 1980, and to provide for loans in the maximum aggregate principal amount of $11,800,000 for Lowell and $7,000,000 for Cape Cod. The duration of the extension is still being negotiated. Applicants are also seeking some relaxation of the existing restrictions on capital expenditures and the payment of dividends. The maximum aggregate principal amounts of loans which may be outstanding at any one time each bank to Lowell and Cape Cod are as follows:

Bank:		
Chase Manhattan Bank, N.A.	$5,144,800	$2,464,000
Union National Bank	991,200	1,351,000
Shawmut Bank of Boston, N.A.	2,277,400	1,351,000
State Street Bank and Trust Co.	2,183,000	868,000
BayBank Middlesex, N.A.	1,203,600	966,000
Total	11,800,000	7,000,000

The working capital requirements of Lowell and Cape Cod include a seasonal factor due to the financing of gas inventory in months when demand is low and to the repayment of the indebtedness during the course of the winter heating season as the gas is sold. The cost of the borrowings would be: The sum of (a) a variable charge of ¼ of a percent per annum plus ⅛ of the Chase Manhattan Bank's prime rate from time to time on the total commitment; plus (b) ½ of a percent per annum of the unborrowed funds, and (c) ¾ of a percent above 112½ percent of the Chase Manhattan Bank's prime rate from time to time on short-term loans. Based upon an 8½ percent prime interest rate, these fees are estimated to result in an effective cost of borrowing of approximately 11½ percent to 13½ per annum. No compensating balances are required.

The notes to be issued to these banks from time to time to evidence such loans will each be dated as of the date of issue, and mature not later than one year from date of issue or June 30, 1980, whichever is earlier. The loans may be prepaid, in whole or in part, in multiples of $100,000, at the option of the companies, without premium or penalty.

Colonial anticipates equity financing which will permit it to make capital contributions to Lowell and Cape Cod thus permitting these two companies to sell long-term bonds. It is contemplated that proceeds of such financings will be used to repay a portion of the proposed short-term indebtedness. The notes of each issuer evidencing short-term indebtedness will be secured by security interests in accounts receivable, inventory and certain related intangibles of the borrower. It is contemplated that the lending banks will release their security interests when Colonial makes capital contributions to Lowell and Cape Cod, which is expected to occur simultaneously with Colonial's issuance of equity securities.

It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and ex-

penses to be incurred in connection with the proposed transactions will be filed by amendment.

Notice is further given that any interested person may, not later than June 27, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-16074 Filed 6-9-78; 8:45 am]

[[8010-01]]

[Release No. 10265; 811-1289]

VANDERBILT GROWTH FUND, INC.

Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 2, 1978.

Notice is hereby given that Vanderbilt Growth Fund, Inc. ("Applicant"), 1800 Century Park East, Suite 204B, Los Angeles, Calif. 90067, a Maryland corporation, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on December 9, 1977, and an amendment thereto on March 10, 1978, for an order of the Commission pursuant to section 8(f) of the Act 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 representations contained therein, which are summarized below.

The application states that Applicant was incorporated under the laws of the state of Maryland on October 26, 1964, and registered with the Commission under the Act on November 6, 1964.

Applicant represents that at a special meeting of Applicant's shareholders held on May 25, 1977, its shareholders approved an agreement and Plan of Reorganization ("Plan") which provided for: (1) The transfer by Applicant of substantially all of its assets to St. Paul Capital Fund, Inc. ("St. Paul Fund"), registered under the Act as an open-end, diversified, management investment company, in exchange for shares of voting stock of St. Paul Fund; (2) the creation of a litigation trust ("Litigation Trust") to pursue certain claims of Applicant ("Litigation") and the distribution of interests in the Litigation Trust to the shareholders of Applicant; and (3) the dissolution of Applicant and the distribution of the shares of St. Paul Fund received by Applicant to its shareholders in liquidation. Applicant represents further that the United States District Court for the Central District of California ("Court") has accepted jurisdiction over the Litigation Trust and that the Litigation Trust is subject to certain provisions set forth in the order of the Court, dated April 21, 1977, which, inter alia, approved the Plan and the establishment of the Litigation Trust.

Applicant states that, as of the close of business on June 13, 1977, Applicant had 1,044,229.200 shares outstanding and aggregate net assets of $3,936,281.67, and that, after funding the Litigation Trust in the amount of $128,760, Applicant's aggregate net assets, amounting to $3,807,521.67, or a net asset value per share of $3.64, were transferred to St. Paul Fund in exchange for 477,731.7026 shares of common stock of St. Paul Fund for a total value of $3,807,521.67. As of the close of business on June 13, 1977, St. Paul Fund had 4,468,841.4088 shares outstanding and its net asset value per share was $7.97. Applicant states that the shares of St. Paul Fund have been delivered to the shareholders of Applicant in accordance with their respective interests in Applicant's liquidation.

Applicant represents that it filed Articles of Transfer and its Articles of Dissolution with the State Department of Assessments and Taxation of the State of Maryland on June 14, 1977, and that Applicant has no shareholders and is engaged in no business activity; as of December 8, 1977, its only assets consisted of $18,237.07 in cash retained to meet legal and accounting fees which were previously incurred, or which Applicant anticipates incurring, in connection with the winding up of its business, including withdrawal from qualification in various jurisdictions, the preparation of final tax returns, the instant application, and other post-closing expenses. Applicant states that as of January 31, 1978, it had paid or incurred legal and accounting fees of approximately $5,000, and that it anticipates that additional legal and accounting fees will not exceed $3,000. Applicant represents that any excess cash retained after payment of such fees will be used to pay administrative and legal expenses incurred in connection with the Litigation Trust, and that such amounts will not exceed Applicant's proportionate share of litigation expenses by more than $5,500, which excess Applicant believes is not material.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, 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 27, 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 at the address stated above. Proof of such service (by affidavit or, in the 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 Divison of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-16075 Filed 6-9-78; 8:45 am]

[8010-01]

[Release No. 10264; 811-757]

VANDERBILT INCOME FUND, INC.

Filing of Application for Order Declaring That Company Has Ceased To Be An Investment Company

JUNE 2, 1978.

Notice is hereby given that Vanderbilt Income Fund, Inc. ("applicant"), a Delaware corporation, 1800 Century Park East, Suite 204B, Los Angeles, Calif. 90067, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on December 9, 1977, and an amendment thereto on March 10, 1978, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application to file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that applicant was incorporated under the laws of the state of Delaware on September 24, 1956, and registered with the Commission under the Act on December 31, 1956.

