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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.
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xi
Title 7—Agriculture
Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Regulation 595]

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

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period June 30-July 6, 1978. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.


FOR FURTHER INFORMATION CONTACT:


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

The committee met on June 27, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges continues to be seasonally slow.

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

Accordingly §908.895 is added as follows:

§908.895 Valencia Orange Regulation 595.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period June 30, 1978, through July 6, 1978, are established as follows:

(1) District 1: 200,000 cartons;
(2) District 2: 300,000 cartons;
(3) District 3: Unlimited.

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


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

[FR Doc. 78-18357 Filed 6-28-78; 11:47 am]
FOR FURTHER INFORMATION CONTACT:

W. S. Thomas, Engineering and Manufacturing Branch, Flight Standards Division, FAA. P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7435.

SUPPLEMENTARY INFORMATION: This amendment further amends amendment 39-3151, 43 FR 9591, A.D. 78-05-06, as amended by amendment 39-3173, 43 FR 14960, which currently provides for checks for evidence of fuel leakage, and imposes an integrity test and inspections of aircraft incorporating Goodyear BTC-39 flexible fuel cells. After issuing amendment 39-3173, the FAA has determined that some owners or operators have misinterpreted the applicability statement and have concluded that their Beech model aircraft were not affected because that model was not specifically identified on the A.D., even though the manufacturer's service instruction included a complete list of affected models. Therefore, the FAA is further amending amendment 39-3151, as amended by amendment 39-3173, by providing a more detailed list of the Beech airplane models to which the A.D. is applicable.

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

DRAFTING INFORMATION

The principal authors of this document are W. S. Thomas, Flight Standards Division, and Keith May, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending amendment 39-3151, 43 FR 9591, A.D. 78-05-06, as amended by amendment 39-3173, 43 FR 14960, by revising the applicability statement to include the following Beech airplane models in place of the Beech airplane models listed:

BEECH—H18, 35-B33, 35-C33, E33 and F33;
35-C5A, E33A, and F33C and F33C; 58S, 58S, V35-T, V35A, V35-TC, V35B and V35B-TC; 38 and A36; 45 (T44A), 545 and D45 (T44D);
D50S, J50; 95-A55, 95-B55, and 95-B55A; 95-C56, 95-C5A, D56, D5A, E56 and E5A; 56B, 56B-TC (T62A, 56TC)
56TC, 58 and 58A; 60, A60 and B60; 65;
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99A, A99A and B99; 100 and A100; and any other Beechcraft airplane models or series not listed above that have Goodyear BTC-39 construction fuel cells have been installed as spares replacements.

SUPPLEMENTARY INFORMATION: The manufacturer is substituting a forged part, Cleveland P/N 164-39F, before further flight. Check may be accomplished by the pilot.

ACTION: Final rule.

SUMMARY: This rule publishes a new airworthiness directive (AD) applicable to Piper PA-31T-type airplanes. It requires an inspection prior to next flight of the weld joining the brake disc to the cup for circumferential cracks. This inspection results from reports which establish the separation of the disc from the cup and the finding of cracks in other discs.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: This amendment was effective in less than 30 days.

FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978

RULES AND REGULATIONS

Amendment 39-3151 became effective March 17, 1978.

This amendment becomes effective June 30, 1978.

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

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11182, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on June 16, 1978.

GEORGE F. LA CAILLE,
Acting Director, Southern Region.

[4910-13]

(Docket No. 78-EA-26; Amdt. 39-3248)

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule publishes a new airworthiness directive (AD) applicable to Piper PA-31T-type airplanes. It requires an inspection prior to next flight of the weld joining the brake disc to the cup for circumferential cracks. This inspection results from reports which establish the separation of the disc from the cup and the finding of cracks in other discs.

EFFECTIVE DATE: June 29, 1978.

Compliance prior to further flight.

FOR FURTHER INFORMATION CONTACT:

WILLIAM F. MORGAN,
Director, Eastern Region.

[FR Doc. 78-17885 Filed 6-23-78; 8:45 am]

PART 39—AIRWORTHINESS DIRECTIVES

Bendix

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment (AD) amends AD 78-09-07 applicable to Bendix type magnetos and clarifies the applicability of AD 78-09-07 to Bendix type magnetos incorporating impulse couplings. It appears that there had been misunderstandings in that regard.

EFFECTIVE DATE: June 3, 1978.
RULLES AND REGULATIONS

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Amendment 39-2145, AD 75-07-11, which required inspections of the outboard trailing edge flap inboard tracks on Boeing Model 737 series airplanes, including military type T43A, Revision 2.

DATES: Effective date July 12, 1978.

Addressees: Boeing service bulletins specified in this directive may be obtained upon request to the Boeing Commercial Airplane Co., P.O. Box 3707, Seattle, Wash. 98114. These documents may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

The principal authors of this document are Gerald R. Mack, Engineering and Manufacturing Branch, FAA Northwest Region, and Jonathan Howe, Regional Counsel, FAA Northwest Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 78-09-07 as follows:


Effective Date: This amendment is effective June 3, 1978.

 변경된 항목은 다음과 같습니다.

1. Inboard tracks: Unless accomplished within the last 300 landings prior to the effective date of this AD, the inboard flap tracks of the outboard trailing edge flap installation identified in Boeing Service Bulletin Nos. 737-57-1082, Revision 4, or later FAA approved revisions, and 737-57-1084, Revision 2, or later FAA approved revisions, respectively, of all Boeing Model 737 series airplanes, including military type T43A airplanes, are certificated in all categories.

Compliance required as indicated.

To detect cracks in the aft portion of the inboard and outboard flap tracks of the outboard trailing edge flap installation accomplished the following:

1. Inboard tracks: Unless accomplished within the last 600 landings prior to the effective date of this AD, within the next 600 landings from the effective date of this AD or prior to the accumulation of 4,000 landings whichever occurs later.

2. Outboard tracks: Unless accomplished within the last 300 landings prior to the effective date of this AD, within the next 900 landings from the effective date of this AD or prior to the accumulation of 7,000 landings, whichever occurs later.

If cracks are detected replace the track or repair per paragraph D of this AD. If cracks are not found, reinspect per paragraph C of this AD.

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

FOR FURTHER INFORMATION CONTACT:


SUMMARY: This amendment is solely for clarifying the applicability of AD 78-09-07, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

DrAFtINFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 75-07-11, Amendment 39-2145, AD 75-07-11, which required inspections for cracks in both the inboard and outboard flap tracks of the outboard trailing edge flap installation. Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DrAFtINFORMATION

The principal authors of this document are Gerald R. Mack, Engineering and Manufacturing Branch, FAA Northwest Region, and Jonathan Howe, Regional Counsel, FAA Northwest Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 75-07-11, Amendment 39-2145, AD 75-07-11, which required inspections for cracks in both the inboard and outboard flap tracks of the outboard trailing edge flap installation. Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DrAFtINFORMATION

The principal authors of this document are Gerald R. Mack, Engineering and Manufacturing Branch, FAA Northwest Region, and Jonathan Howe, Regional Counsel, FAA Northwest Region.
D. Repair cracked tracks in accordance with Boeing Service Bulletin Nos. 737-57-1087, Revision 4, or later FAA approved revisions, or applicable, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Repaird tracks are to be penetrant or magnetic particle inspected at intervals not to exceed:

1. 1,200 landings for tracks with repaired lowing face defects.
2. 2,000 landings for tracks with cracks stop drilled in small portion of the flank area.
3. 1,000 landings—for tracks with one web cracked between two adjacent holes in the area forward of aft fastener hole.
4. 5,000 landings—for tracks with one web cracked beyond two adjacent holes in the area forward of aft fastener hole.
5. 20 landings—for tracks with one web cracked and the crack propagating down from the aft fastener hole.

Tracks with cracks other than those specified above, must be replaced prior to further flight.

E. Replacement of the tracks affected by this AD with improved tracks identified in paragraph C(2), or later FAA approved revisions, or if such tracks are not available, tracks in accordance with 14 CFR 39.13, constitutes terminating action for this AD.

F. In the purpose of complying with the Airworthiness Directive, with approval of the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplanes hours time-in-service by the operators Boeing Model 737 fleet average time from takeoff to landing. Airplanes may be flown to a maintenance base for repairs or replacement in accordance with FAR 21.197.

H. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals in the AD as may be determined upon review of FAA approved service orders.

PART 39—AIRWORTHINESS DIRECTIVES

Maule M-5 Series Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection and replacement of fuel line(s) that have collapsed which could result in loss of engine power.

DATES: Effective date: July 5, 1978. Compliance required within the next 25 hours' time in service after the effective date of this AD.

ADDRESSES: The applicable service letter may be obtained from Maule Aircraft Corp., Spence Air Base, Moultrie, Ga. 31788. A copy of the service letter is contained in the Rules Docket, Room 264, FAA Southern Region, 3400 Whipple Street, East Point, Ga. 30344.

FOR FURTHER INFORMATION CONTACT: W. J. Lawrence, Engineering and Manufacturing Branch, FAA Southern Region, 3400 Whipple Street, East Point, Ga. 30344, telephone 404-763-7435.

SUPPLEMENTAL INFORMATION: The airframe manufacturer has determined that during production there have been fuel feed lines deformed due to overtorquing of line hose clamps. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being issued which requires inspection and replacement of fuel feed lines, as necessary, on Maule M-5 series aircraft.

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

The principal authors of this document are W. J. Lawrence, Flight Standards Division, and Ronald R. Hagadone, Office of the Regional Counselor, FAA Southern Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the author­

ity delegated to me by the Admin­

istrator, §39.13 of Part 39 of the Federal Aviation regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:


To prevent reduction of fuel feed or supply to the engine, accomplish the following within the next 25 hours' time in service:

Remove the wing root fairings on both sides to gain access to both main tank outlets (two outlets per tank).

(1) If the fuel line tube clamps do not have hexagonal heads, no further inspection is necessary. Replace fairing and return aircraft to service.

(2) If the fuel line tube clamps have hexagonal heads, drain fuel tanks, and loosen the tube clamp(s) pull the fuel hose off of the fuel line(s) and tank outlets and inspect tube(s) for deformed tube sections. If fuel line tube(s) are deformed, replace tube(s). front tubes Maule P/N 5092X-7 left, 5092X-8 right; rear tube(s) P/N 5092X-1 left and 5092X-5 right. Use round head Aerospace hose clamps P/N QS-100-M8S, or existing hose clamps, during reassembly. Torque clamps to 15-20 inch pounds. Leak check fuel system prior to returning aircraft to service.

An alternate method of compliance with this AD may be used if approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region, Atlanta, Ga. (Maule Service Letter 39, dated May 10, 1978, or later FAA-approved revision, pertains to the same subject.)

This amendment becomes effective July 5, 1978.

Issued in East Point, Ga., June 19, 1978.

George R. LaCaille,
Acting Director, Southern Region.
PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area: Coatesville, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will amend the area's description by reflecting a 1 degree change, 283° to 282°, in the bearing from the COATY LOM. This change is a reflection of the revised NDB 'Rwy 11 Instrument approach procedure.

EFFECTIVE DATE: June 29, 1978.

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

SUPPLEMENTARY INFORMATION:
The rule is minor in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

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

ADOPTION OF THE AMENDMENT
Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation regulations (14 CFR Part 71) as republished (43 FR 440) is amended, effective 0901 G.M.T., September 7, 1978, as follows.

In Subpart G, 71.181 (43 FR 440), the Durant, Okla., transition area is amended as follows:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Eaker Field (latitude 33°56'30" N., longitude 96°24'00" W.) and within 3 miles each side of a 187° bearing from the Durant NDB (latitude 33°56'32" N., longitude 96°23'54" W.) extending from the 8.5-mile radius area to 9 miles SE of the NDB.

(Sec. 30(a), Federal Aviation Act of 1958 (49 U.S.C. 1346a(a)); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on June 13, 1978.

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

[FR Doc. 78-18043 Filed 6-28-78; 8:45 am]

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

Alteration of Transition Area: Durant, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Durant, Okla. The intended effect of the action is to provide additional controlled airspace for aircraft executing instrument procedures at the Eaker Field Airport. The circumstance which created the need for the action was the utilization of the airport by higher performance aircraft whose operation cannot be protected by existing controlled airspace.


FOR FURTHER INFORMATION CONTACT:
David Gonzalez, Airspace and Procedures Branch (ASW-9), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-824-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY
On April 13, 1978, a notice of proposed rulemaking was published in the Federal Register (43 FR 15434) stating that the Federal Aviation Administration proposed to alter the Durant, Okla., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objection. Except for editorial changes this amendment is that proposed in the notice.

THE RULE
This amendment to Subpart G of Part 71 of the Federal Aviation regulations (14 CFR 71) alters the Durant, Okla., transition area. This action provides additional controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument procedures at the Eaker Field Airport.

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

ADOPTION OF THE AMENDMENT
Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation regulations (14 CFR Part 71) as republished (43 FR 440) is amended, effective 0901 G.M.T., September 7, 1978, as follows.

In Subpart G, 71.181 (43 FR 440), the Durant, Okla., transition area is amended as follows:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Eaker Field (latitude 33°56'30" N., longitude 96°24'00" W.) and within 3 miles each side of a 187° bearing from the Durant NDB (latitude 33°56'32" N., longitude 96°23'54" W.) extending from the 8.5-mile radius area to 9 miles SE of the NDB.

(Sec. 30(a), Federal Aviation Act of 1958 (49 U.S.C. 1346a(a)); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Fort Worth, Tex., on June 19, 1978.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc. 78-18045 Filed 6-28-78; 8:45 am]
TRANSPORTATION ACT (49 U.S.C. 1556(c)); sec. 11.61 of the Federal Aviation regulations (14 CFR 11.61.)

Note.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11521, as amended by Executive Order 11946, and OMB Circular A-107.


JOHN M. CYROCKI,
Director, Great Lakes Region.

In section 71.181 (43 FR 440), the following transition area is added:

PARRIBALT, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Paribault Municipal Airport (latitude 44°19'30" N., longitude 93°18'30" W.), within 1.25 miles each side of the 199° bearing from Paribault Municipal Airport, extending from the Paribault 5-mile radius area to 5 miles southwest of the airport, excluding the portion within the Owatonna, Minn., transition area.

(FPR Doc. 78-18044 Filed 6-28-78; 8:45 am)

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

Further, the SIAP's contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERP). In developing these SIAP's, the TERP's criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAP's and safety in air commerce, I find that good cause exists for making some SIAP's effective in less than 30 days.

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

ADOPTION OF THE AMENDMENT

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

1. By amending §97.23 VOR-VOR/DME SIAP's identified as follows:

   ** Effective October 5, 1978
   Los Angeles, CA—Los Angeles Int'l, VOR Rwy T/L/R (TAC) Amtd. 13

   ** Effective September 7, 1978
   Fayetteville, AR—Drake Field, VOR-A, Amtd. 17
   Siloam Springs, AR—Smith Field, VOR/DME A, Amtd. 3
   Farmington, NM—Farmington Municipal, VOR/DME Rwy 5, Amtd. 3, Canceled
   Farmington, NM—Farmington Municipal, VOR/DME Rwy 7, Original
   Farmington, NM—Farmington Municipal, VOR Rwy 23, Amtd. 3, Canceled
   Farmington, NM—Farmington Municipal, VOR/DME A, Amtd. 2
   Madill, OK—Madill Municipal, VOR/DME A, Original
   ** Effective August 10, 1978

2. By amending §97.25 SDF-LOC-LDA SIAP's identified as follows:

   ** Effective September 7, 1978
   Fayetteville, AR—Drake Field, LOC Rwy 16, Amtd. 6

   Chicago, IL—Chicago O'Hare International, LOC Rwy 41, Amtd. 14

   ** Effective August 10, 1978
   Hibbing, MN—Chisholm-Hibbing, LOC BC Rwy 13, Amtd. 5
   Bremerton, WA—Kitsap County, LOC BC Rwy 1, Amtd. 1

3. By amending §97.27 NDB/ADF SIAP's identified as follows:

   ** Effective September 7, 1978
   Ketchikan, AK—Ketchikan International, NDB/DME-A, Amtd. 3

   DeQueen, AR—Sevier County, NDB Rwy 8, Amtd. 9
   Chicago, IL—Chicago O'Hare International, NDB Rwy 9R, Amtd. 11
   Chicago, IL—Chicago O'Hare International, NDB Rwy 14R, Amtd. 18
   Chicago, IL—Chicago O'Hare International, NDB Rwy 27R, Amtd. 17
   Carthage, MO—Dickens County, NDB Rwy 30, Original
   Edna, TX—Jackson County, NDB-A, Orig.

   ** Effective August 10, 1978
   Gadsden, AL—Gadsden Muni, NDB Rwy 8, Amtd. 5
   Little Rock, AR—Adams Field, NDB Rwy 22, Amtd. 2
   Harrisburg, IL—Harrisburg-Raleigh, NDB Rwy 24, Amtd. 4
   Jonesboro, AR—Jonesboro, NDB Rwy 35, Original
   Pendleton, OR—Pendleton Muni, NDB-A, Amtd. 3
   Bay City, TX—Bay City Municipal, NDB Rwy 13, Original
   Uvalde, TX—Garner Field, NDB Rwy 33, Original
   Uvalde, TX—Garner Field, NDB Rwy 33, Amtd. 1, canceled
   Bremerton, WA—Kitsap County, NDB Rwy 1, Amtd. 9

   ** Effective July 13, 1978
   Rocky Mount, NC—Rocky Mount-Wilson, NDB Rwy 4, Amtd. 3

   4. By amending §97.29 ILS-MLS SIAP's identified as follows:

   ** Effective October 5, 1978
   Los Angeles, CA—Los Angeles Int'l, ILS Rwy 6L, Amtd. 1
   Los Angeles, CA—Los Angeles Int'l, ILS Rwy 6R, Amtd. 7
   Los Angeles, CA—Los Angeles Int'l, ILS Rwy 7L, Amtd. 14
   Los Angeles, CA—Los Angeles Int'l, ILS Rwy 24R, Amtd. 13
   Los Angeles, CA—Los Angeles Int'l, ILS Rwy 25L, Amtd. 13
   Los Angeles, CA—Los Angeles Int'l, ILS Rwy 25R, Amtd. 13

   ** Effective September 7, 1978
   Chicago, IL—Chicago O'Hare International, ILS Rwy 4R, Amtd. 3
   Chicago, IL—Chicago O'Hare International, ILS Rwy 4L, Amtd. 2
   Chicago, IL—Chicago O'Hare International, ILS Rwy 9R, Amtd. 9
   Chicago, IL—Chicago O'Hare International, ILS Rwy 14R, Amtd. 24
   Chicago, IL—Chicago O'Hare International, ILS Rwy 22L, Amtd. 2
   Chicago, IL—Chicago O'Hare International, ILS Rwy 22R, Amtd. 4
   Chicago, IL—Chicago O'Hare International, ILS Rwy 27L, Amtd. 8
   Chicago, IL—Chicago O'Hare International, ILS Rwy 27R, Amtd. 19

   ** Effective August 10, 1978
   Little Rock, AR—Adams Field, ILS Rwy 22, Amtd. 4
RULES AND REGULATIONS

[4910-13]  
(Docket No. 12762; SFAR No. 30-2)

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Special Federal Aviation Regulation No. 30; Ground Proximity Warning System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends the expiration date of a special regulation which allows certain airplanes to be operated without a ground proximity warning-glide slope deviation system. The extension will avoid the imposition of an undue financial burden on airplane operators pending a determination of whether the equipment requirements should be revised.


FURTHER INFORMATION CONTACT:

Mr. Donald A. Schroeder (APS-901), Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8715.

SUPPLEMENTAL INFORMATION: SFAR No. 30 provides that airplanes having a maximum passenger capacity of 30 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 35,000 pounds or less may be operated under Parts 121, 125, and 135 of the Federal Aviation regulations without a ground proximity warning system or a ground proximity warning-glide slope deviation system. SFAR No. 30 was adopted to provide this relief on an interim basis pending the determination of whether or not new standards should be developed for operations conducted with these airplanes. The expiration date of SFAR No. 30, as amended by SFAR No. 30-1 (41 FR 53319, December 6, 1976), is June 30, 1978.

The FAA announced a regulatory review program, public notice of which was given in Notice 78-18, published in the Federal Register on September 13, 1976 (41 FR 38778), which involved a comprehensive review and upgrading of Part 135, including requirements applicable to “commuter air carrier” operations.

This program includes consideration of new standards and rules, including equipment requirements for the ground proximity warning system or ground proximity warning-glide slope deviation system, for certain aircraft operated by air taxi operators certified by the FAA by the following aircraft described in SFAR 30. A notice of proposed rulemaking (Notice 77-17) was published in the Federal Register on August 29, 1977 (42 FR 43490), as part of the Part 135—Regulatory Review Program. This program will not be concluded by the June 30, 1978, termination date of SFAR No. 30.

If SFAR No. 30 were to expire prior to the completion of the rulemaking action generated by the Part 135—Regulatory Review Program, an undue financial burden could be placed on certain operators of airplanes meeting the criteria specified in SFAR No. 30 because they would be required to purchase and install equipment which might not be required when the Part 135—Regulatory Review Program is completed. Thus, the FAA believes that it is not in the public interest to require the installation of a ground proximity warning system or a ground proximity warning-glide slope deviation system in the airplanes described in SFAR No. 30 pending a determination of whether or not new standards should be developed.

The extension of SFAR No. 30 to June 30, 1979, should provide the FAA sufficient time to determine what regulatory changes are necessary.

DRAFTING INFORMATION

The principal authors of this document are Donald A. Schroeder, Flight Standards Service, and Richard C. Beitel, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Since this amendment continues in effect the provisions of a currently effective special Federal Aviation regulation and imposes no additional burden on any person, I find that notice and public procedure are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

Accordingly, special Federal Aviation regulation No. 30, as amended by SFAR No. 30-1, is amended, effective June 30, 1978, by deleting the words “June 30, 1978,” and inserting in their place the words “June 30, 1979.”

(See 313(f), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1341(a), 1341(b), and 1424), and section 8(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document is
RULES AND REGULATIONS

No. 33, as amended by SFAR No. 33-1 (42 FR 42194; August 22, 1977) is June 30, 1978.

The FAA announced a regulatory review program, public notice of which was given in Notice 76-18, published in the Federal Register on September 13, 1976 (42 FR 58778), which involved a comprehensive review and upgarding of Part 135, including requirements applicable to "commuter air carrier" operations.

This program includes consideration of new standards and rules, including equipment requirements for the flight data recorder and cockpit voice recorder for certain aircraft operated by air taxi operators certificated by the FAA, including aircraft described in SFAR No. 33. A notice of proposed rulemaking (Notice 77-17) was published in the Federal Register on August 29, 1977 (42 FR 43490), as part of the Part 135—Regulatory Review Program. This program will not be concluded by the June 30, 1978, termination date of SFAR No. 33.

If SFAR No. 33 were to expire prior to the completion of the rulemaking action generated by the Part 135—Regulatory Review Program, an undue financial burden could be placed on certain operators of airplanes meeting the criteria specified in SFAR No. 33 because they would be required to purchase and install equipment which might not be required when the Part 135—Regulatory Review Program is completed. Thus the FAA believes that it is not in the public interest to require the installation of a flight data recorder or a cockpit voice recorder in airplanes described in SFAR No. 33 pending a determination of whether or not new standards should be developed.

The extension of SFAR No. 33 to June 30, 1979, should provide the FAA sufficient time to determine what regulatory changes are necessary.

DRAFTING INFORMATION

The principal authors of this document are Donald A. Schroeder, Flight Standards Service, and Richard C. Beitel, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Since this amendment continues in effect the provisions of a currently effective special Federal Aviation Regulation and imposes no additional burden on any person, I find that it is not in the public interest if these requirements were eliminated.

DATE: Effective date: July 28, 1978.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

The notice of proposed rulemaking under section 91.107(e) of the Federal Aviation Regulations (FARs) for agricultural aircraft operators conducting special VFR night operations in control zones (see Notice 77-28) was initiated on December 12, 1977, by the FAA proposed to eliminate the instrument flight requirements of § 91.107(e) of the Federal Aviation Regulations for mercial operators. The FAA considers the current instrument flight requirements for special VFR night operations to be unnecessary and impractical for agricultural flights and believes it would be in the public interest if these requirements were eliminated.

DATE: Effective date: June 22, 1978.

FOR FURTHER INFORMATION CONTACT:


SUMMARY: This amendment allows agricultural aircraft operators to conduct special VFR night operations without complying with certain instrument flight requirements. The FAA considers the current instrument flight requirements for special VFR night operations to be unnecessary and impractical for agricultural flights and believes it would be in the public interest if these requirements were eliminated.

DRAFTING INFORMATION

The principal authors of this document are Donald A. Schroeder, Flight Standards Service, and Richard C. Beitel, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Since this amendment continues in effect the provisions of a currently effective special Federal Aviation Regulation and imposes no additional burden on any person, I find that it is not in the public interest if these requirements were eliminated.

DATE: Effective date: July 28, 1978.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

The notice of proposed rulemaking under section 91.107(e) of the Federal Aviation Regulations (FARs) for agricultural aircraft operators conducting special VFR night operations in control zones (see Notice 77-28) was initiated on December 12, 1977, by the FAA proposed to eliminate the instrument flight requirements of § 91.107(e) of the Federal Aviation Regulations (FARs) for agricultural aircraft operators conducting special VFR night operations in control zones.

Section 91.107(e) specifies that no person may operate an aircraft (other than a helicopter) in a control zone under appropriate special VFR weather minimums, between sunset and sunrise, unless that person meets the applicable requirements for instrument flight under part 61 of the FARs and the aircraft is equipped as required by § 91.107(d).

Notice No. 77-28 was proposed in response to a petition for rulemaking by the California Agricultural Aircraft Association, Inc., and because the
agency believed that compliance with the requirements of § 91.107(e) was not necessary for the safety of special VFR night operations conducted by part 137 certificate holders.

In addition, certificates of waiver from the provisions of § 91.107(e) have been granted in the past to many agricultural aircraft operators who requested them. While the waiver process served to relieve certain operators from the requirements of § 91.107(e), this procedure requires individual determinations and involves considerable FAA and industry resources. Accordingly, this amendment will provide relief from the provisions of § 91.107(e) without the necessity of granting individual certificates of waiver in appropriate circumstances.

Ten comments were received in response to notice No. 28-28 and voluntary adoption of the proposal. The FAA for proposing to eliminate an unnecessary regulatory requirement which did not affect the safety of agricultural aircraft operations. One commenter stated that adoption of the proposal would hold down the cost of providing night agricultural services to farmers. Another commenter supported the proposal because it encouraged night operations. This, in turn, would protect bees (who return to the hive at night) and thereby benefit a large segment of the agricultural industry which relies on bees for pollination.

For the reasons set forth herein and in notice No. 27-28, and in light of the unanimous support for the proposal expressed by the commenters, the agency believes that agricultural aircraft operators should not be required to comply with the instrument flight requirements of § 91.107(e) when conducting special VFR night operations in control zones.

DRAFTING INFORMATION

The principal authors of this document are E. A. Ritter, Flight Standards Service and Marshall S. Filler, Office of the Chief Counsel.

THE AMENDMENT

In consideration of the foregoing, part 137 of the Federal Aviation Regulation (14 CFR Part 137) is hereby amended, effective July 28, 1978, by adding a new paragraph (c) to § 137.43 to read as follows:

§ 137.43 Airport traffic areas and control zones.

(c) Notwithstanding § 91.107(e) of this chapter, an aircraft may be operated in a control zone under special VFR weather minimums without meeting the requirements prescribed therein.

(See, 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), and 1421) and section 6(e) of the Omnibus Surface Transportation Act (49 U.S.C. 1655(e)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11281, as amended by Executive Order 11949, and OMB Circular A-107.


QUENTIN S. TAYLOR, Acting Administrator.

[FR Doc. 78-17866 Filed 6-28-78; 8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

(Docket No. 9038)

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Verazzano Trading Corp., et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: This order, among other things, requires a New York City importer and distributor of wool and textile fiber products, and four affiliated companies, to cease misrepresenting or failing to properly disclose the fiber content of wool and textile fiber products, and the residual shrinkage of such products. Additionally, the firms must file bond with the Secretary of the Treasury before participating in the importation of wool and textile fiber fabrics; and provide purchasers of mislabeled merchandise with a copy of the order.


FOR FURTHER INFORMATION CONTACT:


The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows:

Subpart—Advertising
False and/or misleading.


1 Copies of the Complaint, Initial Decision, and Final Order filed with the original document.
This matter has been heard by the Commission upon the cross-appeals of complaint counsel and respondents' counsel from the initial decision and upon briefs and oral argument in support and in opposition to each appeal. The Commission, for the reasons stated in the accompanying Opinion, has granted the appeal of complaint counsel and denied the appeal of respondents' counsel. Therefore, it is ordered, That the initial decision of the administrative law judge be adopted as the Findings of Fact and Conclusions of Law of the Commission, except for page 31, paragraph headed "Understatements of Fiber Content"; page 35, line 7, sentence beginning "Still * * " through line 29, sentence Walter Banci with "violation"; page 47, first full paragraph onward.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered, That the following Order to cease and desist be entered:

ORDER

It is ordered, That respondents Verrazzano Trading Corp., a corporation, Francesco Datini Inc., a corporation, Lanificio Tuscania Inc., a corporation, Lima Textiles Inc., a corporation, and Hudson Textile Corp., a corporation, their successors and assigns and their officers, and Walter Banci, individually and as agent for said corporations and as officer of Lanificio Tuscania Inc. and Lima Textiles Inc., and as a partner trading and doing business as Lanificio Walter Banci s.a.s., and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the importation, transportation, delivery, or distribution of wool and/or textile products, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting any textile fiber product as to the name or amount of constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such textile fiber product showing in a clear, legible, and conspicuous manner the character and amount of constituent fibers contained therein. It is further ordered, That respondents Verrazzano Trading Corp., a corporation, Francesco Datini Inc., a corporation, Lanificio Tuscania Inc., a corporation, Lima Textiles Inc., a corporation, and Hudson Textile Corp., a corporation, their successors and assigns and their officers, and Walter Banci, individually and as agent for said corporations and as officer of Lanificio Tuscania Inc. and Lima Textiles Inc., and as a partner trading and doing business as Lanificio Walter Banci s.a.s., and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the importation, transportation, or causing to be transported in commerce, or the importation into the United States of such textile fiber products, the value of said wool products and any duty thereon, conditioned upon compliance with the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Verrazzano Trading Corp., a corporation, Francesco Datini Inc., a corporation, Lanificio Tuscania Inc., a corporation, Lima Textiles Inc., a corporation, and Hudson Textile Corp., a corporation, their successors and assigns and their officers, and Walter Banci, individually and as agent for said corporations and as officer of Lanificio Tuscania Inc. and Lima Textiles Inc., and as a partner trading and doing business as Lanificio Walter Banci s.a.s., and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the importing, advertising, offering for sale, sale or distribution of wool and/or textile products, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character and amount of constituent fibers contained in such products and the shrinkage factor of such products on contracts, invoices, shipping memoranda, or labels applicable there to, or in any other manner.

It is further ordered, That respondents deliver a copy of this order by registered mail to each of their customers that purchased qualities Sioux, Manito, Totem, Marnie, Gretel, Isabel, Veruska, Spluga, Eva, Navajo, Ellen, Ingrid, or Myla during the period January 1, 1973 to June 24, 1975.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of the present business or employment and his affiliation with a new business or employment. Such notice shall include said respondent's current business address and a statement as to the nature of the business or employment now engaged, as well as a description of his duties and responsibilities.
It is further ordered, That the corporate respondents shall forthwith distribute a copy of this order to each of their operating divisions and/or subsidiaries.

It is further ordered, That the corporate respondents notify the Commission at least thirty (30) days prior to any proposed change in said respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

By direction of the Commission.

Carol M. Thomas.
Secretary.

[FR Doc. 78-18150 Filed 6-28-78; 8:45 am]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of El Mirage, Maricopa County, Ariz.

AGENCY: Federal Insurance Administrator, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of El Mirage, Maricopa County, Ariz., are available for review at the Department of Public Works, P.O. Box 26, 12206 Wells Street, El Mirage, Ariz.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8672.


This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917(4c)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1917.

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agua Fría River</td>
<td>Cactus Rd. extension</td>
<td>1,111</td>
</tr>
<tr>
<td></td>
<td>Grand Ave.</td>
<td>1,129</td>
</tr>
<tr>
<td>Lizard Acres Wash</td>
<td>Confluence with Agua Fría River</td>
<td>1,141</td>
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<td></td>
<td>Corporate limits</td>
<td>1,156</td>
</tr>
<tr>
<td>Lower El Mirage Wash</td>
<td>Cactus Rd.</td>
<td>1,115</td>
</tr>
<tr>
<td>Lower El Mirage Wash</td>
<td>Confluence with Lower El Mirage Wash</td>
<td>1,117</td>
</tr>
<tr>
<td></td>
<td>¾ mi upstream of confluence with Lower El Mirage Wash</td>
<td>1,129</td>
</tr>
<tr>
<td>A.T. &amp; S.F. RR. channel</td>
<td>Palm St. (extended)</td>
<td>1,139</td>
</tr>
<tr>
<td></td>
<td>El Mirage Rd. (extended)</td>
<td>1,145</td>
</tr>
<tr>
<td></td>
<td>Upstream corporate limits</td>
<td>1,161</td>
</tr>
</tbody>
</table>

Issued: June 6, 1978.

Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 78-17754 Filed 6-28-78; 8:45 am]
provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Joaquin River</td>
<td>Georigina Dr</td>
</tr>
<tr>
<td></td>
<td>Southern Pacific RR</td>
</tr>
<tr>
<td></td>
<td>Main St</td>
</tr>
</tbody>
</table>


Gloria M. Jimenez, Federal Insurance Administrator.

[4210-01]  
(Docket No. FI-3176)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Milford, New Haven County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Lake Worth, are available for review at City Hall, 7 North Dixie, Lake Worth, Fla.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the city of Milford, Conn.

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

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housatonic River</td>
<td>Merritt Parkway</td>
</tr>
<tr>
<td>Indian River</td>
<td>Indian Lake Dam*</td>
</tr>
<tr>
<td></td>
<td>Indian Lake Dam**</td>
</tr>
<tr>
<td></td>
<td>Rose Mill Pood Dam*</td>
</tr>
<tr>
<td></td>
<td>Rose Mill Pond Dam**</td>
</tr>
<tr>
<td></td>
<td>Clark Mill Dam*</td>
</tr>
<tr>
<td></td>
<td>Clark Mill Dam**</td>
</tr>
<tr>
<td>Wepawaug River</td>
<td>Flax Mill Rd.**</td>
</tr>
<tr>
<td></td>
<td>Flax Mill Rd.*</td>
</tr>
<tr>
<td></td>
<td>Connecticut Turnpike (L-95).*</td>
</tr>
<tr>
<td></td>
<td>Connecticut Turnpike (L-95)**</td>
</tr>
<tr>
<td></td>
<td>U.S. 1-A</td>
</tr>
<tr>
<td></td>
<td>New Haven Avenue</td>
</tr>
<tr>
<td></td>
<td>Dam.*</td>
</tr>
<tr>
<td></td>
<td>New Haven Avenue *</td>
</tr>
<tr>
<td></td>
<td>Dam.**</td>
</tr>
<tr>
<td>Long Island Sound</td>
<td>Intersection of Grant Ave. and Broadway Ave.</td>
</tr>
<tr>
<td></td>
<td>Intersection of Nantucket Ave. and Broadway Ave.</td>
</tr>
<tr>
<td></td>
<td>Intersection of Nettleton Ave. and East Broadway Ave.</td>
</tr>
<tr>
<td></td>
<td>Intersection of Surf Ave. and East Broadway Ave.</td>
</tr>
<tr>
<td></td>
<td>Intersection of Seabury Ave. and Edgfield Ave.</td>
</tr>
</tbody>
</table>

UPSTREAM. **DOWNTREAM.


Issued: June 6, 1978.

Gloria M. Jimenez, Federal Insurance Administrator.

[4210-01]  
(Docket No. FI-3486)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for The City of Lake Worth, Palm Beach County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Lake Worth, are available for review at City Hall, 7 North Dixie, Lake Worth, Fla.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housatonic River</td>
<td>Merritt Parkway</td>
</tr>
<tr>
<td>Indian River</td>
<td>Indian Lake Dam*</td>
</tr>
<tr>
<td></td>
<td>Indian Lake Dam**</td>
</tr>
<tr>
<td></td>
<td>Rose Mill Pood Dam*</td>
</tr>
<tr>
<td></td>
<td>Rose Mill Pond Dam**</td>
</tr>
<tr>
<td></td>
<td>Clark Mill Dam*</td>
</tr>
<tr>
<td></td>
<td>Clark Mill Dam**</td>
</tr>
<tr>
<td>Wepawaug River</td>
<td>Flax Mill Rd.**</td>
</tr>
<tr>
<td></td>
<td>Flax Mill Rd.*</td>
</tr>
<tr>
<td></td>
<td>Connecticut Turnpike (L-95).*</td>
</tr>
<tr>
<td></td>
<td>Connecticut Turnpike (L-95)**</td>
</tr>
<tr>
<td></td>
<td>U.S. 1-A</td>
</tr>
<tr>
<td></td>
<td>New Haven Avenue</td>
</tr>
<tr>
<td></td>
<td>Dam.*</td>
</tr>
<tr>
<td></td>
<td>New Haven Avenue *</td>
</tr>
<tr>
<td></td>
<td>Dam.**</td>
</tr>
<tr>
<td>Long Island Sound</td>
<td>Intersection of Grant Ave. and Broadway Ave.</td>
</tr>
<tr>
<td></td>
<td>Intersection of Nantucket Ave. and Broadway Ave.</td>
</tr>
<tr>
<td></td>
<td>Intersection of Nettleton Ave. and East Broadway Ave.</td>
</tr>
<tr>
<td></td>
<td>Intersection of Surf Ave. and East Broadway Ave.</td>
</tr>
<tr>
<td></td>
<td>Intersection of Seabury Ave. and Edgfield Ave.</td>
</tr>
</tbody>
</table>

UPSTREAM. **DOWNTREAM.


Issued: June 6, 1978.

Gloria M. Jimenez, Federal Insurance Administrator.

[4210-01]  
(Docket No. FI-3486)
required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Attleboro are available for review at the Mayor's Office, City Hall, 29 Park Street, Attleboro, Mass.

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

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234, 87 Stat. 980, which added section 1353 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atlantic Ocean</td>
<td>Shoreline from northern corporate limit to southern corporate limit</td>
<td>7</td>
</tr>
<tr>
<td>Lake Worth</td>
<td>East end of north 16th Ave.</td>
<td>7</td>
</tr>
<tr>
<td>Rainfall</td>
<td>Lake Osborne Dr. west side *</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>West end of 22d Ave *</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>West end of 17th Ave *</td>
<td>11</td>
</tr>
</tbody>
</table>

*Flooding at these locations is caused by poor drainage.