Applicant represents that at a special meeting of applicant's shareholders held on May 25, 1977, its shareholders approved an agreement and plan of reorganization ("plan") which provided for: (1) The transfer by applicant of substantially all of its assets to St. Paul Capital Fund, Inc. ("St. Paul Fund"), also registered under the Act as an open-end, diversified, management investment company, in exchange for shares of voting stock of St. Paul Fund; (2) the creation of a litigation trust ("litigation trust") to pursue certain claims of applicant ("litigation") and the distribution of interests in the litigation trust to the shareholders of applicant; and (3) the dissolution of applicant and the distribution of the shares of St. Paul Fund received by applicant to its shareholders liquidation. Applicant represents further that the United States District Court for the Central District of California ("Court") has accepted jurisdiction over the litigation trust and that the litigation trust is subject to certain provisions set forth in the order of the Court, dated April 21, 1977, which, inter alia, approved the plan and the establishment of the litigation trust.

Applicant states that, as of the close of business on June 13, 1977, it had 946,069.429 shares outstanding and aggregate net assets of $3,732,719.49, and that, after funding the litigation trust in the amount of $69,900, applicant's aggregate net assets, amounting to $3,662,819.49, or a net asset value per share of $3.87, were transferred to St. Paul Fund in exchange for 459,575.8456 shares of common stock of St. Paul Fund for a total value of $3,662,819.49. As of the close of business on June 13, 1977, St. Paul Fund had 4,468,841.4088 shares outstanding and its net asset value per share was $7.97. Applicant states that the shares of St. Paul Fund have been delivered to the shareholders of applicant in accordance with their respective interests in applicant's liquidation.

Applicant represents that it filed a certificate of dissolution with the Secretary of State of Delaware on June 14, 1977, and that applicant has no shareholders and is engaged in no business activity; as of December 8, 1977, its only assets consisted of $7,168.26 in cash, retained to meet legal and accounting fees previously incurred or which applicant anticipates incurring, in connection with the winding up of its business, including withdrawal from qualification in various jurisdictions, the preparation of final tax returns, the instant application, and other post-closing expenses. Applicant states that, as of January 31, 1978, it had paid or incurred legal and accounting fees of approximately $2,900, and that it anticipates that additional legal and accounting fees will not exceed $1,500. Applicant represents that any excess cash retained after payment of such fees will be used to pay administrative and legal expenses incurred in connection with the litigation trust, but that such amounts will not exceed applicant's proportionate share of litigation expenses.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, 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 27, 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 at the address stated above. Proof of such service (by affidavit or, in the 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. 78-16076 Filed 6-9-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 01/02-5266]

BUSINESS VENTURES, INC.

Notice of License Surrender

Notice is hereby given that Business Ventures, Inc., 226 Dixwell Avenue, New Haven, Conn. 06511, has surrendered its license to operate as a small business investment company under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act).

The company was licensed by the Small Business Administration on November 13, 1970.

Under the authority vested by the Act and pursuant to 13 CFR 107.105 (1978), the surrender by Business Ventures, Inc., of its license is hereby approved.

Accordingly, all rights, privileges and franchises derived from the license are hereby terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.

Dated: June 1, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-16190 Filed 6-9-78; 8:45 am]

[8025-01]

[Proposed License No. 09/09-0221]

CITY CAPITAL INVESTORS CORP.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to section 107.102(1978) by City Capital Investors Corp., 105th and Grand Avenues, Sun City, Ariz. 85351, for a license to operate as a small business in-

vestment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. et seq).

The Proposed officers, directors, and principal stockholders are:

Rex E. Staley, President, Director, 3500 Lincoln Drive, Phoenix, Ariz. 85018.
D. Ann Humphreys, General Manager, 8747 East Via Taz Norte, Scottsdale, Ariz. 85258.
William L. LaFollette, III, Vice President, Director,* 5542 East Palo Verde Drive, Paradise Valley, Ariz. 85253.
Susanne H. LaFollette, Treasurer, Director,* 5542 East Palo Verde Dr., Paradise Valley, Ariz. 85253.
Mona V. Mortensen, 17810 County Club Drive, Sun City, Ariz. 85313.
City Bank, 9 percent, 105th and Grand Avenues, Sun City, Ariz. 85351.

The SBIC will begin operations with an initial capitalization of $480,000. They expect to provide financing to many small agriculturally oriented concerns, such as feedlot operators, equipment suppliers, and equipment repair shops. Mr. William L. LaFollette, III, is the principal shareholder of Recycled Waste Disposal, Inc., a corporation which will be in the business of recycling livestock feed from animal waste. It is anticipated that some of the raw material for the business of Recycled Waste Disposal, Inc., will be the animal waste produced by some or all of the small concerns which will be obtaining financing from the Applicant. Recycled Waste Disposal, Inc., will not require any of the small business concerns which will supply it with animal waste to either (1) sell all or any portion of their raw materials to Recycled Waste Disposal, Inc., or (2) buy recycled feed from Recycled Waste Disposal, Inc. Recycled Waste Disposal Inc., expects that the great bulk of its recycled feed will be purchased by parties other than the small business concerns to be financed by the Applicant. The Applicant will not require any small business concern to supply animal waste to Recycled Waste Disposal, Inc., or to any other user of such animal waste.

Matters involved in SBA's consideration of the application include (1) the general business reputation and character of the proposed owners and management, (2) the reasonable prospects for successful operation of the new SBIC under such management (including adequate profitability and financial soundness, in accordance with the Act and Regulations), and (3) whether the proposed licensing action would be in furtherance of the purpose of the Act.

Notice is hereby given that any person may, not later than June 27, 1978, submit to SBA in writing, comments on the proposed SBIC to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Sun City, Ariz.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: June 1, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-16191 Filed 6-9-78; 8:45 am]

* Jointly own 91 percent.

[8025-01]

[Proposed License No. 02/02-0350]

QUIDNET CAPITAL CORP.

Application for a License to Operate as a Small Business Investment Company

Notice is hereby given that an Application has been filed with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1977)) under the name of Quidnet Capital Corp. (Applicant), for a License to operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended (ACT), and the Rules and Regulations promulgated thereunder.

The Applicant was incorporated under the provisions of the New Jersey Business Corporation Act on May 12, 1978, and it will commence operation with a capitalization of $1,490,000. Initial capitalization will be raised by the purchase of all of the Applicant's initially issued $1 Par Value, Non-Voting Preferred Stock by the Commercial Union Insurance Co. of Boston, Mass., and all of its initially issued $1 Par Value Voting Common Stock by the following individuals, who will be officers and directors of the Applicant:

Reid White, Chairman and Secretary, 200 Ridgeview Road, Princeton, N.J. 08540.
Stephen W. Fillo, President and Treasurer, 107 Philip Drive, Princeton, N.J. 08540.

The Applicant will have its principal place of business at 32 Nassau Street, Princeton, N.J. 08540, and it intends to make investments in qualified small business concerns throughout the United States but particularly to those within the New England and the Mid-Atlantic States.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under their management, including adequate profitability and financial soundness in accordance with the Act and SBA Regulations.

Notice is hereby given that any person may, not later than on June 27, 1978, submit written comments on the Applicant to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Princeton, N.J.

(Catalog of Federal Domestic Program No. 59.011, Small Business Investment Companies.)

Dated: June 5, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-16192 Filed 6-9-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1429, Amdt. No. 1]

WEST VIRGINIA

Declaration of Disaster Loan Area

The above numbered Declaration (see 43 FR 5910) is amended by adding high winds, excessively hard rainfall and runoff to the type of disaster which occurred on January 25-28, 1978, in Boone, Braxton, Gilmer, Harrison, Kanawha, Lewis, Logan, McDowell and Mingo Counties and adjacent counties within the State of West Virginia, and the time for filing applications is extended to July 5, 1978, for physical damage and December 4, 1978, for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 2, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-16189 Filed 6-9-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTY PROGRAM FOR REPUBLIC OF LEBANON

Information for Investors

The Agency for International Development ("AID") is advising the Republic of Lebanon (the "Borrower") that AID is prepared to Guaranty repayment of principal and interest on a loan in an amount not to exceed $15 million by an eligible U.S. Investor to the Borrower.

AID's guaranty will be subject to execution of an agreement by an eligible U.S. Investor acceptable to AID for

the loan and subject to the satisfaction of certain further terms and conditions by the Borrower. The Guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority, contained in section 221 of the Foreign Assistant Act of 1961, as amended (the "Act"). Proceeds of the loan will be used to finance house repair loans for low-income families.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Dr. Mohamed Atallah, President, Council for Reconstruction and Development, Presidential Palace, Baabda, Lebanon, Telex No. 21000.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are (1) U.S. citizens, (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens, (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof. In addition, a grace period on repayment of the principal may be negotiated between the eligible U.S. Investor and Borrower for a term not to exceed ten years.

The Borrower projects a schedule of disbursements covering approximately a twelve month period from the date of the loan agreement including an initial disbursement at signing of approximately $5 million with two additional disbursements of approximately $5 million at four to six month intervals; prospective Investors should consider this in proposing a guaranteed loan to the Borrower. In addition, the Investor must provide for the servicing of his loan, i.e. recordation and disposition of loan payments received from the Borrower.

Information as to eligibility of investors, maximum interest rates and other aspects of the AID Housing Guaranty Program can be obtained from: Director, Office of Housing, Room 625, SA-12, Washington, D.C. 20523.

This notice is not an offer by AID or by the Borrower. The Borrower and not AID will select a lender and negotiate the terms of the proposed loan.

Prospective investors are requested to submit offers to the Borrower by June 30, 1978.

Dated: June 1, 1978.

PETER M. KIMM,
Director, Office of Housing
Agency for Intenational Development.

[FR Doc. 78-16179 Filed 6-9-78; 8:45 am]

[4910-59]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. IP78-7; Notice 1]

GENERAL MOTORS CORP.

Receipt of Petition for Determination of Inconsequential Noncompliance

NOTE.—This document originally appeared in the FEDERAL REGISTER for Friday, June 9, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See OFR notice 41 FR 32914, August 6, 1976.)

General Motors Corp. of Warren, Mich., has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.301-75, Motor Vehicle Safety Standard No. 301-75 Fuel System Integrity. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

On May 4, 1978, NHTSA informed GM, pursuant to section 152(a) of the act, that it had made an initial determination that the 1977 Chevette failed to conform to fuel system integrity requirements, and that it had scheduled a public proceeding on this matter to be held on June 6, since rescheduled to June 16 (43 FR 20292, 43 FR 23780). With 30 days of its receipt of notice GM filed a petition for inconsequentiality under the provision of 49 CFR 556.4(c)

NHTSA's initial determination affects the entire 1977 model run of approximately of 136,000 vehicles. GM stated the problem accurately in its petition: "It is our understanding that the NHTSA concern is possible fuel spillage which might occur as a result of contact of the Chevette pan hard rod retainer with the fuel tank during the 30 m.p.h. rear moving barrier test prescribed by the standard." GM's petition criticizes NHTSA's test results and introduces its own results as evidence of compliance with the standard. It argues that the difference in NHTSA test velocity and the 30 m.p.h. requirement of the standard is so small "that it is within a margin of test error when appropriate limitations are considered for the capability of the velocity measuring equipment." It further argues that all the valid compliance tests run by either side in the controversy show compliance. GM has reviewed field accidents data files and has found no record of any fires involving 1977 Chevettes to date which it believes demonstrates that the alleged noncompliance does not present an unreasonable risk to motor vehicle safety.

Interested persons are invited to submit written data, views and arguments on the petition of General Motors Corp. described above or to make oral presentations at the hearing scheduled for June 16, 1978, in room 6332, at 10 a.m., Department of Transportation, 400 Seventh Street SW., Washington, D.C. Written comments should refer to the docket number and be submitted: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Because the arguments advanced by GM in support of its petition are essentially the same as arguments made to the agency during the investigation, which are contained in the file that has been publicly available since the initial determination of noncompliance published on May 11, 1978, the comment closing date on this petition is: June 30, 1978.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations to authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on June 7, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator
for Rulemaking.

[FR Doc. 78-16176 Filed 6-9-78; 8:45 am]

[4810-35]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1977 Rev., Supp. No. 25]

CONTINENTAL REINSURANCE CORPORATION

Change of Name

Pacific Insurance Company, a California corporation, has formally changed its name to Continental Reinsurance Corporation, effective January 3, 1978. The company was last listed as an acceptable surety on Federal bonds at 42 FR 34076, July 1, 1977.

A certificate of authority as an acceptable surety on Federal bonds,

dated January 3, 1978, is hereby issued under Sections 6 to 13 of Title 6 of the United States Code, to Continental Reinsurance Corporation, San Francisco, California. This new certificate replaces the certificate of authority issued to the company under its former name, Pacific Insurance Company. The underwriting limitation of $10,071,000 established for the company as of July 1, 1977 remains unchanged.

Certificates of authority expire on June 30, each year, unless sooner revoked and new certificates are issued on July 1, so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: June 6, 1978.

D. A. PAGLIAI,
Commissioner, Bureau of Government Financial Operations.

[FR Doc. 78-16177 Filed 6-9-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 682]

ASSIGNMENT OF HEARINGS

JUNE 7, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 75406 (Sub-No. 43), Superior Forwarding Co., Inc., is now assigned for hearing July 17, 1978 (10 days), at El Dorado, Ark., at a location to be later designated.

No. MC 60014 (Sub-No. 69), Aero Trucking, Inc., now being assigned for hearing on July 17, 1978, at Seattle, Wash. (5 days), in a hearing room to be later designated.

No. MC 118832 (Sub-No. 8), Westours Motor Coaches, Inc., now being assigned for hearing on July 24, 1978 (4 days), at Seattle, Wash., in a hearing room to be later designated.

No. FF 508, GC Ray Transport Inc., d.b.a. Southeast Alaska Freight Forwarders, now being assigned July 31, 1978 (3 days), at Seattle, Wash, in a hearing room to be later designated.