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS, Secretary.
[FR Doc. 78-17757 Filed 6-28-78; 8:45 am](Docket No. PI-3765)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Attleboro, Bristol County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Attleboro, Bristol County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is re-
Rules and Regulations

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of East Rockaway, Nassau County, N.Y., are available for review at the Office of the Mayor, 375 Atlantic Avenue, East Rockaway, N.Y.

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

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of East Rockaway, Nassau County, N.Y. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910. The final rule (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rocklawn Avenue</td>
<td>Just downstream of Rocklawn Ave.</td>
<td>136</td>
</tr>
<tr>
<td></td>
<td>Just upstream of Rocklawn Ave.</td>
<td>138</td>
</tr>
<tr>
<td>East Junction Stream</td>
<td>At confluence with Ten Mile River</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>Just downstream of Thurber Ave.</td>
<td>92</td>
</tr>
<tr>
<td></td>
<td>Just upstream of Thurber Ave.</td>
<td>95</td>
</tr>
<tr>
<td></td>
<td>1,000 ft upstream of Thurber Ave.</td>
<td>97</td>
</tr>
<tr>
<td>Speedwell Brook</td>
<td>At confluence with Ten Mile River</td>
<td>111</td>
</tr>
<tr>
<td></td>
<td>1,050 ft downstream of Maple St.</td>
<td>112</td>
</tr>
<tr>
<td></td>
<td>Just downstream of Maple St.</td>
<td>113</td>
</tr>
<tr>
<td>Chastley Brook</td>
<td>At town boundary of Norten</td>
<td>106</td>
</tr>
<tr>
<td></td>
<td>Just upstream of Peckton St.</td>
<td>106</td>
</tr>
<tr>
<td></td>
<td>Just downstream of Wilmarth St.</td>
<td>107</td>
</tr>
<tr>
<td></td>
<td>Just upstream of Wilmarth St.</td>
<td>113</td>
</tr>
</tbody>
</table>

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


Gloria M. Jimenez, Federal Insurance Administrator.


Gloria M. Jimenez, Federal Insurance Administrator.

[FR Doc. 78-17759 Filed 6-28-78; 8:45 am]

PART 1917-APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Oneonta, Otsego County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Oneonta, Otsego County, N.Y. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910. The final rule (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wewley Bay</td>
<td>Wewley Dr.</td>
<td>8.3</td>
</tr>
<tr>
<td></td>
<td>Thompson Dr.</td>
<td>8.3</td>
</tr>
<tr>
<td></td>
<td>Intersection of Ensrul Ave. and Adama St.</td>
<td>8.3</td>
</tr>
<tr>
<td></td>
<td>Chastley Rd.</td>
<td>8.3</td>
</tr>
<tr>
<td></td>
<td>Darr St.</td>
<td>8.3</td>
</tr>
<tr>
<td></td>
<td>Lawson Ave.</td>
<td>8.3</td>
</tr>
<tr>
<td></td>
<td>1st Ave.</td>
<td>8.3</td>
</tr>
<tr>
<td></td>
<td>3d Ave.</td>
<td>8.3</td>
</tr>
<tr>
<td></td>
<td>John St.</td>
<td>8.3</td>
</tr>
<tr>
<td></td>
<td>Prasi St.</td>
<td>8.3</td>
</tr>
<tr>
<td></td>
<td>Pearl St.</td>
<td>8.3</td>
</tr>
<tr>
<td></td>
<td>Intersection of Payne Ave. and Waverly Ave.</td>
<td>8.3</td>
</tr>
<tr>
<td></td>
<td>Intersection of Ocean Ave. and East Atlantic Ave.</td>
<td>8.3</td>
</tr>
<tr>
<td></td>
<td>Rock Ave.</td>
<td>8.3</td>
</tr>
<tr>
<td></td>
<td>Davis St.</td>
<td>8.3</td>
</tr>
</tbody>
</table>

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

FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978

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days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>Elevation in geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Susquehanna River</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2,300 ft downstream of State Highway 205.</td>
<td>1,061</td>
<td>1,079</td>
<td></td>
</tr>
<tr>
<td>100 ft downstream of Main St.</td>
<td>1,081</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grand St. (State Route 23 and 20)</td>
<td>1,107</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Downstream of dam above confluence of Glenwood Creek</td>
<td>1,108</td>
<td></td>
<td></td>
</tr>
<tr>
<td>500 ft upstream of dam above confluence of Glenwood Creek</td>
<td>1,109</td>
<td></td>
<td></td>
</tr>
<tr>
<td>120 ft upstream of abandoned railroad bridge</td>
<td>1,107</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2,150 ft upstream of abandoned railroad bridge</td>
<td>1,109</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oneonta Creek</td>
<td>50 ft upstream of confluence with Mill Race</td>
<td>1,087</td>
<td></td>
</tr>
<tr>
<td>35 ft downstream of Main St.</td>
<td>1,111</td>
<td></td>
<td></td>
</tr>
<tr>
<td>375 ft upstream of Main St.</td>
<td>1,115</td>
<td></td>
<td></td>
</tr>
<tr>
<td>55 ft upstream of Center St.</td>
<td>1,128</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Downstream of Spruce St.</td>
<td>1,131</td>
<td></td>
<td></td>
</tr>
<tr>
<td>150 ft upstream of Spruce St.</td>
<td>1,138</td>
<td></td>
<td></td>
</tr>
<tr>
<td>675 ft upstream of Spruce St.</td>
<td>1,143</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upstream of Wilber Park Rd.</td>
<td>1,160</td>
<td></td>
<td></td>
</tr>
<tr>
<td>60 ft upstream of high school drive</td>
<td>1,191</td>
<td></td>
<td></td>
</tr>
<tr>
<td>475 ft upstream of high school drive</td>
<td>1,195</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1,100 ft upstream of high school drive</td>
<td>1,200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City limit (1,300 ft upstream of high school drive)</td>
<td>1,211</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mill Race</td>
<td>50 ft upstream of Gas Ave.</td>
<td>1,076</td>
<td></td>
</tr>
<tr>
<td>325 ft upstream of Gas Ave.</td>
<td>1,084</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 ft upstream from Delaware &amp; Hudson RR</td>
<td>1,085</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ivy Creek</td>
<td>Lynnhurst corporate limits</td>
<td>675</td>
<td></td>
</tr>
<tr>
<td>125 ft upstream from Fort Ave.</td>
<td>1,222</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upstream of Diets St</td>
<td>1,345</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Church St.</td>
<td>1,139</td>
<td></td>
<td></td>
</tr>
<tr>
<td>000 ft upstream of Center St.</td>
<td>1,172</td>
<td></td>
<td></td>
</tr>
<tr>
<td>100 ft upstream of Clinton St.</td>
<td>1,200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At dam, 625 ft upstream from Clinton St.</td>
<td>1,215</td>
<td></td>
<td></td>
</tr>
<tr>
<td>720 ft downstream from Ravena Parkway</td>
<td>1,220</td>
<td></td>
<td></td>
</tr>
<tr>
<td>45 ft upstream from Ravena Parkway</td>
<td>1,255</td>
<td></td>
<td></td>
</tr>
<tr>
<td>115 ft upstream from Ravena Parkway</td>
<td>1,267</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1,700 ft upstream of Ravena Parkway</td>
<td>1,270</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>Elevation in geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Silver Creek</td>
<td>City limits (1,125 ft upstream from Ravena Parkway)</td>
<td>1,337</td>
<td></td>
</tr>
<tr>
<td>Glenwood Creek</td>
<td>36 ft downstream from 1-70</td>
<td>1,084</td>
<td></td>
</tr>
<tr>
<td>Upstream of Susquehanna St.</td>
<td>1,107</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upstream of Susquehanna St.</td>
<td>1,107</td>
<td></td>
<td></td>
</tr>
<tr>
<td>200 ft upstream from Delaware &amp; Hudson RR</td>
<td>1,123</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rose Ave</td>
<td>1,123</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Downstream of Main St.</td>
<td>1,164</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upstream of Main St.</td>
<td>1,172</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40 ft downstream from private dam located</td>
<td>1,166</td>
<td></td>
<td></td>
</tr>
<tr>
<td>900 ft upstream of Main St.</td>
<td>1,172</td>
<td></td>
<td></td>
</tr>
<tr>
<td>75 ft upstream from</td>
<td>1,134</td>
<td></td>
<td></td>
</tr>
<tr>
<td>private dam located</td>
<td>1,149</td>
<td></td>
<td></td>
</tr>
<tr>
<td>900 ft upstream of Main St.</td>
<td>1,195</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Gloria M. Jimenez, Federal Insurance Administrator.

[FR Doc. 78-17760 Filed 6-28-78; 8:45 am]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the County of Bedford, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the county of Bedford, Va. are available for review at the Bedford County Courthouse, Main Street, Bedford, Va.

FOR FURTHER INFORMATION CONTACT:
Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW, Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8672.


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

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>Elevation in geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>James River</td>
<td>Lynchburg corporate limits</td>
<td>566</td>
<td></td>
</tr>
<tr>
<td>Holcomb Rock Dam (downstream)</td>
<td>588</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Holcomb Rock Dam (upstream)</td>
<td>593</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coleman Falls Dam (downstream)</td>
<td>612</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coleman Falls Dam (upstream)</td>
<td>622</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Virginia route 647</td>
<td>638</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blue Ridge Parkway</td>
<td>653</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. 507</td>
<td>670</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cashaw Dam (upstream)</td>
<td>670</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chesie System (upstream)</td>
<td>673</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upstream county boundary</td>
<td>709</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ivy Creek</td>
<td>Lynnhurst corporate limits</td>
<td>675</td>
<td></td>
</tr>
<tr>
<td>Virginia Route 600</td>
<td>970</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Virginia Route 621 (downstream)</td>
<td>971</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Virginia Route 621 (upstream)</td>
<td>976</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Virginia Route 622</td>
<td>877</td>
<td></td>
<td></td>
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<tr>
<td>Virginia Route 644</td>
<td>878</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Virginia Route 7716 (downstream)</td>
<td>879</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Virginia Route 7716 (upstream)</td>
<td>879</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
RULES AND REGULATIONS

Letter of Map Amendment for the City of Fort Smith, Ark.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Fort Smith, Ark. It has now agreed to waive the property owner from maintaining flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978

28185
The map amendments listed below are in accordance with §1920.7(b):
Map No. H&I 055013A Panel 15, published on June 29, 1977, in 42 FR 33205, indicates that Southwoods Subdivision, Phase I, Fort Smith, Ark., as recorded in drawer 383 of plats, in the office of the circuit clerk and ex-officio recorder for the county of Sebastian, Ark., is located within the Special Flood Hazard Area.

Map No. H&I 055013A Panel 15 is hereby corrected to reflect that Lots 1 through 5, and 12 through 19, and Lot 127, with the exception of that portion within the Dedicated 60' Drainage Easement of the above property are not within the Special Flood Hazard Area identified on May 7, 1976. The lots are in zone C.


Gloria M. Jimenez, 
Federal Insurance Administrator.
[FR Doc. 78-18001 Filed 6-28-78; 8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Carpinteria, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Carpinteria, Calif., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW, Washington, D.C. 20410, 202-785-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION:

If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with §1920.7(b):
Map No. H&I 060332B panel 01, published on June 28, 1977, in 42 FR 33205, indicates that lot 1, block 202, as shown on the city assessor's map, is located within the Special Flood Hazard Area. This property is recorded as lot 1, block A, in book 1, page 8, in the office of the recorder of Santa Barbara County, Calif.

Map No. H&I 060332B panel 01 is hereby corrected to reflect the above property is in zone C and is not within the Special Flood Hazard Area identified on March 15, 1977.


Gloria M. Jimenez, 
Federal Insurance Administrator.
[FR Doc. 78-18002 Filed 6-28-78; 8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Lakewood, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Lakewood, Colo. It has been determined by FIA, after acquiring additional information and after further technical review of the Flood Insurance Rate Map for the city of Lakewood, Colo., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, room 5270, 451 Seventh Street SW, Washington, D.C. 20410, 202-785-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION:

If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with §1920.7(b):
Map No. H&I 085075A Panel 04, published on February 13, 1978, in 43 FR 6070, indicates that lot 17, block 14, Meadowlark Hills, at 9040 West Third Place, Lakewood, Colo., as recorded in book 12, page 2, in the office of the recorder of Jefferson County, Colo., is within the Special Flood Hazard Area.

Map No. H&I 085075A panel 04 is hereby corrected to reflect the existing structure on the above property is in zone C and is not within the Special Flood Hazard Area identified on July 21, 1972.

RULES AND REGULATIONS

82817

FOR FURTHER INFORMATION CONTACT:
Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8672.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8672.


GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18003 Filed 6-28-78; 8:45 am]

[4210-01]
[Docket No. FI-3875]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Longmont, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Specialty Flood Hazard Areas. This list included the city of Longmont, Colo. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Longmont, Colo., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:
Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8672.

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8672.

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8672.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18004 Filed 6-28-78; 8:45 am]

[4210-01]
[Docket No. FI-2800]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Louisville, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Specialty flood hazard areas. This list included the city of Louisville, Colo. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Louisville, Colo., that certain property is not within the Special flood hazard area.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:
Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8672.

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8672.

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8672.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18005 Filed 6-28-78; 8:45 am]

[4210-01]
[Docket No. FI-3875]

PART 1920—PROCEDURE FOR MAP AMENDMENT CORRECTION

Letter of Map Amendment for the Town of Bloomfield, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of com-
numerous for which the Federal Insurance Administration (FIA) published maps identifying special flood hazard areas. This list included the town of Bloomfield, Conn. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the town of Bloomfield, Conn., that certain property is not within the special flood hazard area. This map amendment, by establishing that the subject property is not within the special flood hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with §1920.7(b):

[4210-01] [Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the Town of West Hartford, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying special flood hazard areas. This list included the town of West Hartford, Conn. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the town of West Hartford, Conn., that certain property is not within the special flood hazard area. This map amendment, by establishing that the subject property is not within the special flood hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with §1920.7(b):

[4210-01] [Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the Town of West Hartford, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying special flood hazard areas. This list included the town of West Hartford, Conn. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the town of West Hartford, Conn., that certain property is not within the special flood hazard area.

Issued: June 6, 1978.

GLORIA M. JIMENEZ, Federal Insurance Administrator.

[FR Doc. 78-18007 Filed 6-28-78; 8:45 am]

[4210-01] [Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the Town of West Hartford, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying special flood hazard areas. This list included the town of West Hartford, Conn. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the town of West Hartford, Conn., that certain property is not within the special flood hazard area.

Issued: June 6, 1978.

GLORIA M. JIMENEZ, Federal Insurance Administrator.

[FR Doc. 78-18007 Filed 6-28-78; 8:45 am]
This map amendment, by establishing that the subject property is not within the special flood hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** June 29, 1978.

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

**SUPPLEMENTARY INFORMATION:**
If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner's requirement to purchase flood insurance during the same year, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

- [Map No. H & I 095082, panel 65, published on June 29, 1977, in 42 FR 33306, indicates that Lot 33 and the southerly 20 feet of lot 31, Wyndwood, West Hartford, Conn., as recorded in the deed, volume 636, page 54, in the Office of the Town Clerk of West Hartford, Conn., are within the special flood hazard area.]

- [Map No. H & I 095082, panel 66, is hereby corrected to reflect that the structure located on the above property is not within the special flood hazard area identified on September 25, 1971. The structure is in zone C.

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

Issued: June 12, 1978.

**GLORIA M. JIMENEZ,**
Federal Insurance Administrator.
(FR Doc. 78-18009 Filed 6-28-78; 8:45 am)

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**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for Dade County, Fla.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Dade County, Fla. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Dade County, Fla., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** June 29, 1978.

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

**SUPPLEMENTARY INFORMATION:**
If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner's requirement to purchase flood insurance during the same year, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

- [Map No. H & I 1250988, panel 11, is hereby corrected to reflect the existing structure on the above property is in zone C and is not within the Special Flood Hazard Area identified on March 18, 1977.]


Issued: June 6, 1978.

**GLORIA M. JIMENEZ,**
Federal Insurance Administrator.
(FR Doc. 78-18009 Filed 6-28-78; 8:45 am)

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**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for the City of Albany, Ga.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Albany, Ga. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Albany, Ga., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** June 29, 1978.

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

**SUPPLEMENTARY INFORMATION:**
If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner's requirement to purchase flood insurance during the same year, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

- [Map No. H & I 1250988, panel 11, is hereby corrected to reflect the existing structure on the above property is in zone C and is not within the Special Flood Hazard Area identified on March 18, 1977.]

Issued: June 6, 1978.

**GLORIA M. JIMENEZ,**
Federal Insurance Administrator.
(FR Doc. 78-18009 Filed 6-28-78; 8:45 am)

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owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with §1920.7(b): Map No. H&I 130075B Panels 01 and 03, published on February 13, 1978 in 43 FR 6071, indicates that Lots 8, 8, and 10; Lakewood Homes Subdivision and Lots 11, 13, 14, 103 through 106, 113 through 119, and 147 through 158, Westwood Subdivision, Albany, Ga., as recorded in Plat Book 4, Page 320, and Plat Book 4, Page 88, respectively, in the office of the Recorder of Dougherty County, Ga., are within the Special Flood Hazard Area.

Map No. H&I 130075B Panels 01 and 03 are hereby corrected to reflect the above property is in zone C and are not within the Special Flood Hazard Area identified on August 15, 1977.


Gloria M. Jimenez,
Federal Insurance Administrator.

(FR Doc. 78-18010 Filed 6-28-78; 8:45 am)

[4210-01]

(Docket No. FR-3875)

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Lenexa, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with §1920.7(b): Map No. H&I 200168B Panel 04, published on February 13, 1978, in 43 FR 6071 indicates that Lots 15-18, Block 1 of Brentwood East Subdivision in the city of Lenexa, Kans., as recorded in Book 41, Page 37, in the office of the Register of Deeds of Johnson County, Kans., are within the Special Flood Hazard Area.

Map No. H&I 200168B Panel 04 is hereby corrected to reflect the above properties are not within the Special Flood Hazard Area identified on August 1, 1977. The properties are in Zone C.


Gloria M. Jimenez,
Federal Insurance Administrator.

(FR Doc. 78-18011 Filed 6-28-78; 8:45 am)
FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978

RULES AND REGULATIONS


[4210-01] (Docket No. PI-3876)

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Cheektowaga, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying special flood hazard areas. This list included the Town of Cheektowaga, N.Y. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Cheektowaga, N.Y., that certain property is not within the special flood hazard area. This map amendment, by establishing that the subject property is not within the special flood hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment. The lender may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the Federal Insurance Administration (FIA) published on February 13, 1978, in 43 FR 6072, indicates that lot 1-P, block 11, at 20 Blue Spruce Drive, Upper Saddle River, N.J., as recorded in book 5193, pages 241 through 243, in the office of the clerk of Bergen County, N.J., is within the Special Flood Hazard Area.

Map No. H&I 340077 Panel 001A is hereby corrected to reflect that the subject property is within zone C, not zone D, as identified on September 15, 1977. The structure is in Zone B. The map amendments listed below are in accordance with §1920.7(b):


Map No. H&I 340077 Panel 001A is hereby corrected to reflect that the above property is within zone C and is not within the Special Flood Hazard Area identified on September 15, 1977.

Map No. H&I 340077 Panel 001A is hereby corrected to reflect that the above property is within zone C and is not within the Special Flood Hazard Area identified on September 15, 1977.