No. MC 138446 (Sub-No. 9), Murray's Transfer & Storage Co., now assigned June 29, 1978, at St. Louis, Mo., will be held in Courtroom 3, Fifth Floor, U.S. Court and Customs House, 1114 Market Street.

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

[FR Doc. 78-16203 Filed 6-9-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 7, 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. 43559, the Atchison, Topeka and Santa Fe Railway Co., No. 112-A, rates on wheat in bulk, from Tonkawa, Okla., to U.S. Gulf ports for export, published in its Tariff 5655-J, ICC No. 15193, effective July 5, 1978. Grounds for relief—motor competition.

FSA No. 43560, the Bank Line Ltd., No. 1, intermodal rates on general commodities, from South Pacific ports, to rail terminals at New Orleans, La., Galveston and Houston, Tex., published in its Northbound Intermodal Freight Tariff No. 1, ICC No. 1, effective July 10, 1978. Grounds for relief—all-water competition.

By the Commission.

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

[FR Doc. 78-16205 Filed 6-9-78; 8:45 am]

[7035-01]

[Notice No. 63]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publcations include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before July 12, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such represenative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in snyopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77635, filed January 17, 1978. Transferee: WILLIAM A. SAJA, Molly Bee Road, R.D. No. 8, Flemington, NJ 08822. Transferor: CHARLES WILLIAM NOLAN and FREDA RUSH NOLAN, d.b.a. NOLAN MOVING & STORAGE CO. 610 Hardwick Street, Belvidere, NJ 07823. Applicants' represenative: William A. Saja, 610 Hardwick Street, Belvidere, NJ 07823. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. NC 52757, issued March 21, 1952, and Certificate No. MC 13263 issued March 22, 1946, to R. D. La Rue and Harry La Rue, a partnership, doing business as R. D. La Rue & Son, Hackettstown, NJ, and acquired by transferor pursuant to MC-FC-73018 approved December 17, 1971 and consumated February 4, 1972, as follows: *Household goods,* as defined by the Commission, (a) between Hackettstown, NJ, on the one hand, and, on the other, New York, NY, Long Island, NY, and specified points in PA, (b) between Belvidere, NJ, on the one hand, and, on the other, New York, NY, and points in PA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

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

[FR Doc. 78-16204 Filed 6-9-78; 8:45 am]

[7035-01]

[Decisions Volume No. 5]

ORDER-NOTICE

The following applications are governed by Special Rule 247 of the Commission's Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be

filed with the Commission within 30 days after the date 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 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 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 intent 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 (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) to authorization, each application 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 within 30 days of publication of this order-notice (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: June 1, 1978.

By the Commission, Review Board No. 2, Members Boyle, Eaton, and Liberman.

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

No. MC 2095 (Sub-No. 15F), filed May 11, 1978. Applicant: KEIM TRANSPORTATION, INC., 420 North Sixth, R.F.D. 2, Box 10, Sabetha, KS 66534. Representative: Clyde N. Christey, Kansas Credit Union Building, 1010 Tyler, suite 110L, Topeka, KS 66612. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products*, in bulk, from the facilities of Georgia-Pacific Corp., Near Blue Rapids, KS, to the facilities of Ideal Cement Co., near Superior, NE. (Hearing site: Kansas City, Mo.)

No. MC 5227 (Sub-No. 38F), filed May 4, 1978. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: Gailyn L. Larsen, 521 South 14th Street, Lincoln, NE 68501. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) (a) *Solar heating and cooling systems*, (b) *parts and accessories for solar hearing and cooling systems*, (c) *roofing tile*, and (d) *insulating products and materials* (except in bulk, in tank vehicles), from the facilities of Mid-America Industries, Inc., and Solar, at or near Mead, NE, to points in AL, AZ, CA, CT, DE, DC, FL, GA, ID, KY, LA, ME, MD, MA, MI, MS, NV, NH, NJ, NY, NC, OH, OR, PA, RI, SC, TN, UT, VT, VA, WA, and WV, and (2) *equipment, materials, and supplies* used in the manufacture of the commodities named in (1) (a), (b), (c), and (d) above (except commodities in bulk, in tank vehicles), from the destination points named in (1) above, to the facilities of Mid-America Industries, Inc., and Solar, Inc., at or near Mead, NE. (Hearing site: Lincoln or Omaha, NE.)

No. MC 5470 (Sub-No. 147F), filed May 9, 1978. Applicant: TAJON, INC., Rural Delivery 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street NW., Washington, D.C. 20006. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in dump vehicles, from South Heights, PA, to points in IN, OH, NJ (except Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties), and NY. (Hearing site: Philadelphia, PA, or Washington, DC.)

No. MC 5470 (Sub-No. 148F), filed May 9, 1978. Applicant: TAJON, INC., Rural Delivery 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street, NW., Washington, DC 20006. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys and silicon metals*, in dump vehicles, from Beverly, OH, to Radford and Lynchburg, VA, and the facilities of Lynchburg Foundry, at or near Kelly, VA. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 21866 (Sub-No. 96F), filed April 25, 1978. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric storage batteries, junk batteries, and materials and supplies* used in the manufacture or distribution of electric storage batteries (except commodities in bulk, and commodities in dump vehicles), between the facilities of General Battery Corp., at or near Charlotte, NC, Charleston, Greenville, and Greer, SC, City of Industry and Los Angeles, CA, Cleveland, OH, Cudahy and Greendale, WI, Dallas, TX, Dorsey, MD, East Point, GA, Eaton Park and Opa Locka, FL, Framingham, MA, Frankfort, IN, Hamburg, Lampeter, Pittsburgh, and Reading, PA, Heflin, LA, Kenilworth, NJ, Lombard, IL, Memphis, TN, Phoenix, AZ, Portland, OR, Richmond and Tazewell, VA, Salina, KS, Selma, AL, Syracuse, NY, Wallingford, CT, and St. Louis, MO. (Hearing site: Washington, DC, or Philadelphia, PA.)

No. MC 61825 (Sub-No. 80F), filed May 15, 1978. Applicant: ROY STONE TRANSFER CORP., V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in packages, from Watkins Glen, NY, to points in NC, SC, GA, points in TN on and east of U.S. Hwy 27, and points in VA on and south of U.S. Hwy 60. (Hearing site: Washington, DC.)

NOTE.—The person or persons engaged in common control must either file an application under section 5(2) of the Interstate Commerce Act or submit and affidavit indicating why such approval is unnecessary.

No. MC 114290 (Sub-No. 85F), filed May 8, 1978. Applicant: EXLEY EXPRESS, INC., 1205 South Platte River Drive, Denver, CO 80223. Representative: Eldon E. Bresee, 1205 South Platte River Drive, Denver, CO 80223. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in grocery and food business houses, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), (1) from the facilities of Kraft, Inc., at or near Pocatello, ID, to points in WA, OR, CA, MT, NV, and AZ, and (2) from points in WA, CA, MT, and AZ, to the facilities of Kraft, Inc., at or near Pocatello, ID, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Boise, ID, or Salt Lake City, UT.)

No. MC 114829 (Sub-No. 16F), filed May 10, 1978. Applicant: GENERAL CARTAGE CO., INC., West Route 30, Rock Falls, IL 61071. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Chicago, IL 60603. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk), from Rockford, IL, to Bettendorf, Davenport, Dubuque, Cedar Rapids, Clinton, and Fort Madison, IA, and points in WI, under a continuing contract, or contracts, with Weyerhaeuser Co., of Chicago, IL. (Hearing site: Chicago, IL.)

No. MC 116915 (Sub-No. 59F), filed May 16, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate Street, Kokomo, IN 46901. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40601. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Georgetown, SC, to points in IL, IN, KY, MI, MO, OH, TN, and WI. (Hearing Site: Savannah, GA, or Charleston, SC.)

No. MC 117068 (Sub-No. 96F), filed May 5, 1978. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, MN 55901. Representative: Richard C. McGinnis, 711 Washington Building, Washington, D.C. 20005. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment*, from Battle Creek, MI, to points in CO, KS, and MO, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Kansas City, Mo.)

No. MC 118535 (Sub-No. 119F), filed May 10, 1978. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, MO 64730. Representative: Jim Tiona, Jr., 111 South Prospect, Butler, MO 64730. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Marseilles, IL, to points in AR, IA, KS, MN, MO, NE, OK, and WI. (Hearing site: Kansas City, MO.)

No. MC 118535 (Sub-No. 120F), filed May 12, 1978. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, MO 64730. Representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 NW 58th St., Oklahoma City, OK 73112. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and dry feed ingredients*, from Butler, MO, to points in AR, CO, IA, KS, NE, OK, and TN. (Hearing site: Kansas City, MO.)

No. MC 118535 (Sub-No. 121F), filed May 12, 1978. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, MO 64730. Representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 NW. 58th St., Oklahoma City, OK 73112. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea and dry ammonium nitrate*, in containers, from the facilities of Atlas Powder Co., at or near Atlas and Carthage, MO, to points in AL, AR, AZ, CO, IA, IL, IN, KS, KY, LA, MN, MS, NE, ND, NM, OK, SD, TN, TX, and WI. (Hearing site: Kansas City, MO.)

No. MC 119489 (Sub-No. 50F), filed May 4, 1978. Applicant: PAUL ABLER d.b.a. CENTRAL TRANSPORT CO., 2500 North 13th Street, P.O. Box 249, Norfolk, NE 68701. Representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the facilities of Farmland Industries, Inc., at or near Hoag, NE, to points in IA, KS, and MO. (Hearing site: Lincoln, NE.)

No. MC 25798 (Sub-No. 320F), filed May 5, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, P.O. Box 1186, Auburndale, FL 33823. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, in vehicles equipped with mechanical refrigeration (except in bulk), from the facilities of M & M Mars, Inc., at Elizabethtown, PA, Elizabeth, NJ, and Hackettstown, NJ, to points in AL, FL, GA, LA, MS, and TX, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: New York, NY.)

No. MC 119656 (Sub-No. 37F), filed May 12, 1978. Applicant: NORTH EXPRESS, INC., 219 Main Street, Winamac, IN 46996. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, P.O. Box 40659, Indianapolis, IN 46240. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and lumber mill products*, from points in Monroe County, IN, to points in IL, MI, KY, and OH. (Hearing site: Indianapolis, IN.)

No. MC 119789 (Sub-No. 464F), filed May 10, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: Lewis Coffey, P.O. Box 226188, Dallas, TX 75266. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door sections*, and *components and parts for doors and door sections*, from the facilities of Andes Door Co., at or near Mt. Pleasant, TX, to points in AL, AZ, CA, FL, GA, KY, MA, MN, NM, NY, NC, ND, PA, SC, SD, UT, VA, WV, and WI. (Hearing site: Dallas, TX.)

No. MC 121060 (Sub-No. 63F), filed May 5, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. 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: *Composition board*, from Burns Harbor, IN, to points in MN, WI, IA, IL, MO, AR, LA, MS, AL, GA, FL, SC, TN, NC, VA, WV, KY, PA, OH, and MI. (Hearing site: Boston, MA, or Washington, DC.)

No. MC 128220 (Sub-No. 22F), filed May 1, 1978. Applicant: RALPH LATHAM, d.b.a. LATHAM TRUCKING CO., P.O. Box 596, Burnside, KY 42519. Representative: Robert M. Pearce, P.O. Box 1899, 1755 Chestnut Street, Bowling Green, KY 42101. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes, fireplace logs, wood chips, lighter fluid, spices, sauces, and vermiculite* (except commodities in bulk), from Crossville, TN, to Burnside, KY, and Cotter, AR; and (2) *materials, supplies, and equipment* used in the manufacture and distribution of the commodities described in (1) above, (except commodities in bulk), from points in the United States (except AK, TN and HI), to Crossville, TN, Burnside, NY, and Cotter, AR.

(Hearing site: Louisville, KY, or Lexington, KY.)

No. MC 128320 (Sub-No. 10F), filed May 8, 1978. Applicant: ART QUIRING, P.O. Box 1481, 118½ W. 4th Street, Grand Island, NE 68801. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *confectioneries*, from Reno, NV, to points in CA, ID, AZ, OR, and WA, under a continuing contract, or contracts, with E. J. Brach & Sons, Inc., of Chicago, IL. (Hearing site: Chicago, IL, or Reno, NV.)

No. MC 133095 (Sub-No. 189F), filed May 10, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Rocky Moore, P.O. Box 434, Euless, TX 76039. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), from Fresno, CA, to points in TX, and IN. (Hearing site: Dallas, TX.)

No. MC 133689 (Sub-No. 200f), filed May 10, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water softening compounds*, from points in NJ, PA, and WV, to points in WI, MN, IA, ND, and SD. (Hearing site: St. Paul, MN.)

No. MC 134501 (Sub-No. 28F), filed May 1, 1978. Applicant: INCORPORATED CARRIERS, LTD., a division of Brooks International, Inc., P.O. Box 3128, Irving, TX 75061. 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: *Restaurant furniture, fixtures, equipment, and supplies*, from Cincinnati, OH, St. Louis, MO, Compton, CA, and Denver, CO, to points in the United States (except AK and HI). (Hearing site: Denver, CO, or Chicago, IL.)

No. MC 139495 (Sub-No. 356F), filed May 5, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Redwood furniture*, from National City, CA, to Chicago, IL, Kansas City and St. Louis, MO, Kent, OH, and Milwaukee, WI, and to points in Kings, Queens, Nassau, and Suffolk Counties, NY. (Hearing site: Washington, DC.)

No. MC 140389 (Sub-No. 32F), filed May 9, 1978. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets*, and *textile products*, from points in GA, to points in AL, LA, MS, and those points in TN on and west of U.S. Hwys 31 and 31W. (Hearing site: Atlanta, GA.)