Map No. H&I 340077 Panel 001A is hereby corrected to reflect that the above property is within zone C and is not within the Special Flood Hazard Area identified on September 15, 1977.

Map No. H&I 340077 Panel 001A is hereby corrected to reflect that the above property is within zone C and is not within the Special Flood Hazard Area identified on September 15, 1977.

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Map No. H&I 340077 Panel 001A is hereby corrected to reflect that the above property is within zone C and is not within the Special Flood Hazard Area identified on September 15, 1977.

Map No. H&I 340077 Panel 001A is hereby corrected to reflect that the above property is within zone C and is not within the Special Flood Hazard Area identified on September 15, 1977.

Map No. H&I 340077 Panel 001A is hereby corrected to reflect that the above property is within zone C and is not within the Special Flood Hazard Area identified on September 15, 1977.

Map No. H&I 340077 Panel 001A is hereby corrected to reflect that the above property is within zone C and is not within the Special Flood Hazard Area identified on September 15, 1977.
RULES AND REGULATIONS

(Effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary’s delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18014 Filed 6-28-78; 8:45 am]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the Town of Cheektowaga, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the town of Cheektowaga, N.Y. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the town of Cheektowaga, N.Y., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The maps listed below are in accordance with § 1920.7(b):

Map No. H&I 360231B panel 08, published on February 13, 1978, in 43 FR 6072, indicates that a portion of parcels 1 and 2 which can be described as follows:

Commencing at a point in the center line of French Road, said point being 1,573.17 feet east of the center line of Borden Road; thence north at right angles to the last mentioned line 45 feet to the north line of French Road; thence continuing north along a line that forms a right angle with the north line of French Road approximately 178 feet to a point; thence east along a line parallel to the center line of French Road approximately 167 feet to the actual point of beginning; thence continuing along the same line approximately 158.5 feet to the east property line; thence south along a line that forms a right angle with the north line of French Road approximately 41 feet to a point; thence west approximately 65 feet to a point; thence N. 61° W., approximately 82 feet to the actual point of beginning.

is located in Cheektowaga, N.Y., and recorded in the deed filed under map cover 2274, deed liber 8559, page 164, in the office of the clerk of Erie County, N.Y., is within the Special Flood Hazard Area.

Map No. H&I 360231B panel 08, is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 5, 1977. The portion is in zone C.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 365394A, Panel 04, published on June 29, 1977, in 42 FR 33221, indicates that the west 43 feet of lot 1, and the east 4 feet of lot 2, block 8, case, peake, and half’s addition to the city of Fargo, N.Dak., as recorded in book 422, page 27, in the office of the register of Cass County, N. Dak., is within the Special Flood Hazard Area.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 365394A, Panel 04, is hereby corrected to reflect that the above property is in zone B and is not within the Special Flood Hazard Area identified on April 23, 1976.
RULES AND REGULATIONS

Map No. H&I 405381 B, panel 142, published on June 29, 1977, in 42 FR 33226, indicates that Lot 15, Block 10, Kirkdale, Tulsa, as recorded in Book 4130, Page 1078, in the office of the clerk of Tulsa County, Okla., is within the Special Flood Hazard Area.

Map No. H&I 405381 B, Panel 142, is hereby corrected to reflect the above property no longer is within the Special Flood Hazard Area identified on July 30, 1976. The property is in Zone B.

Issued: June 6, 1978.

Gloria M. Jimenez, Federal Insurance Administrator.

[PR Doc. 78-18017 Filed 6-28-78; 8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Tulsa, Okla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Tulsa, Okla. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Tulsa, Okla., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

ISSUING DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5081 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 405381 B, panel 142, published on June 29, 1977, in 42 FR 33226, indicates that Lot 15, Block 10, Kirkdale, Tulsa, as recorded in Book 4130, Page 1078, in the office of the clerk of Tulsa County, Okla., is within the Special Flood Hazard Area.

Map No. H&I 405381 B, Panel 142, is hereby corrected to reflect the above property no longer is within the Special Flood Hazard Area identified on July 30, 1976. The property is in Zone B.

Issued: June 6, 1978.

Gloria M. Jimenez, Federal Insurance Administrator.

[PR Doc. 78-18017 Filed 6-28-78; 8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Lakewood, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Lakewood, Colo. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Lakewood, Colo., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

ISSUING DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5081 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 405381 B, panel 142, published on June 29, 1977, in 42 FR 33226, indicates that Lot 15, Block 10, Kirkdale, Tulsa, as recorded in Book 4130, Page 1078, in the office of the clerk of Tulsa County, Okla., is within the Special Flood Hazard Area.

Map No. H&I 405381 B, Panel 142, is hereby corrected to reflect the above property no longer is within the Special Flood Hazard Area identified on July 30, 1976. The property is in Zone B.

Issued: June 6, 1978.

Gloria M. Jimenez, Federal Insurance Administrator.

[PR Doc. 78-18017 Filed 6-28-78; 8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Beaufort, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Beaufort, S.C. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Beaufort, S.C., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

ISSUING DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 405381 B, panel 142, published on June 29, 1977, in 42 FR 33226, indicates that Lot 15, Block 10, Kirkdale, Tulsa, as recorded in Book 4130, Page 1078, in the office of the clerk of Tulsa County, Okla., is within the Special Flood Hazard Area.

Map No. H&I 405381 B, Panel 142, is hereby corrected to reflect the above property no longer is within the Special Flood Hazard Area identified on July 30, 1976. The property is in Zone B.

Issued: June 6, 1978.

Gloria M. Jimenez, Federal Insurance Administrator.

[PR Doc. 78-18017 Filed 6-28-78; 8:45 am]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Beaufort, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Beaufort, S.C. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Beaufort, S.C., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

ISSUING DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 405381 B, panel 142, published on June 29, 1977, in 42 FR 33226, indicates that Lot 15, Block 10, Kirkdale, Tulsa, as recorded in Book 4130, Page 1078, in the office of the clerk of Tulsa County, Okla., is within the Special Flood Hazard Area.

Map No. H&I 405381 B, Panel 142, is hereby corrected to reflect the above property no longer is within the Special Flood Hazard Area identified on July 30, 1976. The property is in Zone B.

Issued: June 6, 1978.

Gloria M. Jimenez, Federal Insurance Administrator.
with the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** June 29, 1978.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:**

If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map Number H&I 450025 Panel 08, published on February 13, 1978, in 43 F.R. 6074, indicates that the Beachcomber Club, Beaufort County, S.C., as recorded in Plat Book 24, Page 46, in the Office of the Clerk of the Court for Beaufort County, S.C., is within the Special Flood Hazard Area.

Map Number H&I 450025 Panel 08 is hereby corrected to reflect that the portion of the above property which is at or above 14 feet National Geodetic Vertical Datum (N.G.V.D.) is not within the Special Flood Hazard Area identified on September 30, 1977. The property is in Zone B.

**PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION**

**Letter of Map Amendment for the County of Brazoria, Tex.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Brazoria, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Brazoria, Tex. that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** June 29, 1978.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:**

If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map Number H&I 450025 Panel 08, published on February 13, 1978, in 43 F.R. 6074, indicates that the Beachcomber Club, Beaufort County, S.C., as recorded in Plat Book 24, Page 46, in the Office of the Clerk of the Court for Beaufort County, S.C., is within the Special Flood Hazard Area.

Map Number H&I 450025 Panel 08 is hereby corrected to reflect that the portion of the above property which is at or above 14 feet National Geodetic Vertical Datum (N.G.V.D.) is not within the Special Flood Hazard Area identified on September 30, 1977. The property is in Zone B.

The map amendments listed below are in accordance with § 1920.7(b):

Map Number H&I 450025 Panel 08, published on February 13, 1978, in 43 F.R. 6074, indicates that the Beachcomber Club, Beaufort County, S.C., as recorded in Plat Book 24, Page 46, in the Office of the Clerk of the Court for Beaufort County, S.C., is within the Special Flood Hazard Area.

Map Number H&I 450025 Panel 08 is hereby corrected to reflect that the portion of the above property which is at or above 14 feet National Geodetic Vertical Datum (N.G.V.D.) is not within the Special Flood Hazard Area identified on September 30, 1977. The property is in Zone B.

**EFFECTIVE DATE:** June 29, 1978.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:**

If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map Number H&I 450025 Panel 08, published on February 13, 1978, in 43 F.R. 6074, indicates that the Beachcomber Club, Beaufort County, S.C., as recorded in Plat Book 24, Page 46, in the Office of the Clerk of the Court for Beaufort County, S.C., is within the Special Flood Hazard Area.

Map Number H&I 450025 Panel 08 is hereby corrected to reflect that the portion of the above property which is at or above 14 feet National Geodetic Vertical Datum (N.G.V.D.) is not within the Special Flood Hazard Area identified on September 30, 1977. The property is in Zone B.

The map amendments listed below are in accordance with § 1920.7(b):

Map Number H&I 450025 Panel 08, published on February 13, 1978, in 43 F.R. 6074, indicates that the Beachcomber Club, Beaufort County, S.C., as recorded in Plat Book 24, Page 46, in the Office of the Clerk of the Court for Beaufort County, S.C., is within the Special Flood Hazard Area.

Map Number H&I 450025 Panel 08 is hereby corrected to reflect that the portion of the above property which is at or above 14 feet National Geodetic Vertical Datum (N.G.V.D.) is not within the Special Flood Hazard Area identified on September 30, 1977. The property is in Zone B.

**EFFECTIVE DATE:** June 29, 1978.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the unincorporated areas of Brazoria County, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the unincorporated areas of Brazoria County, Tex., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** June 29, 1978.
FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW, Washington, D.C. 20410, 202-755-5381 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION:
If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: The National Flood Insurance Program, P.O. Box 34294, Bethesda, Md. 20824-3294.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 485458B panel 02, published on February 13, 1978, in 43 FR 6074, indicates that a 1,022.294 acre tract in Brazoria County, Tex., as recorded in volume 1346, page 810, of the deed records in the office of the clerk of the county court of Brazoria County, Tex., is within the Special Flood Hazard Area.

Map No. H&I 485458B panel 02 is hereby corrected to reflect that a portion of the above property, described below, is not within the Special Flood Hazard Area identified on June 19, 1977.

Beginning at the Intersection of the center line of P.M. Road No. 518 (Old Chocolate Bayou Road) with the centerline of Clear Creek; thence south for a distance of approximately 435 feet to the actual point of beginning; thence continuing south a distance of approximately 941.36 feet; thence S 89°30' E a distance of approximately 3,421.29 feet; thence S 24°26' W a distance of 741.04 feet; thence N 89°30' E a distance of 722.04 feet; thence S 00°29' E a distance of approximately 750 feet; thence S 86°01' W a distance of approximately 750 feet; thence S 88°21' W a distance of approximately 1,022.294 acres tract in Brazoria County, Tex., as recorded in volume 1346, page 810, of the deed records in the office of the clerk of the county court of Brazoria County, Tex., is within the Special Flood Hazard Area.

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

### RULES AND REGULATIONS

28195

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Harris, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying special flood hazard areas. This list included the county of Harris, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Harris, Tex., that certain property is not within the special flood hazard area. This map amendment, by establishing that the subject property is not within the special flood hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:
If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insur-
The requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** June 29, 1978.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:**

If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

**ISSUED:** June 9, 1978.

**GLORIA M. JIMÉNEZ,**

Federal Insurance Administrator.

**(FR Doc. 78-18023 Filed 6-28-78; 8:45 am)**

**[4210-01]**

(Docket No. FI-3875)

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for the City of Windcrest, Tex.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Windcrest, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Windcrest, Tex., that certain property is not within the Special Flood Hazard Area. This map amendment establishes that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** June 29, 1978.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender...
now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment. The premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with §1920.7(b):

Map No. H&I 48068BA Panel 01, published on February 13, 1978, in 43 FR 6075, indicates that Lots 1 through 32, Block 61, Unit 17, Windcrest, Tex., as recorded in Volume 6200, page 119; Lots 1 through 10, Block 51, Unit 16; as recorded in Volume 5970, page 124; Lots 3, 9, 10, 11, 16, and 17, Block 96, Lots 3, 9, 10, 11, 16, and 17, Block 61, Unit 17, Windcrest, Tex., as recorded in Plat Book 659, pages 180 through 183; a Subdivision of a Parcel 3009-01, as recorded in Volume 6500, page 193; as recorded in the Office of the Recorder of Deeds and Plats of Bexar County, Tex., are within the Special Flood Hazard Area. Map No. H&I 48068BA Panel 01 is hereby corrected to reflect that Lots 1 through 32; Block 61, Unit 17; Lots 4 through 10, Block 51, Unit 16; Lots 3, 9, 10, 11, 16, and 17, Block 96; Lots 5 and 6; Block 71; Lot 8, Block 61, Unit 17; Lots 10, 12, 13, 14, 15, 16, and 17, Block 19; as recorded in Volume 6500, page 193; as recorded in the Office of the Recorder of Deeds and Plats of Bexar County, Tex., are within the Special Flood Hazard Area.

Map No. H&I 48068BA Panel 06 is hereby corrected to reflect that Lots 1 through 32; Block 61, Unit 17; Lots 4 through 10, Block 51, Unit 16; Lots 3, 9, 10, 11, 16, and 17, Block 96; Lots 5 and 6, Block 71, Unit 17; Lot 8, Block 61, Unit 17; Lots 10, 12, 13, 14, 15, 16, and 17, Block 19; as recorded in Volume 6500, page 193; as recorded in the Office of the Recorder of Deeds and Plats of Bexar County, Tex., are within the Special Flood Hazard Area. Map No. H&I 48068BA Panel 06 is hereby corrected to reflect that Lots 1 through 32; Block 61, Unit 17; Lots 4 through 10, Block 51, Unit 16; Lots 3, 9, 10, 11, 16, and 17, Block 96, Lots 5 and 6, Block 71, Unit 17; Lot 8, Block 61, Unit 17; Lots 10, 12, 13, 14, 15, 16, and 17, Block 19; as recorded in Volume 6500, page 193; as recorded in the Office of the Recorder of Deeds and Plats of Bexar County, Tex., are within the Special Flood Hazard Area.


Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 78-18024 Filed 6-23-78; 8:45 am]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the City of Alexandria, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.


thence N. 39'30" W., approximately 46 feet to a point; thence N. 6'42'35" W., approximately 12 feet to a point; thence N. 25'29'03" W., approximately 118.53 feet to a point; thence N. 47'40'32" W., approximately 78.74 feet to a point; thence N. 59'15'52" W., approximately 43.06 feet to a point; thence N. 53'03'40" W., approximately 106.40 feet to a point; thence N. 66'27'24" W., approximately 65 feet to a point; thence N. 55'30" W., approximately 787 feet to a point; thence N. 53'03'40" W., approximately 1329.26 feet to a point; thence S. 83'13'40" E., approximately 825.47 feet to a point; thence S. 81'34'40" E., approximately 1127.89 feet to a point; thence N. 8'25'20" E., approximately 50.00 feet to a point; thence S. 81'34'40" E., approximately 240.70 feet to a point, being the actual point of beginning, is not within the Special Flood Hazard Area, but is in Zones B and C. Also a portion of the Subdivision of Parcel 3009-01, which can be described as follows, based on the Virginia Grid North:

Beginning at a point being the intersection of Georgetown Road and the centerline of Eisenhower Avenue, thence S. 6'10'40" E., approximately 230 feet to a point, thence N. 72'28'22" W., approximately 337.40 feet to a point; thence S. 82'58'03" W., approximately 316.54 feet to a point; thence S. 6'11'30" W., approximately 112.04 feet to a point; thence N. 47°40'32" W., approximately 379 feet to a point; thence N. 69'30" W., approximately 63 feet to a point; thence N. 10'30" E., approximately 34 feet to a point; thence N. 72'00" W., approximately 283 feet to a point; thence N. 69'30" W., approximately 346 feet to a point; thence N. 59'30" W., approximately 64 feet to a point; thence S. 33'00" W., approximately 71 feet to a point; thence N. 57'00" W., approximately 108 feet to a point; thence N. 15'00" W., approximately 127 feet to a point; thence S. 74'00" W., approximately 140 feet to a point; thence N. 54'30" W., approximately 141 feet to a point; thence N. 17'30" W., approximately 294 feet to a point; thence N. 65'00" W., approximately 185 feet to a point; thence N. 17'30" W., approximately 102 feet to a point; thence N. 81'00" E., approximately 214 feet to a point; thence N. 51'40'10" E., approximately 330.68 feet to a point; thence N. 79'15'16" E., approximately 1245.77 feet to a point; thence N. 3'17'23" W., approximately 123.39 feet to a point; thence N. 78'14'17" W., approximately 185.49 feet to a point; thence N. 10'48'43" W., approximately 75.95 feet to a point; thence S. 77'03'43" E., approximately 75.95 feet to a point; thence N. 6'10'40" E., approximately 317.68 feet to a point; thence N. 87'23'20" E., approximately 250.49 feet to a point; thence S. 6'10'40" E., approximately 19.00 feet to a point being the point of beginning.

is not within the Special Flood Hazard Area, but is in Zone B.

All of the above properties were identified on October 22, 1976.

(38132-01)

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Fairfax, Va.

AGENCY: Federal Insurance Administrator, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying special flood hazard areas. This list included the county of Fairfax, Va. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Fairfax, Va., that certain property is not within the special flood hazard area. This map amendment, by establishing that the subject property is not within the special flood hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, S.W., Washington, D.C. 20441, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION:

If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H & I 515524c, panel 18, published on June 29, 1977, in 42 FR 33235, indicates that lot 53, section 1, Canterbury Woods Subdivision, Fairfax County, Va., also known as 8503 Canterbury Drive, as recorded in the deed, deed book 3799, page 404, in the Office of the Clerk of the Circuit Court, Fairfax County, Va., is within the special flood hazard area.

Map No. H & I 515524c, panel 18, is hereby corrected to reflect that the existing structure located on the above property is not within the special flood hazard area identified on May 14, 1976. The structure is in zone C.

(7532-01)

CHAPTER XXIV—NATIONAL COMMISSION ON NEIGHBORHOODS

PART 4000—PRIVACY ACT IMPLEMENTATION

AGENCY: National Commission on Neighborhoods.

ACTION: Final rule.


EFFECTIVE DATE: June 29, 1978.

CONTACT PERSON:


A new chapter is established to read as set forth above, and part 4000 is now added to title 24 of the CFR as set forth beginning at page 20511 in the Federal Register on May 12, 1978.

JONATHAN STEIN, Administrative Officer.

In the construction of the second Hampton Roads Bridge-Tunnel, the Bridge-Tunnel has been completed, therefore the anchorages are no longer needed.

**EFFECTIVE DATE:** This amendment is effective on July 29, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Captain George K. Greiner, Marine Safety Council (G-CMC/S1), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW, Washington, D.C. 20590, 202-426-1477.

**SUPPLEMENTARY INFORMATION:**

On March 17, 1971, (36 FR 5042) the Coast Guard established two anchorages in Hampton Roads, Va., for the anchoring of barges used in the construction of the second Hampton Roads Bridge-Tunnel. On April 28, 1971 (36 FR 7970) two additional anchorages were established for use of construction barges and floating equipment required for construction. Subsequently, on May 16, 1973, (38 FR 12804) the first anchorage was enlarged, and a fifth anchorage was established.