No. MC 143616 (Sub-No. 8F), filed April 5, 1978. Applicant: M & S TRANSPORT LINES, INC., P.O. Box 417, Sultana, CA 93666. Representative: Dwight L. Koerber, Jr., 666 11th Street NW., No. 805, Washington, DC 20001. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, chemicals*, and *synthetic resins*, in containers, from Fayetteville, NC, to points in WA, OR, and CA, under a continuing contract, or contracts, with Borden Chemical, Division of Borden, Inc., of Columbus, OH. (Hearing site: Columbus, OH, or Washington, DC.)

No. MC 144717 (Sub-No. 1F), filed May 4, 1978. Applicant: PERLEY D. CARMICHAEL, d.b.a. CARMICHAEL BROTHERS, Box 129, Monticello, ME 04760. Representative: Robert G. Parks, 20 Walnut Street, First Floor, Wellesley Hills, MA 02181. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by grocery and food business houses*, from the facilities of First National Stores, Inc., at Windsor Locks, CT, to Rockland, Bangor, Waterville, and Old Town, ME, and to points in Aroostook County, ME, under a continuing contract, or contracts, with First National Stores, Inc., of Somerville, MA. (Hearing site: Boston, MA, or Hartford, CT.)

No. MC 144736F, filed May 7, 1978. Applicant: ROBINSON TRANSFER CO., INC., 1809 St. James Street, Box 25, La Crosse, WI 54601. 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: (1)(a) *Roof and floor trusses, dimensional lumber, plywood, wallboard*, and (b) *materials and supplies* used in the installation of the commodities in (1)(a) above, between the facilities of Northwest Wholesale Lumber Co., Inc., at or near La Crosse, WI, on the one hand, and, on the other, points in IA, and MN, and points in IL on and north of Interstate Hwy 80; and (2) *poles, posts, timbers, pilings, plywood, and dimensional lumber*, between the facilities of Engelien Wood Preserving, Inc., at or near Tomah, WI, on the one hand, and, on the other, points in IA, MN, and points in IL on and north of Interstate Hwy 80. (Hearing site: La Crosse, WI, or Minneapolis, MN.)

No. MC 130498F, filed May 8, 1978. Applicant: AUTOMOBILE CLUB OF WESTERN NEW YORK, a corporation, 976 Delaware Avenue, Buffalo, NY 14240. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, 425 135h Street NW., Washington, DC 20004. Authority granted to engage in operation, in interstate or foreign commerce, as a *broker* at Buffalo, NY, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Erie County, NY, and extending to points in the United States (including AK, but excluding HI). (Hearing site: Buffalo, NY.)

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

[FR Doc. 78-16202 Filed 6-9-78; 8:45 am]

[4910-59]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

1971-76 FORD PINTO AND 1975-76 MERCURY BOBCAT

Public Proceeding Cancelled

A public proceeding scheduled for 10:00 a.m., June 14, 1978, in Room 2230, Department of Transportation Building, 400 Seventh Street SW., Washington, D.C. 20590, with respect to fuel systems in 1971-76 Ford Pintos and 1975-76 Mercury Bobcats (not including station wagons) is cancelled.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegation of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on June 9, 1978.

HOWARD J. DUGOFF,
Deputy Administrator.

[FR Doc. 78-16366 Filed 6-9-78; 12:12 pm]

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).

CONTENTS

	Item
Civil Aeronautics Board	1
Federal Council on the Arts and Humanities	2
Federal Energy Regulatory Commission	3, 4
International Trade Commission	5, 6
Nuclear Regulatory Commission	7, 8,11
Postal Service (Board of Governors)	9
Securities and Exchange Commission	10

[6320-01]

1

[M-136; June 6, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., June 13, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 29323, International Air Services Co., Acquisition of Control of Aloha Airlines (OGC).
3. Docket 32321, Southern Airways, Inc., Proposed settlement of Enforcement Proceeding (Memo No. 7951, BOE).
4. Dockets 31955, 30550, 31928, 32055, *Twin Cities-Las Vegas/Phoenix/San Diego Route Proceeding,* Order Consolidating Further Applications (Memo No. 7472-B, OGC).

Dockets 31968, 29952, Pan American's application to suspend service at New York and Dallas-Fort Worth on its Honolulu/South Pacific routes; Pan American's application for New York-Dallas/Ft. Worth fill-up authority (Memo No. 6980-J, BPDA, BIA, OGC).

6. Evergreen International Airlines, Inc., and McCulloch International Airlines, Inc.—Petition for review of staff action denying a request for refund of filing fees for "gambling" charter waivers (Memo No. 7001-C, BPDA, OGC).
7. Docket 32658, complaint by the North Dakota Automobile Club against increased charter rates filed by Braniff (BPDA).
8. Docket 32268, Petition by State and County of Hawaii for reconsideration of Order 78-4-24, which vacated suspension for intra-Hawaii fare increase (BPDA).
9. Docket 32351, Issuance of Foreign Air Carrier Permit, Air North Charter & Training Ltd. (Air North) (Memo No. 7996, BIA, OGC).
10. Notice of proposed rulemaking amending Part 241 of the Board's Economic Regulations concerning charges by foreign governments and foreign entities for en route and airport facilities and services (Memo No. 7998, BAS, BIA, BPDA, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-1209 Filed 6-8-78; 11:28 am]

[7537-01]

2

FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES.

TIME AND DATE: 11 a.m., Thursday, June 15, 1978.

PLACE: Room 158, Old Executive Office Building, Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Report of the Chairman.
2. Discussion of policy issues to be dealt with by the Federal Council on the Arts and the Humanities.
3. Discussion of by-laws and future agenda items.

CONTACT PERSON FOR MORE INFORMATION:

Anne Hartzell at 202-456-6200. Persons desiring to attend the meeting must contact Anne Hartzell prior to June 15, 1978 for clearance into the Old Executive Office Building.

Dated: June 7, 1978.

[S-1217-78 Filed 6-8-78; 3:35 pm]

[6740-02]

3

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., June 14, 1978.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

GAS AGENDA—124TH MEETING, JUNE 14, 1978, REGULAR MEETING (10 A.M.)

I. PIPELINE RATE MATTERS

A. Pipeline rates

RP-1.—Docket No. RP73-97, Kentucky West Virginia Gas Co.
RP-2.—Docket Nos. RP74-89 and RP73-35 (AP76-1), Trunkline Gas Co.
RP-3.—Docket Nos. RP71-18, et al., and RP73-86, Columbia Gas Transmission Corp.
RP-4.—Docket No. RP78-61, Mountain Fuel Resources, Inc.
RP-5.—Docket No. RP75-105, Columbia Gulf Transmission Co. Docket No. RP75-106, (Consolidated Taxes), Columbia Gas Transmission Corp.