The construction of the second Hampton Roads Bridge-Tunnel has now been completed. The Virginia Department of Highways, and the contractors, Tidewater Construction Corp. and the Norfolk Dredging Co., have advised the Coast Guard that the anchorages are no longer needed. Accordingly, the five anchorages are being disestablished. Since the anchorages involved were only used by the contractors working on the Bridge-Tunnel Complex, the Coast Guard has determined that it is unnecessary to go through the rulemaking requirements under 5 U.S.C. 553.

This regulation has been reviewed under DOT Notice 78-1 "Improving Government Regulations" (43 FR 9582) and a final evaluation has been prepared and is available for viewing at the address indicated above. Drafting information: The principal person involved in drafting this rule are: Mr. D. W. Ziegfeld, Project Manager, Office of Marine Environment and Systems, and Mr. S. D. Jackson, Project Attorney, Office of Chief Counsel.

§ 110.168 [Amended]

In consideration of the foregoing, 110.168 (a)(8), (a)(9), (a)(10), (a)(11), and (a)(12) of part 110 of title 33 of the Code of Federal Regulations are deleted.

**Note.**—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-167.

(Sec. 7, 39 Stat. 1053, as amended, (33 U.S.C. 771); sec. 4(g)(1) 80 Stat. 940, (49 U.S.C. 1560(b)(1); 49 CFR 1.46 (c)(1)).
permit holder to make an affirmative representation of compliance with section 134.57 when presenting a mailing to the Postal Service. The parties to that litigation believed that a regulatory change such as that offered for comment by the Postal Service would serve to advise nonprofit mailers of pertinent regulations, and might deter unwitting violations of section 134.57 in the future; accordingly, the settlement agreement provided for a rule-making procedure in this regard.

The Postal Service received two comments in response to its August 4 notice. One commenter approved of the proposal but indicated that the Postal Service should be even more stringent. The second commenter objected to the proposed revisions for four reasons. This commenter believed that criminal “false statement” sanctions were inconsistent with the Postal Service’s position in litigation while its lawsuit challenging the Postal Service’s jurisdiction to issue section 134.57 was on appeal. This commenter also expressed the opinion that current Postal Service procedures for resolving disputes concerning the content of third-class mail had not been shown to be so ineffective as to justify criminal sanctions, and that the ambiguity of section 134.57 made such sanctions unfair and unreasonable.

On the basis of the comments received, its own experience with third-class mail, and further internal consideration of the proposed changes, the Postal Service has decided to adopt its proposed changes with only a minor, clarifying change in wording in the sentence which is added to section 134.57. In regard to the comments of the sole objecting commenter, the Postal Service believes such comments to be based on a misunderstanding of 18 U.S.C. 1001, and of the proposed revision. Violation of 18 U.S.C. 1001 requires intent, as shown by the requirement that falsification be “knowingly and willfully” made. Accordingly, the criminal sanctions which worry the objecting commenter would apply only where the falsehood was intended and deliberate. A prosecutor would not meet his burden of proof where a false representation resulted from a good faith misapprehension due to an asserted ambiguity in the Postal Service’s mailing requirements.

Moreover, the “false statement” sanctions statement already has for some time appeared on forms 3602 and 3602-PC and is not an addition or revision proposed by the August 4, 1977, Federal Register notice. As it now appears, this statement warns of the criminal penalties applicable to “willful entry of false, fictitious or fraudulent statements or representations” under 18 U.S.C. 1001. The provisions and penalties of section 1001 would apply whether or not the Postal Service printed this warning on its forms.

Finally, the Postal Service’s authority to issue section 134.57, Postal Service Manual, has been sustained in National Retired Teachers Association v. United States Postal Service, 430 F. Supp. 141 (D.D.C. 1977), in which the court found “that § 134.57 fully comports with the spirit of the special rate legislation and was necessary to prevent abuse of the existing program.” The present revisions make no substantive change in section 134.57. The Postal Service believes its revisions are necessary to bring the requirements of pertinent postal regulations to the attention of mailers, and “to prevent abuse of the existing program.”

Copies of the forms 3602 and 3602-PC with the certifications are reproduced below.
**RULES AND REGULATIONS**

FOR ZONE RATED MAIL USE PS FORM 3605.

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF PERMIT HOLDER (include ZIP Code)</th>
<th>TELEPHONE NO.</th>
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</tbody>
</table>

**STATEMENT OF MAILING BULK RATES**

<table>
<thead>
<tr>
<th>POST OFFICE</th>
<th>DATE</th>
<th>RECEIPT NO.</th>
<th>SACKS</th>
<th>TRAYS</th>
<th>OTHER CONTAINERS</th>
</tr>
</thead>
<tbody>
<tr>
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</table>

| ☐ 1st—Letters, written matter, post cards, at presort discount rate. |
| ☐ 3rd—Circulars and other printed matter. |
| ☐ 3rd—Merchandise less than 16 oz. |

**PERMIT NO.**

<table>
<thead>
<tr>
<th>NUMBER OF</th>
</tr>
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<tr>
<td></td>
</tr>
</tbody>
</table>

**MAILER:** Complete all items by typewriter, pen or indelible pencil. Prepare in duplicate if receipt is desired. Check for Instructions from your postmaster regarding box labelled “RCA Offices”.

**POSTAGE IS BEING PAID BY:**

| ☐ Pre-cancelled |
| ☐ Meter |
| ☐ Stamps |

<table>
<thead>
<tr>
<th>POSTAGE CHARGEABLE PER PIECE</th>
<th>1 discount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of pieces in mailing:</td>
<td>pieces at</td>
</tr>
<tr>
<td>Weight of a single piece: 1 oz.</td>
<td></td>
</tr>
</tbody>
</table>

**FEDERAL REGISTER, VOL 43, NO. 126—THURSDAY, JUNE 29, 1978**
MAILER: Complete all items by typewriter, pen or indelible pencil. Prepare in duplicate if receipt is desired. Check for instructions from your postmaster regarding box labeled “RCA Offices.”

There being no other comments concerning the proposed regulation, the Postal Service adopts the following amendments to the Postal Service Manual, and revisions to PS forms 3602 and 3602-PC:

**PART 134—THIRD CLASS**

In part 134 of the Postal Service Manual, add at the end of .57 the following sentence:

134.57 What May be Mailed at the Special Bulk Third-class Rates for Qualified Nonprofit Organizations.

See Form 3602, Statement of Mailing with Permit Imprints or Form 3602-PC, Statement of Mailing—Bulk Rates for the calculations required of nonprofit mailers for mailings made under 134.57.

A Post Office Services (Domestic) transmittal letter making these changes in the pages of the Postal Service Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the Federal Register as provided in 39 CFR 111.3 (39 U.S.C. 401, 404).

**Title 40—Protection of Environment**

**CHAPTER 1—ENVIRONMENTAL PROTECTION AGENCY**

**SUBCHAPTER B—GRANTS AND OTHER FEDERAL ASSISTANCE**

(FRL 619-2)

**PART 35—STATE AND LOCAL ASSISTANCE**

Subpart E—Grants for Construction of Wastewater Treatment Works

**AMENDMENT AND CORRECTION OF ALLOTMENTS**

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document establishes as a matter of public record that no funds allotted for fiscal years 1974 and 1975 on February 11, 1974, were reallocated. EPA published a similar statement on February 27, 1975, with respect to fiscal year 1973 funds. In addition, we are correcting the section number of the allotment of allocations Act funds (42 FR 29482, June 9, 1977). We are making no substantive changes. We are publishing these corrections as final rules at this time so that they will be included in the July 1, 1978, revision and codification of Title 40 of the Code of Federal Regulations.

**DATES:** Effective date: June 29, 1978.

**FOR FURTHER INFORMATION CONTACT:**


FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978
AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this rulemaking, the Administrator of EPA is taking final action to disapprove a variance which was issued by the Missouri Air Conservation Commission to Empire District Electric Co. and submitted to EPA as a revision to the Missouri State Implementation Plan. The variance is being disapproved due to deficiencies in the underlying control strategy demonstration. Proposed disapproval of the variance was published in the Federal Register on February 2, 1978.

EFFECTIVE DATE: This rulemaking is effective June 29, 1978.

ADDRESSES: Copies of the variance disapproved in this rulemaking, corresponding EPA evaluation reports and comments received in response to proposed rulemaking are available for public inspection during normal business hours at the following locations: Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Mo. 64108; Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Michael J. Sanderson or Gale A. Wright, Legal Branch, Enforcement Division, Environmental Protection Agency, 1735 Baltimore, Kansas City, Mo. 64108; telephone 816-374-2576.

SUPPLEMENTARY INFORMATION:
The variance order which is the subject of this rulemaking action was submitted by the State of Missouri, pursuant to section 110(a)(3) of the Clean Air Act, as a revision to the Missouri State Implementation Plan. The variance was reviewed by EPA and determined to be unapprovable due to deficiencies in the accompanying control strategy demonstration as required under 40 CFR 51.12. These deficiencies are more specifically described in the notice of proposed rulemaking which was published in the Federal Register on February 2, 1978, (43 FR 4442).

On March 3, 1978, the Empire District Electric Co. submitted detailed comments and modeling data specifically addressed to deficiencies in the control strategy demonstration as noted in the February 2 notice of proposed rulemaking. Additional comments were submitted to the Missouri Department of Natural Resources on May 13, 1978, after the expiration of the formal comment period. EPA has not received any comments from the State of Missouri regarding proposed disapproval of the variance. Having reviewed all available information, including that submitted by Empire District Electric Co. on March 3 and May 13, 1978, it is EPA’s determination that the variance for the Asbury power plant is still unapprovable. Specifically, the variance does not restrict emissions from the Asbury power plant to 327.5 grams of particulate matter per second, which is the emission rate assumed for purposes of modeling the potential air quality impact during the term of the variance.

There are other deficiencies in the air quality impact analysis, including the failure to consider natural background levels for particulate matter in the area impacted by source emissions. This rulemaking will become effective immediately upon publication. The agency finds that good cause exists for not deferring the effective date of this rulemaking since, pursuant to 40 CFR 51.8, revisions of a state implementation plan are not considered part of the applicable plan until approved by the Administrator, and disapproval of a state variance order thus does not change the source’s underlying obligation to comply with the existing requirements of the approved state implementation plan.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

Dated: June 20, 1978.

BARBARA BLUM,
Acting Administrator, Environmental Protection Agency.

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

Subpart AA—Missouri

1. In §52.1335, the table in paragraph (b) is amended by adding the following:

§ 52.1335 Compliance schedules.

  (b) **
Empire District Electric Co., Asbury Joplin, Power Plant...

[4910-59]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. LVM 77-01; Notice 3]

PART 531—PASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARDS

Exemption From Average Fuel Economy Standards

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final decision to grant exemption from average fuel economy standards.

SUMMARY: This notice exempting standards.

ACTION: Final decision to grant exemption from average fuel economy standards.

SUMMARY: This notice exempting standards.

This exemption is issued under the authority of section 502(c) of title V of the act. Section 502(c) provides that a manufacturer of passenger automobiles that manufactures fewer than 10,000 vehicles annually may be exempted from the generally applicable average fuel economy standard if that generally applicable standard is greater than the low volume manufacturer's maximum feasible average fuel economy and if the NHTSA establishes an alternative standard applicable to that manufacturer at the manufacturer's maximum feasible average fuel economy. In determining the manufacturer's maximum feasible average fuel economy, section 502(e) of the act requires the NHTSA to consider:

1. Technological feasibility;
2. Economic practicability;
3. The effect of other Federal motor vehicle standards on fuel economy; and
4. The need of the Nation to conserve energy.

This final rule was preceded by a notice announcing the receipt of a petition for exemption from the 1978 standard (42 FR 64168; December 22, 1977) and a proposed decision to grant exemption to Avanti for the 1978 model year (43 FR 18575; May 10, 1978). Only one comment on the notice of receipt was submitted. That commenter urged that Avanti be exempted "in the name of common sense." No comments were received on NHTSA's proposal to exempt Avanti from the generally applicable standard of 18.0 mpg for the 1978 model year and to establish an alternative standard for Avanti at 16.1 mpg during the 1978 model year.

Accordingly, in consideration of the foregoing, Chapter V of Title 49, Code of Federal Regulations, is amended to read as set forth below.

The program official and attorney principally responsible for the development of this decision are Douglas Pritchard and Stephen Kratzke, respectively.


JOAN CLAYBROOK, Administrator.

PART 531—AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES

1. § 531.1 is amended to read as follows:

§ 531. Scope.

This part establishes average fuel economy standards pursuant to section 502(a) and (c) of the Motor Vehicle Information and Cost Savings Act, as amended, for passenger automobiles.

2. § 531.5 is amended to read as follows:

§ 531.5 Fuel economy standards.

(a) Except as provided in paragraph (b) of this section, each manufacturer of passenger automobiles shall comply with the following standards for the specified model years specified:

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

(1) Avanti Motor Corp.:
classification for accounting and reporting purposes. Class III will include all railroads with annual operating revenue of $10 million or less. Class III will not be required to abide by the Commission's Uniform System of Accounts but will be required to file an annual report in accordance with Railroad Annual Report Form R-2 or such other report designated by the Commission. This will reduce the accounting and reporting burden of small railroads.


FOR FURTHER INFORMATION CONTACT:
Mr. Bryan Brown, Jr., Chief, Section of Accounting, Bureau of Accounts, Interstate Commerce Commission, phone No.: 202-275-7448.

SUPPLEMENTARY INFORMATION:
Additional information and/or a copy of the Decision will be forwarded upon request.
H. G. Homme, Jr., Acting Secretary.

It is ordered: 1. That parts 1201A, 1240, 1241 of title 49 of the Code of Federal Regulations be amended to read as shown below.

PART 1201A—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

Amend Part 1201A—Uniform System of Accounts for Railroad Companies:

General Instructions

Under “1-1 Classification of Carriers,” the following revisions are made:

1-1 Classification of Carriers. (a) * * *

Class I. * * *

Class II. Carriers having annual operating revenues less than $50 million but in excess of $10 million.

Class III. Carriers having annual operating revenues of $10 million or less.

(b)(1) * * *

(2) If at the end of any calendar year a carrier's annual operating revenue is less than the minimum revenue level for that class, and has been for 3 consecutive years, the carrier shall adopt the accounting and reporting requirements for the next lowest class. Such adoption shall be effective as of January 1 of the following year.

PART 1240—CLASSES OF CARRIERS

Amend Part 1240—Classes of Carriers:

Under “Subpart A—Railroads” the following revisions are made:

§ 1240.1 Classification of rail carriers.
(a) * * *

Class II. Carriers having annual operating revenues of less than $50 million but in excess of $10 million.

Class III. Carriers having annual operating revenue of $10 million or less.

(b)(1) * * *

(2) If at the end of any calendar year a carrier's annual operating revenue is less than the minimum revenue level for that class, and has been for 3 consecutive years, the carrier shall adopt the accounting and reporting requirements for the next lowest class. Such adoption shall be effective as of January 1 of the following year.

PART 1241—ANNUAL, SPECIAL OR PERIODIC REPORTS; CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

Amend Part 1241—Annual, Special or Periodic Reports; Carriers Subject to Part I of The Interstate Commerce Act:

Under § 1241.12 “Annual reports of class II railroad companies,” alphabetize the existing paragraph and add paragraph (b).

§ 1241.12 Annual reports of Classes II and III railroad companies.

(a) Commencing with reports for the year ending December 31, 1978, and thereafter, until further order, all railroads and switching and terminal companies of classes II, as defined in § 1240.1 of this chapter, subject to section 20, part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form R-2. Such annual report shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the year which is being reported.

(b) Commencing with reports for the year ending December 31, 1978, and thereafter, until further order, all railroads and switching and terminal companies of class III, as defined in § 1240.1 of this chapter, subject to section 20, part I of the Interstate Commerce Act, are required to file annual report in accordance with Railroad Annual Report Form R-2 or such other report designated by the Commission. Such report shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the year which is being reported.

[FR Doc. 78-18144 Filed 6-28-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 20—MIGRATORY BIRD HUNTING

Possession of Shotshells Loaded With Material Other Than Steel Shot While Taking Waterfowl in Nontoxic Shot Zones.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prohibits the possession of 12-gauge shotshells loaded with any material other than steel shot while hunting waterfowl in designated nontoxic shot zones during waterfowl hunting seasons commencing in 1978 and terminating in 1979. It is apparent that supplies of nontoxic ammunition in gauges other than 12-gauge will not be available in 1978. Therefore, the ruling of 1977 allowing possession of shells loaded with toxic shot in gauges other than 12-gauge while hunting waterfowl in nontoxic shot zones is extended for an additional year. The nontoxic shot zones to which this ruling relates were published in the Federal Register on February 28, 1978 (43 FR 8144-8149).

EFFECTIVE DATE: September 1, 1978.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION: After reviewing the situation with re-
spect to production and distribution of shotshells loaded with steel shot, it is apparent to the Service that supplies of these shells in gauges other than 12-gauge will not be available in 1978. Therefore, the Service will continue in 1978 with the recommendations in 50 CFR 20.21(j) as amended on August 2, 1977 (42 FR 36160). The only change in wording being the year of implementation. The waterfowl hunting seasons for which the rule is now applicable are those commencing in 1978 and terminating in 1979.

SUMMARY OF PUBLIC COMMENT AND SERVICE RESPONSES

This rule was proposed on December 16, 1977. Public comments were received from that date until January 31, 1978. During the comment period six letters were received by the Service. Four letters opposed the proposal and two were in support of the proposal. Those opposed to the proposed regulation expressed two concerns:

1. The regulation is unfair to those who use 12-gauge guns.

2. The regulation reduces the effectiveness of nontoxic shot zones by permitting lead shot to be deposited there by hunters using guns of gauges other than 12-gauge.

In response to these objections the Service believes that a phased implementation of steel shot for waterfowl hunting is the only practical and realistic manner in which lead poisoning among waterfowl can be reduced. As a result, a gradual transition from one shot type to another is necessary. During the period of transition, it was anticipated that adequate distribution of steel shot products would be available and others would not be available. In some situations it was anticipated that adequate distribution of the products would not be possible. The Service agrees that these problems create hardships for both consumers and suppliers of ammunition. Also, the Service agrees that a more rapid transition to a nontoxic shot type would benefit the waterfowl resource by reducing lead poisoning in waterfowl at a more rapid rate. However, the proposed regulation represents a reasonable compromise in this matter.

Accordingly, 50 CFR 20 is revised by deleting the present (j) under § 20.21 and replacing it with the following:

§ 20.21 Hunting methods.

Supplementary Information:

GENERAL

Sport fishing on portions of the following refuge shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of the refuge which are open to sport fishing are designated by signs and/or delineated on maps. Special conditions applying to the refuge and maps are available at refuge headquarters.

Florida

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

The following regulations will supersede those published in the Federal Register, Volume 43, No. 17—Wednesday, January 25, 1978:

Sport fishing on the Merritt Island National Wildlife Refuge, Titusville, Fla., is permitted on designated areas. Sport fishing is permitted during daylight hours, year-round, except when posted as closed. Sport fishing is permitted from boats at night by those persons possessing a refuge special use permit. Refuge boat launching is permitted only at Beacon 42 Fish Camp and Haulover Canal. Air thrust boats are not allowed on refuge waters. Coast Guard approved life preservers shall be worn by persons in small craft less than 20 feet in length while these boats are in motion in the Indian River, Banana River, and Mosquito Lagoon within refuge boundaries.

The provisions of these special regulations supplement the regulations set forth in Title 50 Code of Federal Regulations, Part 33, which govern sport fishing on wildlife refuge areas generally. The public is invited to offer suggestions and comments at any time.

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

Dated: June 20, 1978.

JOHN C. OBERHEU,
Acting Area Manager.