II. PRODUCER MATTERS

A. Producer certificates

CI-1.—Docket Nos. CI77-681 and CI77-682, Southern Union Supply Co., Phillips Petroleum Co.

III. PIPELINE CERTIFICATE MATTERS

A. Pipeline certificates

CP-1.—Docket No. CI76-432, Cabot Corp. Docket No. CP76-19, Columbia Gas Transmission Corp. and the Sylvania Corp. Docket No. CP76-361, Columbia Gas Transmission Corp.
CP-2.—Docket Nos. CP75-104, et al., High Island Offshore System.
CP-3.—Reserved.
CP-4.—Reserved.
CP-5.—Reserved.

B. Order No. 2 authorizations

CP-6.—Docket No. CP78-45, Transcontinental Gas Pipe Line Corp.

GAS AGENDA—124TH MEETING, JUNE 14, 1978, REGULAR MEETING

CAG-1.—Docket Nos. CS71-876, et al., Jones-O'Brien, Inc., et al.
CAG-2.—Docket No. CI77-551, Pan Eastern Exploration Co.
CAG-3.—Docket No. CI78-430, J. M. Huber Corp.
CAG-4.—Docket No. CP78-43, Trunkline Gas Co.
CAG-5.—Docket Nos. CI77-621, et al., Atlantic Richfield, Co.
CAG-6.—Docket Nos. CP75-104, et al., High Island Offshore System. Docket No. CP76-118, U-T Offshore System.
CAG-7.—Docket Nos. CI78-201, et al., Louisiana Land Offshore Exploration Co., Inc., et al.
CAG-8.—Docket Nos. CI77-805, et al., Louisiana Land Offshore Exploration Co., Inc., et al.
CAG-9.—Docket Nos. CI77-692, et al., Columbia Gas Development Corp., et al.
CAG-10.—Docket No. CP64-89, Cities Service Gas Co. and Natural Gas Pipeline Co. of America.

CAG-11.—Docket No. CP78-248, Tennessee Gas Pipeline Co., a division of Tenneco Inc.
CAG-12.—Docket No. CP78-261, United Gas Pipe Line Co.
CAG-13.—Docket Nos. CP75-182, Michigan Wisconsin Pipe Line Co. Docket No. CP75-200, Michigan Consolidated Gas Co.
CAG-14.—Docket Nos. CS74-84, et al., Priest Oil and Gas Corp., et al.
CAG-15.—Docket Nos. G-7526, et al., Amoco Production Co., et al.
CAG-16.—Docket Nos. G-4809, et al., Chevron U.S.A. Inc. (Operator), et al.

MISCELLANEOUS AGENDA—124TH MEETING, JUNE 14, 1978, REGULAR MEETING

M-I.—Docket No. RM75-25, Policy with respect to certification of Pipeline Transportation Agreements.

MISCELLANEOUS AGENDA—124TH MEETING, JUNE 14, 1978, REGULAR MEETING

CAM-1.—Consolidated Water Power Co.
CAM-2.—Wisconsin River Power Co.
CAM-3.—Alcoa Generating Corp., Long Sault, Inc., Yakin, Inc., and Tapco, Inc.

POWER AGENDA—124TH MEETING, JUNE 14, 1978, REGULAR MEETING

I. ELECTRIC RATE MATTERS

ER-1.—Docket Nos. ER78-308 and ER78-369, Boston Edison Co.
ER-2.—Docket No. ER78-376, Florida Power & Light Co.
ER-3.—Docket No. ER78-388, Missouri Power & Light Co.
ER-4.—Docket No. ER78-194, Cleveland Electric Illuminating Co.
ER-5.—Docket No. ER76-184, Kansas City Power & Light Co.
ER-6.—Docket No. E-8755, Central Kansas Power Co., Inc.
ER-7.—Docket No. E-7704, *The Electric and Water Plant Board of the City of Frankfort, Kentucky* v. *Kentucky Utilities Company.* Docket No. E-7669, Public Service Co. of Indiana. Docket No. E-7937, Indianapolis Power & Light Co. Docket No. E-8053, Kentucky Utilities Co.
ER-8.—Docket No. E-9454, Public Service Co. of New Mexico.

II. LICENSED PROJECT MATTERS

P-1.—Project No. 2742, Copper Valley Electric Association, Inc.

POWER AGENDA—124TH MEETING, JUNE 14, 1978, REGULAR MEETING

CAP-1.—Docket No. ER78-232, Indianapolis Power & Light Co.
CAP-2.—Docket No. ER78-377, Connecticut Valley Electric Co., Inc.
CAP-3.—Docket No. ER78-226, Consumers Power Co.
CAP-4.—Docket No. E-8570 (Fuel Clause), Southern California Edison Co.
CAP-5.—Docket No. ER77-482, Michigan Power Co.
CAP-6.—Docket No. ES78-33, El Paso Electric Co.
CAP-7.—Docket No. DA-563, Oregon, Bureau of Land Management and U.S. Geological Survey.

KENNETH F. PLUMB,
Secretary.

[78-1210-78 Filed 6-8-78; 11:28 am]

[6720-01]

4

FEDERAL HOME LOAN BANK BOARD:

TIME AND DATE: 9:30 a.m., June 16, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Franklin O. Bolling, 202-377-6679.

MATTERS TO BE CONSIDERED:

Limited Facility Application—Oceanside Federal Savings & Loan Association, Oceanside, Calif.
Application for Merger, Maintenance of Branch Offices, Cancellation of Membership and Insurance and Transfer of Bank Stock—First Federal Savings & Loan Association Wilkes-Barre, Wilkes-Barre, Pa. into Franklin Federal Savings & Loan Association of Wilke-Barre, Wilkes-Barre, Pa.
Limited Facility Application—First Federal Savings & Loan Association of Cedar Falls, Cedar Falls, Iowa.
Branch Office Application—Fidelity Federal Savings & Loan Association of Seymour, Seymour, Ind.
Consideration of Recommendation for Designation of Allen Dermody and David J. Kalina as Supervisory Agents of the Federal Home Loan Bank of Chicago.
Extension of Time for Bank Membership and Insurance of Accounts Application—First Womens Savings & Loan Association, San Francisco, Calif.
Branch Office Application—First Federal Savings & Loan Association of Lincoln, Nebr.
Application for Modification of Conditions for Bank Membership and Insurance of Accounts—Cincinnati Savings Association, Cincinnati, Ohio.
Application for Bank Membership and Insurance of Accounts—Peninsula Savings & Loan Association, Soldotna, Alaska.
Branch Office Application—First Federal Savings & Loan Association of Miami, Miami, Fla.
Satellite Office Application—Liberty Federal Savings & Loan Association, Philadelphia, Pa.

No. 158, June 8, 1978.

[S-1218-78 Filed 6-8-78; 3:35 pm]

[7020-02]

5

[USITC SE-78-28A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 24169, June 6, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., Thursday, June 15, 1978.