[FR Doc. 78-17997 Filed 6-23-78; 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.

[4910-13]
DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
[14 CFR Part 71]
(Airspace Docket No. 78-EA-37)
CONTROL ZONE: LAKEHURST, N.J.
Proposed Alteration
AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Notice of proposed rulemaking.
SUMMARY: This notice proposes to alter the Lakehurst, N.J., control zone. This alteration will permit changes in the daily time of control by publication in the Notices to Airmen. This is needed in the interest of more flexible utilization and scheduling of aircraft by the Commanding Officer of the naval facility.
DATES: Comments must be received on or before August 28, 1978.
ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430.
FOR FURTHER INFORMATION CONTACT:
Frank Trent, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

COMMENTS INVITED
Interested parties may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430. All communications received on or before August 28, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM
Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430, or by calling 212-995-3391. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL
The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation regulations (14 CFR Part 71) to alter the description of the Lakehurst, N.J., control zone. The change will permit changes to the time of control in the zone by publication in the Notices to Airmen.

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

THE PROPOSED AMENDMENT
Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §71.171 of Part 71 of the Federal Aviation regulations (14 CFR Part 71) as follows:
1. Amend §71.171 of Part 71 of the Federal Aviation regulations by adding the following to the description of the Lakehurst, N.J., control zone: "or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

(See. 307(a), Federal Aviation Act of 1958 (72 Stat. 749 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1658(c)); and 14 CFR 11.65.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact state-

FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978

[4910-13]
[14 CFR Part 71]
(Airspace Docket No. 78-EA-41)
CONTROL ZONE AND TRANSITION AREA: READING, PA.
Proposed Alteration
AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Notice of proposed rulemaking.
SUMMARY: This notice proposes to alter the Reading, Pa., control and transition area over Carl A. Spaatz Field, Reading, Pa. This alteration will provide protection to aircraft executing the new instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.
DATES: Comments must be received on or before August 28, 1978.
ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430.
FOR FURTHER INFORMATION CONTACT:
Frank Trent, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

COMMENTS INVITED
Interested parties may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace...
docket number and be submitted in triplicate to the Director, Eastern Region. Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430. All communications received on or before August 28, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NRRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430, or by calling 212-995-3391.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subparts F and G of Part 71 of the Federal Aviation regulations (14 CFR Part 71) to alter the control zone and transition area over Carl A. Spaatz Field, Reading, Pa. The proposed amendments will add one mile to the length of the present northwest control zone extension and will add a northwest extension to the present transition area designation. The proposed addition to the transition area will extend each side of course to a distance of 8.5 miles northwest of the Bragg, Pa., waypoint.

DRAFTING INFORMATION

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

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend sections 71.171 and 71.181 of Part 71 of the Federal Aviation regulations (14 CFR Part 1) as follows:

1. Amend §71.171 of Part 71 of the Federal Aviation regulations so as to amend the description of the Reading, Pa., transition area by adding the following: "within 4.5 miles each side of point 301' bearing from a point 40°27'10" N., 76°07'40" W., extending from said point to 8.5 miles northwest of said point."

(4910-13) [14 CFR Part 71]

TRANSITION AREA, LARNED, KANS.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to alter the 700-foot transition area at Larned, Kans., to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Larned-Pawnee County Airport, which is based on an existing nondirectional radio beacon (NDB) navigational aid located on the airport.

DATES: Comments must be received on or before September 6, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64108, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before September 6, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of the comments received. All comments submitted will be available both before and after the closing date for comments in the rules docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subparts G, section 71.181 of the Federal Aviation regulations (14 CFR Part 71) by altering the 700-foot transition area at Larned, Kans. To enhance airport usage, a new instrument approach procedure has been developed for the Larned-Pawnee County Airport utilizing an existing NDB installed on the airport as a navigational aid. The establishment of an instrument approach procedure based on this navigational aid entails alteration of the transition area at Larned, Kans., at and above 700-feet above ground level (AGL) within which aircraft are provided additional air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, section 71.181 of the Federal Aviation regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by altering the following transition area:

LARNED, KANS.

That airspace extending upward from 700 feet above the surface within a 5.5 mile...
SUMMARY: This Notice proposes to designate a 700-foot transition area at Marysville Municipal Airport, the city of Marysville, Kans., to provide controlled airspace for aircraft executing a new instrument approach procedure to the Marysville Municipal Airport which is based on a nondirectional radio beacon (NDB) navigational aid installed on the airport.

DATE: Comments must be received on or before September 6, 1978.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:
Gary W. Tucker, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPORTED PROPOSAL:
AGENCY: Federal Aviation Administration (FAA), DOT.

The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM
Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106, or by calling 816-374-3408. Communications must identify the Notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL
The FAA is considering an amendment to Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Marysville, Kans., to enhance airport usage by providing instrument approach capability to the Marysville Municipal Airport, the city of Marysville, Kans., has installed an NDB on the airport. The NDB facility provides new navigational guidance for aircraft utilizing the airport. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at Marysville, Kans., at and above 700-feet Above Ground Level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by adding the following new transition area:

PROPOSED RULES

MARYSVILLE, KANS.

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of Marysville Municipal Airport, Marysville, Kans., latitude 39°51'12" N., longitude 96°37'49" W., within 3 miles each side of the Marysville NDB 357° bearing extending from the 5.5 mile radius area to 8 miles southeast of the airport.

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


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

PROPOSED DESIGNATION:
AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Notice of proposed rulemaking (NPRM).

The proposal contains in this Notice 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.


FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978
space Branch, Air Traffic Division, ACE-537, FAA Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before September 6, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice is taken on the proposed amendment.

The proposal contained in this Notice of proposed rulemaking, is to amend the Federal Aviation Regulations (14 CFR 117.181) as republished on January 3, 1978 (43 FR 440), by adding the following new transition area:

WASHINGTON, Mo.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Skyhaven Airport, Warrensburg, Mo. (latitude 38°47' N., longitude 90°48' W.) and within 2.5 miles either side of the Napoleon, Mo. VORTAC 140° radial, extending from the 5.5-mile radius to 7 miles north-northwest of the airport.

(Sec. 367(a). Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c). Department of Transportation Act (49 U.S.C. 1555 (c); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

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


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

FOR FURTHER INFORMATION CONTACT:

Paul W. Turley, Director, Chicago Regional Office, Federal Aviation Administration, 55 East Monroe Street, Suite 1437, Chicago, Ill. 60603, 312-353-4423.

SUPPLEMENTARY INFORMATION:

Pursuant to section 6(c) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 45(c) and paragraph 34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record, together with material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act, for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The agreement herein, by and between Nelson Brothers Furniture Corp., a corporation, by its duly authorized officer, proposed respondent in a proceeding the Commission intends to initiate, and counsel for the Federal Trade Commission, is entered into in accordance with § 4.9(b)(14) of the consent order procedure.

1. Proposed respondent Nelson Brothers Furniture Corp. is a corporation organizing, existing, and doing business under and by virtue of the laws of the State of Delaware with its principal office and place of business located at 2750 West Grand Avenue, Chicago, III.

2. Proposed respondent admits all the jurisdictional facts set forth in said copy of the complaint the Commission intends to issue.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission.

If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if, comments or views submitted to the Commission disclose facts or considerations which indicate that the condition contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes and not for an admission by proposed respondent that the law

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Chicago, Ill. retailer of household goods to cease misrepresenting or failing to make relevant, timely disclosures regarding the cost, savings, condition, and availability of advertised merchandise; employing bait and switch tactics, or any other unfair or deceptive sales technique in the advertising and sale of its products. Additionally, the order would provide customers with the right to arbitration for unresolved disputes and require the firm to maintain prescribed business records for a period of 3 years.

DATE: Comments must be received on or before August 28, 1978.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.
has been violated as alleged in the said copy of the complaint the Commission intends to issue.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provision of paragraph 18 herein, the Commission, in accordance with the terms of this agreement, will not institute any proceeding or investigation under the Federal Trade Commission Act against the respondent for violation of the order if the respondent shall:

(a) Cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may not be amended during the time period, and no agreement, undertaking, representation, or interpretation not contained in the order or the agreement may be used to modify or to contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and of the order contemplated herein, and understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

A. It is ordered that respondent, Nelson Brothers Furniture Corp., a corporation, its successors and assigns, directly or through its officers, agents, representatives, sales persons and employees, or through any corporation, subsidiary, division or any other organization, engage in or maintain any advertising or offering for sale, and distribution of home furnishings, bedding, carpeting, television, appliances, or any other merchandise, to the public, by the use of any sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of merchandise.

B. Advertising or offering for sale, orally or in writing, any merchandise or services when the purpose of the advertising or offer is not to sell merchandise or services but to obtain leads or prospects for the sale of other merchandise or services at higher prices.

8. Disparaging or disparaging the purchase of any merchandise or services which are advertised or offered for sale.

9. Representing that any price is respondent's regular, usual, former, customary or original price, unless such price is the price at which such merchandise or service has been sold or offered for sale by respondent for a reasonably substantial period of time in the recent and regular course of respondent's business.

10. Advertising or offering for sale any group, set, suite, or similar combination of merchandise at a group "sale" price, or price described by words of similar meaning or import, unless the "sale" price at which the merchandise is offered constitutes a bona fide, reasonably significant reduction from the most recent price at which the group was sold or openly offered for sale for a reasonably substantial period of time in the recent, regular course of respondent's business.

11. Advertising or offering for sale any merchandise which is limited as to quantity or amount, as well as qualifications or limitations of the offer or of the merchandise reasonably adequately and conspicuously disclosed in such advertising or offering in immediate conjunction with or in close proximity to the advertised merchandise so limited and the limitations are clearly and conspicuously disclosed in such advertising or offering in immediate conjunction with or in close proximity to the advertised merchandise so limited and adhered to.

12. Failing to sell or to offer for sale advertised merchandise at the terms and conditions limited by the advertisements and as stated in the order and adhered to.

13. Advertising or offering for sale merchandise with sufficient clarity so that the advertised merchandise can be readily identified by consumers when visiting respondent's showrooms.

14. Failing to disclose in advertising, in a clear and conspicuous manner, in immediate conjunction with or in close proximity to the advertised merchandise, that such merchandise is used or not new or damaged or defective or is otherwise classified as "distressed" if such is the case.

15. Discouraging or disbarring the purchase of any merchandise or services which are advertised or offered for sale.

16. Representing that any price is respondent's regular, usual, former, customary or original price, unless such price is the price at which such merchandise or service has been sold or offered for sale by respondent for a reasonably substantial period of time in the recent and regular course of respondent's business, and does not constitute a defense to a charge under paragraph 8.

17. Failing to disclose in its advertising and at the time of sale that in addition to the price quoted in respondent's advertising, certain other charges, as applicable, are made for installation, assembly, delivery or further services performed in connection with the sale or delivery of merchandise.

18. Failing to maintain and produce for inspection and copying for a period of 3 years from the date of filing of the complaint, or the date of the event, whichever is later, adequate records to document:

a. Respondent's total costs for each advertisement run by them during the 3 years;

b. The volume of sales made of the advertised product or service at the advertised price, and

c. The factual basis for any representations or statements as to special or reduced prices, as to savings afforded purchasers, and as to similar representations of the type described in paragraph A.1 and A.2 of this order;

d. The number of advertised items in stock as of the first day the advertisement is run, the last day the advertisement is run, and 6 weeks to the day after the termination of the publication of the advertisement; and

e. Copies of all advertisement, including newspapers, radio and television advertisements, direct mail and in-store solicitation literature and any other promotional material distributed to the public.
f. The names and addresses of all customers who purchased "as is" or "as shown" merchandise.

2. It is further ordered, That respondent cease and desist from advertising or offering for sale any merchandise at a stated price, unless during the effective period of an advertised price:

1. Each advertised item is clearly and conspicuously available for sale to the public at or below the advertised price in each store covered by the advertisement;

2. At each location within each store where an advertised item is displayed there is a sign or other conspicuous marking attached to or in close proximity to the item clearly disclosing that the item is "as advertised" or "on sale" or words of similar import and meaning;

3. Each advertised item is individually and clearly marked with the price which is at or below the advertised price;

4. Each advertised "room grouping" is clearly and conspicuously marked by a "group" price which is at or below the advertised group price;

5. Each item included in the advertised group is clearly and conspicuously listed and disclosed separately from items not included within that group.

C. It is further ordered, That respondent shall deliver a copy of this order to each of its present and future officers, directors, and personnel engaged in any way in the offering for sale, sale or distribution of any advertised merchandise, to prevent any aspect of advertisement, creation or placing of any and all advertisements, and in any processing, counseling, consummation or enforcement of any contract or proceeding with respect thereto, to be satisfied by or arising out of any and all previous or current liability whatever;

(ILLINOIS STORES CONCLUDE)

Such arbitration shall be conducted in accordance with the rules and procedures of the Arbitration Program of the Better Business Bureau of Metropolitan Chicago, Inc., whose offices are located at 35 East Wacker Drive, Chicago, Ill. 60601, telephone 312-348-3313.

(ILLINOIS STATE LAW; ARBITRATION, IF UTENGENED IS LEGALLY BINDING AND FINAL)

Respondent is authorized and directed to change the instructions, contained in the notice set forth above as to how to secure arbitration, if undertaken is legally binding and final.

E. It is further ordered, That respondent shall provide each present and future advertising agency utilized by respondents with a copy of this order to cease and desist.

F. It is further ordered, That in addition to other rights given to a customer pursuant to this order, if the respondent and a customer are unable to settle any controvery which concerns or relates the quality, quantity, condition, repair, replacement, or return of any advertised merchandise, or the failure to replace or repair damaged or defective merchandise, or to make cancellations with refunds with respect thereto shall be settled, at the option of the customer, and at no cost for arbitration.

(WISCONSIN STORES CONCLUDE)


(Under Wisconsin state law, arbitration, if undertaken is legally binding and final)

Furthermore, respondent shall not be entitled to prevent arbitration pursuant to any provision of this order by reason of obtaining an order restraining any customer in an action for money allegedly due the respondents or their assignees.

It is further ordered, That respondent shall provide notification to customers of its right to submit such controversy to arbitration by prominently displaying the following notice in all its stores at the location where customers usually execute consumer credit instruments or other legally binding documents, such notice being written in the same language as that used in the sales presentation with text of not less than 10 point boldface type.

NOTICE TO ALL CUSTOMERS

Any controversy which is concerned with or relates to the quality, quantity, condition, repair or replacement of furniture, appliances or other merchandise, or the failure to replace or repair damaged or defective merchandise, or in any processing, counseling, consummation or enforcement of any contract or proceeding with respect thereto, shall be settled, at the option of the customer, and at no cost for arbitration, if undertaken is legally binding and final.

Furthermore, respondent shall not be entitled to prevent arbitration pursuant to any provision of this order by reason of obtaining an order restraining any customer in an action for money allegedly due the respondents or their assignees.

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Furthermore, respondent shall not be entitled to prevent arbitration pursuant to any provision of this order by reason of obtaining an order restraining any customer in an action for money allegedly due the respondents or their assignees.

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Furthermore, respondent shall not be entitled to prevent arbitration pursuant to any provision of this order by reason of obtaining an order restraining any customer in an action for money allegedly due the respondents or their assignees.

It is further ordered, That respondent shall provide notification to customers of its right to submit such controversy to arbitration by prominently displaying the following notice in all its stores at the location where customers usually execute consumer credit instruments or other legally binding documents, such notice being written in the same language as that used in the sales presentation with text of not less than 10 point boldface type.

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item marked with a price equal to or less than the advertised price; failed to advertise "room groupings" marked with a price equal to or less than the advertised price; and failed to clearly and conspicuously list and disclose separately each item included within a group from those not included in the group and that these failures encouraged respondent's salespersons to engage in bait and switch selling practices and other deceptive, false, or misleading sales tactics.

The consent order would prohibit the alleged violations of law and would require a clear and conspicuous disclosure of used or not new, or damaged, or defective or discredited furniture at the time of sale and on all order forms. In addition Nelson Brothers must have each customer who has agreed to purchase on an "as is" or "as shown" basis sign a written acknowledgement in the same language as that used in the sales presentation.

The consent order also provides that customers may arbitrate through the Better Business Bureau of Chicago and Milwaukee any dispute with regard to quality, quantity, condition, repair or replacement or the failure to repair or replace damaged or defective merchandise or to make refunds for damaged or defective merchandise. The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

CAROL M. THOMAS,
Secretary.

[PR Doc. 78-18042 Filed 6-28-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[AIR POLLUTION CONTROL]

Revocation of EPA Sulfur Dioxide Regulations for the Navajo Generating Station State of Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: Through this notice EPA proposes to rescind its regulations for the control of sulfur oxide (SO₂) emissions from the Navajo generating station at Page, Ariz. This action is the result of, and is in accordance with, a stipulation of dismissal of petitions for review filed with regard to these regulations.

DATES: Comments on or before August 28, 1978.

ADDRESSSES: Send comments to: Regional Administrator, EPA, Region IX, Attn: Air and Hazardous Materials Division, Air Programs Branch, 216 Fremont Street, San Francisco, Calif. 94105. Copies of the docket, No. 9A-78-1, are available for public inspection during normal business hours at the following locations:

EPA, Region IX, Library, 216 Fremont Street, San Francisco, Calif. 94105.

EPA, Pacific Information Referece Unit, Room 2922 (Library), 401 M Street SW., Washington, D.C. 20460.

Arizona Department of Health Services, Bureau of Air Quality Control, 1749 W. Adams Street, Phoenix, Ariz. 85007.

Arizona Department of Health Services, Bureau of Air Quality Control, Northern Regional Office, 2501 North Fourth Street, Suite 14, Flagstaff, Ariz. 86001.

FOR FURTHER INFORMATION CONTACT:
Morris Goldberg, 415-558-2463.

SUPPLEMENTARY INFORMATION:

BACKGROUND:

On May 31, 1972 (37 FR 10849), the Administrator disapproved the control strategy and regulations portion of the State implementation plan (SIP) applicable to SO₂ in the Arizona portion of the Four Corners Interstate Air Quality Control Region.

On July 27, 1972 (37 FR 15081), the Administrator disapproved Regulation 7-1-4.2(c) (SO₂ emissions from fuel burning installations) of the Arizona rules and regulations for air pollution control as it applies to the Navajo generating station.

On July 27, 1972 (37 FR 15081), the Administrator disapproved Regulation 7-1-4.2(c) (SO₂ emissions from fuel burning installations) of the Arizona rules and regulations for air pollution control as it applies to the Navajo generating station. Also on the same date (37 FR 15096) the Administrator proposed replacement regulations for control of SO₂ emissions from the Navajo generating station.

On March 23, 1973 (38 FR 7556), the Administrator promulgated replacement regulations for the Navajo generating station which required approximately 70 percent control of SO₂ emissions. The need for such control was based on the National Oceanic and Atmospheric Administration (NOAA) diffusion model in the southwestern energy study.

Petitions for review of the EPA regulations were filed with the U.S. Court of Appeals for the Ninth Circuit by the Arizona Service Co. and others. At the request of several petitioners a meeting was held with EPA, NOAA and other concerned companies and environmental groups on August 20, 1973, in San Francisco for the purpose of presenting newly developed data.

On March 21, 1974 (39 FR 10584), the Administrator modified the March 23, 1973, regulations. The changes to the regulations were to the form of the emission limitation and to the compliance dates. Petitions for review of the 1974 regulations were filed with the same court.

On October 29, 1974, the petitions for review (Nos. 73-1728, 73-1731, 73-1536, 74-1705, and 74-1716) of the subject regulations were dismissed pursuant to stipulations among the parties.

The stipulation also noted that, while EPA agreed to revise the emission limitation for the source to the degree shown necessary by the monitoring program, EPA would not be precluded from thereafter approving or promulgating revisions to the Arizona SIP as would otherwise be required by law.

In September 1975 the results of the monitoring program were published in a report entitled "Navajo Generating Station Sulfur Dioxide Field Monitoring Program," prepared by Rockwell International's air monitoring center. The report concludes that no control of sulfur dioxide emissions is needed at the Navajo generating station when coal of 0.675 percent sulfur content and 12,304 Btu per pound, averaged over a 4-year period, or better is used.

DISCUSSION OF ACTION:

Through this notice EPA is proposing to rescind its regulations applicable to the Navajo generating station because they are not reflective of the results of the monitoring program report. This action is consistent with the stipulated agreements of the involved parties.

EPA is cognizant of the potential application of Sections 123 and 169A of the Clean Air Act, as amended in August 1977, concerning the effect of stack height and visibility protection for mandatory Federal class I areas, respectively, on the degree of emission limitation required at the Navajo generating station. As a result of these provisions, and as contemplated by the terms of the stipulation previously noted, it may well become necessary to revise the action being proposed today. However, the Agency believes that it is bound, at this time, under the terms of the stipulations, to take the action proposed in this notice.

PUBLIC COMMENTS:

Comments concerning this proposed action may be sent to the EPA, Region IX address provided in this notice. Relevant comments received within 60 days from the date of publication of this notice will be considered. All comments received will be available for inspection as a part of the docket, during normal business hours at the
two EPA locations listed in this notice. The receipt of comments will be acknowledged, but substantive responses to individual comments will be provided only in the preamble to the final rulemaking.

**AUTHORITY**

Section 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7401(a), respectively).


Sheila M. Prindiville, Acting Regional Administrator.

[FR Doc. 78-18000 Filed 6-28-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FR 919-71]

**APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

Revisions to the Madera County Air Pollution Control District's Rules and Regulation in the State of California

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to take action on a revision to the Madera County Air Pollution Control District's (APCD) rules and regulations, which was submitted to EPA by the California Air Resources Board for the purpose of revising the California State Implementation Plan (SIP). In addition, EPA is proposing to disapprove certain agricultural burning exemptions or portions of rules which are previously not acted upon. EPA is also proposing to disapprove rules or portions of rules which are now part of the applicable SIP. The intended effect of this proposal is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invited public comments on these rules, especially as to their consistency with the Clean Air Act.

**DATE:** Comments may be submitted up to August 28, 1978.

**ADDRESSES:** Comments may be sent to: Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif.

Copies of the proposed revision are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following location: Madera County Air Pollution Control District, 135 West Yosemite Avenue, Madera, Calif. 93637; California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, Calif. 95814; Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Wayne A. Blackard, EPA, Region IX, 415-556-7882.

**SUPPLEMENTARY INFORMATION:**

The California Air Resources Board submitted the following rule on October 13, 1977: Rule 412.1 Transfer of Gasoline into Stationary Storage Containers.

In the Federal Register notice dated August 22, 1977 (42 FR 42210), action was deferred on certain agricultural burning rules; namely Rules 416.1 (c)(1), (e)(1), (e)(3) and (e)(4), submitted on January 10, 1978. These rules are still being proposed for disapproval as follows:

Rule 416.1(e)(1), Agricultural Burning allows range improvement burning on 'no burn' days and authorizes the Air Pollution Control Officer to prohibit range improvement burning during the permitted period where "such prohibition is required for maintenance of suitable air quality." This rule is proposed to be disapproved because (1) "suitable air quality" is not defined, and (2) no data was submitted which demonstrates that this additional exemption would not interfere with the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). Rule 416.1(e)(1), Agricultural Burning, Exceptions, is proposed to be disapproved since it allows the Air Pollution Control Officer to authorize agricultural burning on no-burn days if denial of such permission would threaten economic loss. Economic factors are an impermissible basis upon which to condition the granting of variances from the emission limitations absent a showing that all other requirements of Section 110 of the Clean Air Act as well as NAAQS will be met. Rule 416.1(e)(3), Agricultural Burning, Exceptions, is proposed to be disapproved because it exempts open burning in agricultural operations above 3,000 feet mean sea level and a control strategy demonstration showing that this exemption will not interfere with the attainment and maintenance of the NAAQS was not submitted. Rule 416.1(e)(4), Agricultural Burning, Exceptions, exempts agricultural burning in areas above 6,000 feet mean sea level. Since paragraphs (e)(3) and (e)(4) taken together replace Rule 418.1(c)(2) and they are not separable, they both are proposed to be disapproved. Rule 416.1(c)(2) submitted on June 30, 1972 and previously approved under 40 CFR 52.223.

Rules 402 (c) and (e), Exceptions, submitted on January 10, 1975 and previously approved exempt "agricultural operations" and "other equipment" used in agricultural operations from the viable emissions rule. The terms "agricultural operations" and "other equipment" are not defined in the rules and regulations. Rules 402 (c) and (e) are proposed to be disapproved since they are vague and potentially unenforceable.

Rule 416.1(c)(1), Agricultural Burning, Exceptions, submitted on June 30, 1972, and previously approved, allows the Air Pollution Control Officer to authorize burning on no-burn days. Since this authority has the potential of allowing exceedance of the NAAQS, it is not consistent with the Clean Air Act and is therefore proposed to be disapproved.

Under section 110 of the Clean Air Act as amended, and 40 CFR part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth the revision to rule 412.1 as proposed rulemaking and advises the public that interested persons may participate in the development of a written comment to the region IX Office. Public comments are also invited on the proposed disapprovals of the agricultural burning and visible emission exemptions. Comments received on or before 60 days after publication of this notice will be considered. Comments received will be available for public inspection at the EPA region IX office and at the Public Information Reference Unit.

**AUTHORITY:** Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)).


Paul De Falco, Regional Administrator.

[FR Doc. 78-18058 Filed 6-28-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FR 919-11]

**STATE OF MARYLAND**

Proposed Revision of Maryland State Implementation Plan; Extension of Comment Period

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule—Extension of public comment period.
SUMMARY: This notice is a followup to previous extension notices which appeared in the Federal Register on April 11, 1978 (43 FR 15167) and May 26, 1978 (43 FR 22748). The purpose of this notice is to further extend the public comment period for the notice of proposed rulemaking issued by EPA Region III on March 6, 1978 (43 FR 9162) pertaining to a proposed revision of the Maryland State Implementation Plan (SIP). The proposed plan revision refers to an exception request submitted to EPA by the State of Maryland on behalf of the Westvaco Corp., Luke Md.

DATE: The public comment period has been extended to July 7, 1978.


FOR FURTHER INFORMATION CONTACT:

Mr. Israel Milner, Manager, Plans Management Group, Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106, telephone 215-597-8174.

SUPPLEMENTARY INFORMATION: On March 6, 1978 (43 FR 9162), EPA issued a notice of proposed rulemaking pertaining to a proposed revision of the Maryland State Implementation Plan and on April 11, 1978 (43 FR 15167) the public comment period for this notice was extended to May 8, 1978. On May 26, 1978 (43 FR 22748) the public comment period was further extended to June 7, 1978. The proposed plan revision refers to an exception request submitted to EPA by the State of Maryland on behalf of the Westvaco Corp., Luke Md. The request would except Westvaco from the application of State and Federal sulfur content-in-fuel regulations and at the same time, limit sulfur dioxide emissions from all fuel-burning equipment located at this facility to 49 tons per day.

This notice is to advise the public that the comment period on this exception request is extended until July 7, 1978. All comments submitted on or before this date will be considered a basis for the Administrator's final determination with regard to this proposed SIP revision.

(Authority: 42 U.S.C. 7401.)


Jack J. Schramm, Regional Administrator.

[FR Doc. 78-18061 Filed 6-28-78; 8:45 am]

PROPOSED RULES

INTERCONNECTION AND UPGRADING OF PUBLIC COAST FACILITIES PROVIDING RADIOTELEGRAPH SERVICE

Order Extending Time for Filing Responses and Replies

AGENCY: Federal Communications Commission.

ACTION: Extension of time granted for filing responses to initial comments submitted in Docket No. 78-67 (Interconnection and Upgrading of Public Coast Facilities Providing Radiotelegraph Services).

SUMMARY: Commission finds that the Communications Workers of America (CWA) has shown good cause for an extension of time to file responses in Docket No. 78-67.

DATES: Responses to initial comments are due on or before July 17, 1978. Replies to responses are due on or before July 31, 1978.

RESPONSES TO INITIAL COMMENTS

2. The time for filing initial comments was twice extended at the request of public coast station licensees to June 5, 1978. Responses to those comments are now due on or before June 26, 1978, and replies to responses may be filed on or before July 8, 1978.

3. We now have before us for consideration a request from the Communications Workers of America (CWA) for a 30-day extension of time for submitting responses to the comments filed. In support, CWA states that it needs additional time to review the comments and supporting information filed by public coast station licensees. CWA also states that its personnel responsible for analyzing this material have recently been involved in its annual convention for 10 to 12 days, and have been unable to review the information filed.

4. We will substantially grant CWA's request. The information that we have received in this proceeding is extensive. As we previously stated, we desire to develop a record which will permit us to fashion a policy designed to promote rapid, efficient public coast radiotelegraph services with adequate facilities at reasonable charges. We, therefore, not only wish to give public coast station licensees and other interested parties a reasonable opportunity to file comments and provide information, but we also desire to allow a reasonable time for meaningful responses. A 21-day extension of time will permit CWA sufficient time for preparation of meaningful responses to the comments and information already filed.

5. Accordingly, it is ordered, pursuant to § 0.308 of the Commission's rules and regulations, 47 CFR 0.308 (1977), that the request of the Communications Workers of America is granted in part and denied in all other respects.

6. It is further ordered, That the procedural dates in the proceeding are extended as follows:


ORDER


In the matter of interconnection and upgrading of public coast facilities providing radiotelegraph service, Gen. Docket No. 78-67.

1. By notice of proposed rulemaking in the above-referenced matter, released February 27, 1978, FCC 78-115, the Commission instituted a proceeding to prescribe measures for improvement of maritime mobile communications services rendered by public coast radiotelegraph stations, including the interconnection and upgrading of the facilities of such stations. The Notice called for interested persons to submit comments and required the licensees of class IA public coast stations to provide certain information on or before April 17, 1978, for each station operated. It also invited responses to be filed on or before May 8, 1978, and replies to be filed on or before May 18, 1978.

2. The time for filing initial comments was twice extended at the request of public coast station licensees to June 5, 1978. Responses to those comments are now due on or before June 26, 1978, and replies to responses may be filed on or before July 8, 1978.

3. We now have before us for consideration a request from the Communications Workers of America (CWA) for a 30-day extension of time for submitting responses to the comments filed. In support, CWA states that it needs additional time to review the comments and supporting information filed by public coast station licensees. CWA also states that its personnel responsible for analyzing this material have recently been involved in its annual convention for 10 to 12 days, and have been unable to review the information filed.

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5. Accordingly, it is ordered, pursuant to § 0.308 of the Commission's rules and regulations, 47 CFR 0.308 (1977), that the request of the Communications Workers of America is granted in part and denied in all other respects.

6. It is further ordered, That the procedural dates in the proceeding are extended as follows:


FEDERAL COMMUNICATIONS COMMISSION,

Walter R. Hitchman,
Chief, Common Carrier Bureau.

[FR Doc. 78-18146 Filed 6-28-78; 8:45 am]
[49 CFR Part 27]

DEPARTMENT OF TRANSPORTATION
Office of the Secretary

[FR Doc. 78-18235 Filed 6-28-78; 8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

DEPARTMENT OF TRANSPORTATION

FEDERAL REGISTER
VOL 43, NO. 126—THURSDAY, JUNE 29, 1978

PROPOSED RULES

ADDRESS: Send comments to Dock-

\textit{etc. Branch, Information Services Division, Office of Program Support, 2100}

\textit{Second Street SW, Washington, D.C. 20590. It is requested that five copies be submitted.}

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, 2100 Second Street SW, Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION:

By petition dated February 7, 1977, the Manufacturing Chemists Association (MCA) recommended revision of section 173.26(a) of the Department's Hazardous Materials Regulations to facilitate conversion to metric measurements in the transportation of hazardous materials. The MCA stated that this change would permit the conversion of any hazardous materials package to metric measurements and that such a change would provide shippers and packaging manufacturers with the necessary latitude to convert to more practicable capacities measured in metric units, such as are now provided for by the regulations of the International Air Transport Association and the Inter-Governmental Maritime Consultative Organization. The MCA petition is similar to an earlier petition of the International Air Transport Association containing the rationale that the 10-percent increase in the net quantity per package (dry measure) for import and export shipments would have a negligible effect on safety, since the packaging requirements otherwise would be the same.

With the exception of an exclusion pertaining to packagings having large volumes, the Bureau agrees with the petitioners and believes that adoption of the changes proposed herein (1) will have no adverse effect on the safe transportation of hazardous materials; (2) will be of considerable assistance to shippers converting to systems of metric measurement for both domestic and international purposes; and (3) will not impose any additional costs on packaging manufacturers or shippers since use of the provisions of § 173.26 is optional.

The second sentence in the proposed change states "Specification packagings must be marked to indicate the use of metric measurements and must be tested accordingly." An illustration of compliance with this proposed requirement for a DOT-17E drum would be,

\textit{DOT-17E STC ABC 18-220L-78} and a corresponding change in the quantity of water used in the drop test based on a rated capacity of 220 liters.

The primary drafter of this document is Alan I. Roberts, Associate Di-

rector for Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration.

In consideration of the foregoing, § 173.26 paragraph (a) of Title 49, Code of Federal Regulations, would be revised to read as follows:

\textbf{§ 173.26 Quantity limitations.}

(a) When quantity limitations are specified in this subchapter by U.S. liquid measure for 110 gallons or less, or by avoirdupois weight for 1,000 pounds or less, quantitates measured in metric units may be substituted on the basis of 1 liter per quart and 500 grams per pound. Specification packagings must be marked to indicate the use of metric measurements and must be tested accordingly. Abbreviations for metric markings are L for liter, ml for milliliter, kg for kilogram, and g for gram.

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[16 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (m)(4) of appendix A to part 102.]

Note.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949, and OMB Circular A-101 nor an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).


ALAN J. ROBERTS,
Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

\[FR Doc. 78-18235 Filed 6-28-78; 8:45 am\]

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[7035-01]

INTERSTATE COMMERCE COMMISSION

\[49 CFR Part 1124\]

\[EX Parte No. 777 (Sub-No. 1)\]

REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY RAIL PASSENGER SERVICE

Hearing on Proposed Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Hearing announcement.

SUMMARY: The Commission will co-

chair a hearing that the Department of Transportation has scheduled to re-

ceive comments on proposed regulations for insuring adequate service and facilities for handicapped persons traveling as intercity rail passenger. The regulations apply to all carriers providing such services.

DATES: The hearing(s) will be held on July 26, 1978, and on July 27, 1978,

\[FR Doc. 78-1124 Filed 6-13-78; 8:45 am\]
PROPOSED RULES

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28217

further discussion, the Commission may schedule further hearings at a later date.

The written comments and summaries will be available for public inspection at the offices of the Interstate Commerce Commission, 12th Street and Constitution Avenue N.W., Washington, D.C., during regular business hours.


By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp, Commissioner Clapp absent and not participating.

NANCY L. WILSON, Acting Secretary.

[FR Doc. 78-18316 Filed 6-28-78; 8:45 am]

[7035-01]

[49 CFR Part 1056]

PRACTICES OF MOTOR COMMON CARRIER OF HOUSEHOLD GOODS

Investigation into Estimating Practices

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule extension of comment time.

SUMMARY: In its interim report in this proceeding, served April 26, 1978, the Commission proposed to bind household goods carriers to the estimates which they give to individuals in daily shippers. Comments on the regulations proposed by the Commission were due June 30, 1978. Published on May 2, 1978, at page 18712.

In light of the substantial and complex issues which the proposed regulations raise and of the Commission's need for complete information on the effect of its proposed rules, the deadline for filing comments in this proceeding has been extended to August 30, 1978. No further extensions are contemplated.

DATE: Comments are now due on or before August 30, 1978.

ADDRESSES: Send comments to Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, 202-275-7292.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp, Commissioners Murphy and Stafford would grant the petitions and extend the deadline for filing comments to September 28, 1978.
in guns bored for ammunition other than 12-gauge, and it was for the waterfowl hunting seasons commencing in 1977 and terminating in 1978.

In the rules section of today’s Federal Register, an amendment of §20.21(j) was published. This amendment results from the fact that nontoxic shot will not be available in 1978 in gauges other than 12-gauge. This amendment permits lead shot in gauges other than 12-gauge to be used in designated nontoxic shot zones in waterfowl hunting seasons commencing in 1978 and terminating in 1979.

The current proposal is for waterfowl hunting seasons commencing in 1979 and for all subsequent waterfowl hunting seasons, and it would terminate any exceptions to the nontoxic shot ruling due to gauge of gun. Its purpose is to increase the effectiveness of the nontoxic shot zones as a means of reducing lead poisoning of waterfowl caused by the ingestion of spent lead pellets.

Accordingly, the Service proposes the amendment of §20.21 by deleting the present (j) under §20.21 and replacing it with the following:

§20.21 Hunting methods.

(j) While possessing shotshells loaded with any material other than a material approved as nontoxic by the Director pursuant to the procedures set forth in §20.134: Provided, that this restriction applies only to the taking of ducks, geese, and swans (Anatidae), and coots (Fulica americana) in areas described in §20.108 as nontoxic shot zones.

This proposed amendment was authored by Robert I. Smith, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-254-3297.

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


LYNN A. GREENWALT, Director, United States Fish and Wildlife Service.

(FR Doc. 78-18158 Filed 6-28-78; 8:45 am)
DEPARTMENT OF AGRICULTURE
Forest Service
Arizona Snow Bowl Ski Area Proposal
Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Arizona Snow Bowl Ski Area Proposal on the Coconino National Forest, USDA-FS-R-3-DES-76-01.

The environmental statement concerns a proposal for a 777 acre permitted ski area on the Flagstaff Ranger District of the Coconino National Forest, Coconino County, Ariz.

This draft environmental statement was transmitted to EPA on June 23, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20015.


Coconino National Forest, 2323 Greenlaw Lane, Flagstaff, Ariz. 86001.

Single copies are available upon request to the Forest Supervisor, Coconino National Forest, 2323 Greenlaw Lane, Flagstaff, Ariz. 86001. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the EPA guidelines.

Comments are invited from the public, State, and local agencies which are authorized to develop and enforce environmental standards and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to the Forest Supervisor, Coconino National Forest, 2323 Greenlaw Lane, Flagstaff, Ariz. 86001. Comments must be received within 60 days from the date the statement was transmitted to EPA in order to be considered in the preparation of the final environmental statement.

GARY E. CARGILL, Acting Regional Forester, Region 3.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SOLICITATION FOR REQUEST FOR PROPOSAL (RFP)

Subject: Plan, arrange, and conduct awareness seminars.

Summary: The Architectural and Transportation Barriers Compliance Board (A&TCB) has a requirement to plan, arrange, and conduct five seminars to increase awareness, attention, and action aimed at the removal of environmental barriers among decision-makers throughout the Nation. This objective includes research efforts which result in the development of workshop materials and provide trained personnel to coordinate, facilitate, and conduct the five seminars and the necessary followup action.

Eligible applicants: This requirement is restricted to public and private nonprofit organizations only.