CHANGES IN THE MEETING: Additional Agenda Item:

7. Operations review by Mr. Dennin.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1213-78 Filed 6-8-78; 11:28 am]

[7020-02]

6

[USITC SE-78-29]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Monday, June 19, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary):
a. Glasses (Docket no. 515).
5. Approval of quarterly East-West Trade Report (if necessary).
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1214-78 Filed 6-8-78; 11:28 am]

[7590-01]

7

NUCLEAR REGULATORY COMMISSION.

"Federal Register Citation of Previous Announcement: To be published.

PREVIOUSLY ANNOUNCED TIME AND DATE: Tuesday, June 6, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Closed (Changes).

CHANGES IN THE MEETING: 1. The Discussion of OIA/OGC Inquiry in Testimony of the Executive Director for Operations scheduled for approximately 3:00 p.m. has been postponed.

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

[S-1211-78 Filed 6-8-78; 11:28 am]

[7590-01]

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of June 12, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Wednesday, June 14, 2:30 p.m.—Discussion of Draft Testimony on DOE Mill Tailings Legislation (approximately 2 hours). (Public meeting—Tentative)

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

JUNE 7, 1978.

[S-1212-78 Filed 6-8-78; 11:28 am]

[7710-12]

9

POSTAL SERVICE (BOARD OF GOVERNORS).

NOTICE OF VOTE TO CLOSE MEETING.

On June 6, 1978, the Board of Governors of the United States Postal Service unanimously voted to close to public observation a portion of its meeting currently scheduled for July 6, 1978. Each of the members of the Board voted in favor of partially closing these meetings, which are expected to be attended by the following persons: Governors Wright, Holding, Ching, Codding, Hardesty, Robertson; Postmaster General Bolger; Deputy Postmaster General Conway; and Secretary of the Board Cox.

The portion of the meeting to be closed will consist of a discussion of the Postal Service's possible strategies and positions in current collective bargaining negotiations involving parties to the 1975 National Agreement between the Postal Service and the labor organizations representing certain postal employees, which is scheduled to expire in July of 1978.

The Board of Governors is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, in any collective bargaining sessions that may take place would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditionally depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular interest in the integrity of this process as it relates to the Postal Service, since the outcome of the negotiations between the Postal Service and the various postal unions, and consequently the cost, quality and efficiency of postal operations, may be adversely affected if the process is altered.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. § 552b(b)), because it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and section 7.3(i) of title 39, Code of Federal Regulations, the discussion is exempt, because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action. Finally, the Board of Governors has determined that the public has an interest in maintaining the integrity of the collective bargaining process and that the public interest does not require that the Board's discussion of its possible collective bargaining strategies and positions be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3) and 552b(c)(9)(B) of title 5 and section 410(c)(3) of title 39, United States Code, and sections 7.3(c) and 7.3(i) of title 39, Code of Federal Regulations.

LOUIS A. COX,
Secretary.

[S-1215-78 Filed 6-8-78; 2:05 pm]

[8010-01]

10

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 24170, June 2, 1978.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

PREVIOUSLY ANNOUNCED TIME AND DATE: Thursday, June 8, 1978, following open meeting at 2:30 p.m.

CHANGES IN THE MEETING: Additional items to be considered.

The following additional items will be considered by the Commission at the closed meeting scheduled for Thursday, June 8, 1978, immediately following the open meeting scheduled for 2:30 p.m.:

Referral of investigative files to Federal, State, or Self-regulatory authorities.
Settlement of injunctive actions.
Other litigation matters.

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 so 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 Evans and Pollack determined that Commission business required consideration of these matters and that no earlier notice thereof was possible.

JUNE 8, 1978.

[S-1216-78 Filed 6-8-78; 2:42 pm]

11

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: June 9, 1978.

PLACE: Commissioners' Conference Room, 1717 H St., NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

9:00 a.m.—Discussion of Stay Motion in Seabrook (ALAB-471); (Approximately 1 hour); (Public Meeting).

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

[S-1223-78 Filed 6-9-78; 11:03 a.m.]

federal register

MONDAY, JUNE 12, 1978
PART II



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

■

NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

Extension of Comment Period and Schedule of Public Meetings

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 8]

[Docket No. R-78-528]

NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Extension of Comment Period and Schedule of Public Meetings

AGENCY: Office of the Secretary, HUD.

ACTION: Extension of Comment Period and Schedule of Public Meetings.

SUMMARY: This Notice extends the period for comments on the proposed rule, published April 19, 1978 (43 FR 16652) which sets forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance from the Department of Housing and Urban Development. The Notice also sets forth the time and place for public meetings designed to assure maximum public participation in the development of final regulations.

DATE: The comment period is extended until August 1, 1978.

ADDRESS: Written comments, views or data should be submitted to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washingon, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Catherine A. Hillard (on the regulations), 202-755-7367, or Roger P. Watts (on the meetings), 202-755-7366.

NOTE.—These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: This Notice extends the period for comments on the proposed rule, published April 19, 1978 (24 CFR Part 8), which sets forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance from the Department of Housing and Urban Development, pursuant to section 504 of the Rehabilitation Act of 1973 and Executive Order 11914. The Notice also sets forth the time and place for public meetings designed to assure maximum public participation in the development of final regulations.

The Department stated, in the proposed rule, its intention to hold public meetings because of the variety and importance of the issues involved. The Secretary of Housing and Urban Development, in recognition of the value of full and frank exchange in developing responsive regulations, hereby extends the comment period by 42 days with a revised comment due date of August 1, 1978. Public Meetings will be held according to the following schedule:

Place	Date
Atlanta	July 12
Boston	July 20
Chicago	July 14
Dallas	July 18
Denver	June 29
Kansas City	June 27
New York City	July 10
San Francisco	June 19
Seattle	June 21
Washington, D.C.	July 6

Each meeting will take place from 9 a.m. to 6 p.m. according to the following agenda:

9-9:30 a.m.—Discussion of proposed rule by HUD staff.

9:30-12 Noon.—Brief verbal presentation by the public of formal written comments submitted to HUD staff the morning of the meeting.

1:30-6 p.m.—"Town Meeting" Session for Questions and Answers.

Persons wishing to speak during the morning session should submit their comments in writing to designated HUD staff the morning of the meeting. Written comments should also be submitted to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. Comments received will be available for public inspection in room 5218 between 8:45 a.m. and 5:15 p.m. on all working days. Transcripts, covering all major comments received in the public meetings, will also be available for public inspection in room 5218. All relevant comments received on or before August 1, 1978 will be considered before adoption of the final rule.

Issued at Washington, D.C., June 7, 1978.

PATRICIA ROBERTS HARRIS,
Secretary,
Housing and Urban Development.

[FR Doc. 78-16216 Filed 6-9-78; 8:45 am]



dial-a-reg



For an advance "look" at the FEDERAL REGISTER, try our new information service. A recording will give you selections from our highlights listing of documents to be published in the next day's issue of the FEDERAL REGISTER.

AREA CODE 202

523-5022