Dates: Issue date on or about July 14, 1978. RFP due date August 14, 1978. All requests for the RFP received during the first 20 days of the solicitation period will be honored. All other requests will be filled on a supply available, first-come-first-served basis.


Attn.: Contracting Officer. Solicitation No. HEW 105-78-7101. Please enclose three self-addressed mailing labels.


ROBERT JOHNSON, Executive Director.

Notice is hereby given, pursuant to section 106(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) that the third 1978 meeting of the National Advisory Committee on an Accessible Environment will be held on July 22 and 23, 1978, at 9 a.m. to 5 p.m. The meeting will be held at the Portland Hilton Hotel, 921 Southwest Sixth Avenue, Portland, Oreg.

The National Advisory Committee on an Accessible Environment is established under the 1974 amendments to the Rehabilitation Act, Pub. L. 93-516, 29 U.S.C. 792, et seq. The Committee is established to provide advice, guidance, and recommendations to the Architectural and Transportation Barriers Compliance Board in carrying out its functions.

The meeting of the Committee shall be open to the public. On the first day, the Committee will discuss the status of activities since the previous meeting and new business relating to pending legislation and the future of this Committee. During the afternoon of the first day, the National Advisory Committee will hold subcommittee meetings on specific issues requiring attention.

On Sunday, July 23, 1978, the National Advisory Committee on an Accessible Environment will host its second Public Awareness Session for this year, concerning the activities and enabling legislation of the Architectural and Transportation Barriers Compliance Board and its Advisory Committee. The specific subject areas of the Public Awareness Session concern mobility and communications barriers, transportation accessibility, accessibility standards, and legal rights.

Persons interested in attending the meeting should contact Ms. Laurinda Steele, Coordinator, Architectural and
NOTICES


ROBERT JOHNSON,
Executive Director, Architectural and Transportation Barriers Compliance Board.

[FR Doc. 78-18123 Filed 6-28-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

(Report No. 1129)

PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULEMAKING PROCEEDINGS FILED


Docket or RM No.  Rule No.  Subject  Date received


Note.—Oppositions to petitions for reconsideration must be filed on or before July 19, 1978. Replies to an opposition must be filed on or before July 24, 1978.

FEDERAL COMMUNICATIONS COMMISSION,

WILLIAM J. TRICARICO,  Secretary.

[FR Doc. 78-18124 Filed 6-28-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

(Docket No. 29034; Order 78-6-81)

ALASKA AIRLINES, INC.

Order To Show Cause Regarding Subsidy Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of June 1978.

By this order, the Board is proposing to establish final subsidy rates for Alaska Airlines, Inc. (Alaska), to be effective on and after March 23, 1976.

By order 73-3-147, dated March 23, 1976, the Board instituted an investigation of Alaska Airlines' subsidy mail rate, opened the rate, and directed the carrier to supply specific information.1

In instituting the investigation, the Board stated:

We are confronted with our responsibilities in dispensing the taxpayers' money in the form of air transportation subsidy payments as well as our statutory duty to encourage and foster the development of an air transportation system adapted to the present and future needs of the Alaskan "bush" communities. Thus, until we are able to analyze the results of the forthcoming investigation, we are not prepared to risk disruption nor to impose undue financial constraints on the present level of service. Accordingly, we will not terminate subsidy payments at this time but we will require repayment of any subsidy paid on or after the reopening date specified in this order, or such later date as may be determined in the course of the proceeding, which is found after investigation to be excessive.

Thus, the Board departed from its normal policy of setting temporary subsidy rates at a level sufficient to cover operating losses plus interest expense on long-term debt. Because of the carrier's pipeline-related profits in 1974 and 1975, the Board's usual temporary rate policy would have meant a zero temporary rate for Alaska pending the establishment of a final rate.

Out of a sense of caution, then, the Board made the conservative assumption that Alaska's profitability would drop drastically. As the investigation progressed, however, the carrier's profits did not drop significantly and, as the ratemaking analysis in the appendices to this order show, it was able to earn good profits during the first 2 years of the rate period, even excluding the temporary subsidy it received.

The Board's deviation from normal temporary rate policy coupled with the unexpectedly good experience of the carrier since its subsidy rate was opened has created several unique practical problems in this case. Based on traditional analysis, the carrier had no systemwide need for subsidy during the period March 23, 1976, through March 31, 1978; as explained below, however, it will require subsidy support in the future.2 Ordinarily, the Board would simply require a payback of the temporary subsidy the carrier had received and set a future rate based on an analysis of the future requirements. In this case, however, we are persuaded that this course of action would not be in the public interest because it would so impair the carrier's financial position as to significantly undermine its ability to maintain air transportation services throughout its system, including services adapted to the present and future needs of small communities in Alaska.

Because of the unique circumstances of this case, we are proposing instead that a 5-year rate be set encompassing the first 2 years of the open rate period and 3 future years.3 This 5-year rate will cover a period of continued pipeline-related prosperity and a period of reduced profitability which we foresee for the next few years, at least until the resurgence of economic activity related to the planned gas pipeline can be felt. Thus, dramatic changes in profitability relating to the unique pipeline construction period will be considered together with the more normal experience which can be anticipated in the years immediately ahead.

The Board has in the past considered financial need over a period of several years in determining whether a carrier is self-sufficient. In this case, self-sufficiency is clearly not the issue. Alaska continues to be a small company and its recent prosperity is tied closely to the unique pipeline construction period. This is not a case where a carrier has grown and matured to the point of financial independence. Nevertheless, we find that a 5-year rate period in this case, coupled with a carefully tailored distribution of payments, offers a practical solution to a difficult problem: namely, how to meet our responsibility to the taxpayers to insure that subsidy pay-

1See appendices I and II.

2See §399.30 of the Board's policy statements.

3The exact period of the rate will be March 23, 1976, through March 31, 1981.

FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978
ments are not excessive while at the same time insuring the continuation of needed services in the State of Alaska.

As part of this practical solution, we propose to require a $1 million payoff of the subsidy received under the temporary rate. A payoff of this amount will not unduly impair Alaska's financial condition and will allow subsidy payments during the latter part of the rate period to be high enough to insure the continuation of adequate services at small communities. While the carrier will receive an amount equal to its need over the 5-year rate period, we are tailoring a payment formula to distribute more subsidy to the early part of the period and less to the latter part. In this way, the carrier will not be required to refund a substantial portion of the temporary subsidy it has received. However, it will be required to maintain operations in the future on a reduced subsidy level.

During the first 2 years of the open rate period, Alaska received approximately $4.3 million in temporary subsidy. Our analysis shows that its system was not operating profitably during this time to operate without subsidy (see appendix I). The carrier has demonstrated to our satisfaction, however, that if it were required to refund the full amount of temporary subsidy paid, it would do so and still have a retained earnings deficit. Given the carrier's overall financial condition and the uncertain-Appendices I and II formed part of the original document.

8A full payback could force the carrier to violate minimum working capital covenants and/or covenants prohibiting new debt in excess of $1 million. The carrier supplied the board's staff with copies of the relevant loan balance sheet accounts. Given the carrier's overall financial position, a chapter X bankruptcy proceeding could technically be set in motion by these violations.

9Evidence adduced in the Alaska Fairies Investigation (Docket 29198) shows that Alaska's aging B727-100 fleet is extremely costly to operate on a unit basis when compared to the more modern equipment owned by other carriers who operate wide-bodied and stretched equipment. (See appendix C of the initial of $4.3 million would represent a reduction in net worth of some 20 percent with an attendant deterioration in the debt equity ratio (to approximately 3 to 1) and with an extremely poor current ratio, which would probably eliminate the possibility of raising equity capital.

Although Alaska has had several years of good earnings because of the pipeline-related boom, it is still financially weak. Its "current ratio" has been consistently poor over the years and stood at 0.52 to 1 on March 31, 1978. The financial condition of Alaska is deteriorating at a pace similar to that of the scheduled certificated industry, and it still has a retained earnings deficit. Given the carrier's overall financial condition and the uncertain-9 Only Kodiak-Western, also a subsidised carrier, had a worse current ratio. Typically, the current ratio in the unincorporated industry is somewhat above 1 to 1.

10When Alaska operated at a greatly reduced level for approximately 2 months of the second quarter of 1977 and Northwest Airlines' pilots were on strike since the end of April 1978.

casting very difficult. In the interest of resolving the issues in this case and placing the carrier on a final rate, a projection of Alaska's need based on the most recent operating experience and trends in load factors has been used.

While Alaska's system operations have achieved good earnings in recent years because of substantial improvements in yields that adequate systemwide earnings cannot be sustained in the post-pipeline-construction period without the aid of subsidy. Because of the distortion effects of a strike against Alaska Airlines, the clearest indication of economic impact of the end of the oil pipeline construction is the trend in total mainland-Alaska traffic. Compared to traffic levels in 1976, mainland-Alaska traffic in 1977 (the last year of construction) was down 4.3 percent. In the first quarter of 1978, total mainland-Alaska traffic was down 12.8 percent compared to the first quarter of 1976. Thus, for Alaska Airlines alone show growth for the first quarter of 1978, but only because the carrier was recovering from a strike 1 year earlier. Mainland-Alaska traffic for the carrier was down 9.1 percent in the first quarter of 1977 11 and its total traffic was off 7.8 percent. Passenger traffic for the first quarter of 1978 remained 1.8 percent below that attained in the first quarter of 1976 for the carrier's mainland-Alaska markets and the carrier's system. Total mainland-Alaska traffic for the first quarter of 1978 was 11.6 percent below the level reached in the first quarter of 1976.12

It is apparent that the reduced system need for subsidy that occasioned this investigation was, in large measure, the result of achievement by Alaska of abnormally high load factors during the pipeline-construction and related economic boom. In the absence of these load factors, Alaska would have continued to require subsidy support, and given the traffic declines mentioned above, it is very unlikely that the high load fac-
In view of the recent trends in traffic, particularly mainland-Alaska traffic which represents the bulk of the traffic for Alaska Airlines, it would be unrealistic to assume that the carrier will be able to reduce its available capacity in direct proportion to traffic declines, thereby maintaining its most recent year's load factor. Indeed, a unilateral reduction in frequency could be self-defeating in Alaska's case. Alaska effectively competes for the load factor of the acquisition of larger, more efficient B727-200 equipment.

The carrier's average seats per aircraft-mile for the year ended March 31, 1978, was 61.3. The average seats per aircraft was 63.8 percent. For 1977, the load factor dropped to 59.9 percent. By the year ended March 31, 1978, it had dropped to 57.5 percent compared to the year ended March 31, 1977. Part of this load factor decline was due to the reconfiguration of aircraft during the period. However, even accounting for the change in seating density, the carrier experienced a load factor decline of 1.9 percentage points higher than the highest of line related experience since 1975, it is 2 percent when compared to the year ended March 31, 1977. The carrier's need calculations for the first 2 years of the rate period are set out in appendix I.

As shown in the following table, the carrier's need over the total 5-year rate period amounts to approximately $6 million.

<table>
<thead>
<tr>
<th>Rate period</th>
<th>Service period covered</th>
<th>System need</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar. 23, 1976, through Mar. 31, 1977</td>
<td>$2,460</td>
<td></td>
</tr>
<tr>
<td>Apr. 1, 1977, through Mar. 31, 1978</td>
<td>$10</td>
<td></td>
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<tr>
<td>Apr. 1, 1978, through Mar. 31, 1979</td>
<td>$2,131</td>
<td></td>
</tr>
<tr>
<td>Apr. 1, 1979, through Mar. 31, 1980</td>
<td>$2,131</td>
<td></td>
</tr>
<tr>
<td>Apr. 1, 1980, through Mar. 31, 1981</td>
<td>$2,131</td>
<td></td>
</tr>
</tbody>
</table>

Thus, the projected system subsidy need for Alaska is based on a scheduled service load factor of 7.5 percent. While this projection is low compared to the carrier's pipeline related experience since 1975, it is 2 percentage points higher than the highest of the previous 7 years. The projection is based on the carrier's experience with its existing fleet and does not account for the impact on the load factor of the acquisition of larger, more efficient B727-200 equipment.

We are tying the payment of subsidy in the future directly to service to and from the small communities served by Alaska. In particular, the base mileage for billing purposes will be the sum of nonstop mileage in and out and from Cordova, Yakutat, Petersburg, Wrangell, and Gustavus. Scheduled mileage from February and July of 1977 was used as representative of peak and off-peak levels. A performance factor of 85 percent was used to allow for flight cancellations due to weather, mechanical problems, etc.

As shown in the following table, the carrier's need over the total 5-year rate period amounts to approximately $6 million.

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<td>$2,131</td>
<td></td>
</tr>
</tbody>
</table>

We recognize that the annual subsidy level of less than $1 million will not cover the fully allocated cost of Alaska's small community service. We believe, however, that any operating expense savings which would result from a discontinuation of small community service (which we estimate to be $2.1 million) would be more than offset by the loss of the local portion of long-haul passenger revenues. Thus, on a marginal basis, the costs of providing service at Alaska's small communities may well be below $1 million. The subsidy provided during the remainder of the 5-year rate period should, therefore, provide adequate incentive to maintain small community service. The carrier has given the Board written assurance that under the subsidy rates we have outlined above, it will conduct services of at least the same quality as were performed during the first 2 years of the open rate period. This assurance, together with the evidence that a full payback of temporary subsidy would cause substantial harm to the carrier's ability to maintain needed services in the State of Alaska, has led us to our tentative finding that a 5-year rate is appropriate in this case.

Our analysis of Alaska's need over the next 5-year period is not to be construed as a formal estimate of the need for the indefinite future. It is an estimate of Alaska's need, given trends as we interpret them today. Of course, major changes in the companies situation, such as a merger, would require us to reexamine the need. Furthermore, by the end of 1980, the impact of the planned gas pipeline should be felt; therefore, we will reexamine Alaska's rate at that time.

The ratemaking adjustments used in assessing Alaska's subsidy need for the first two annual periods since the rate was opened, and for future annual periods, included:

1. The elimination of legal fees and officers' salaries in excess of the prescribed limits;
2. A nonopercating income offset based on reported data; and,
3. A miscellaneous ratemaking adjustment (to eliminate items such as contributions, liquor, entertainment, etc., from the carrier's reported expenses) based on an audit of the carrier's records for calendar year 1977.

Investment was adjusted to transfer current notes payable due beyond 90
days to long-term debt, and to eliminate unamortized discount and expense on debt; also, a direct adjustment to equity to eliminate unamortized capital stock expense was made. Additional adjustments to investment include the elimination of: Investments in subsidiary companies; advances to nontransport divisions; special funds—other; nonoperating property and equipment—net; property acquisition adjustment; and, other intangibles.

The tax provisions in the subsidy need calculation is based on the statutory tax rate of 48 percent. A full allowance was recognized for future annual periods. However, Alaska did not enter a tax position until July 1977; thus only 75 percent of an annual tax allowance was recognized for the year ended March 31, 1978. Under the Board's actual tax policy, only effective tax rates are recognized in subsidy cases. The carrier stated it will not use accelerated depreciation for income tax purposes during the effective life of the rates proposed herein. Should Alaska use accelerated depreciation during the life of the rate, the tax allowance provided in this rate will be recalculated to reflect the effective tax rate (exclusive of investment tax credit effects), and a refund of the excessive tax allowance paid and a reduced future rate will be ordered.

The petition to intervene filed by Saturn Airways, Inc. (Saturn has been merged with Trans International Airlines, Inc.), will be dismissed for the same reasons given in order 77-5-28, which dismissed a similar petition with regard to Wien Air Alaska. Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302:

It is ordered, That: 1. Alaska Airlines, Inc., is directed to show cause why the Board should not fix, determine, and publish as the fair and reasonable final rates of compensation to be paid Alaska for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between the points between which the carrier has been, is presently, or hereafter may be authorized to transport mail by its certificate of public convenience and necessity, the sum of: (a) the carrier's service mail pay as established in other orders of the Board, and (b) subsidy as follows:

- 15% of the effects of investment tax credits which, by tax statute, we must ignore in setting rates.

Provided, however, That the compensation determined here is subject to such adjustment as may be required in the event that Alaska Airlines elects to use accelerated depreciation to defer Federal income taxes which would otherwise be payable for the calendar 1977 tax year and subsequent tax years.

Provided, further, That the rates set forth above shall be reduced by any adjusted annual capital gain in accordance with the provisions set forth in appendix B to the Capital Gains Proceeding, 29 CAB 384 (1959) as such appendix may be amended from time to time, and said appendix B is incorporated by reference.

The scheduled revenue plane miles flown shall be computed on the direct airport-to-airport mileage between the points actually served on each revenue trip operated over Alaska's authorized routes pursuant to its flight schedules filed with the Board including all revenue trips operated as extra sections thereto.

The compensation proposed here shall be in lieu of, and not in addition to, the mail compensation previously received by Alaska for mail transported on and after March 23, 1976.

2. All further procedures here shall be in accordance with the rules of practice, particularly rule 302, et seq., and if there is any objection to the rates specified in this order, notice thereof shall be filed within 10 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order.

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, or if an answer timely filed raises no material issue of fact, all parties shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the final subsidy rate specified here;

4. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable rates shall be limited to those specifically raised by such answers, except as otherwise provided in 14 CFR 302.307;

5. The June 7, 1976, motion of Trans International Airlines, Inc., as successor to Saturn Airways, Inc., for leave to intervene in docket 29034 be and it is hereby granted;

6. The petition of Trans International Airlines, Inc., as successor to Saturn Airways, Inc., for leave to intervene in docket 29034 be and it is hereby dismissed and,

7. This order shall be served on Alaska Airlines, Inc., Trans International Airlines, Inc., and the Postmaster General of the United States. This order will be published in the Federal Register.

By the Civil Aeronautics Board.

PHYLIS T. KAYLOR,
Secretary.

[FR Doc. 78-11814 Filed 6-28-78; 8:45 am]

(Docket No. 30699)

OAKLAND SERVICE CASE

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 July 10 and 11, 1978, at 10 a.m. (local time), in Room 1027, Universal Building, 1325 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 30, 1978, together with the name of the person who will represent it at the argument.
NOTICES

Federal Register, Vol. 43, No. 126—Thursday, June 29, 1978

icable projects:
the High-Resolution Scanning Electron Microscope which will provide distinctly
tended use of article: The articles are
Manufacturer: JEOL Ltd., Japan. In-
Solid Pair Backscattered Electron De-
Accessories for JEM 100C Electron Mi-
Gamma Control Device, Y-Modulation
Scanning Diffraction Instrument,

in addition, the articles will be used
in the course Electron Microscopy,
Met., M.S. E418: Techniques and
theory of electron microscopy includ-
operation of electron microscope
and the preparation of specimens for
electron microscopy by replication and
transmission.

Comments: No comments have been
received with respect to this applica-

decision: Application approved. No
instruments or apparatus of equivalent
scientific value to the foreign article,
for such purposes as this article is in-
tended to be used, is being manufac-
tured in the United States.

Reasons: The application relates to
accessories for an instrument that had
been previously imported for the use
of the applicant institution. The arti-
cle is being furnished by the manufac-
turer which produced the instrument
with which the article is intended to
be used and is pertinent to the appli-
cant’s purposes. The Department of
Health, Education, and Welfare
(HEW) advises in its memorandum
dated June 8, 1978 that it knows of no
domestic instrument of equivalent scien-
tific value to the article for its in-
tended uses.

The Department of Commerce
knows of no other instrument or ap-
paratus 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.

NATIONAL BUREAU OF STANDARDS ET AL.

Consolidated Decision on Applications for
Duty-Free Entry of Scientific Articles

The following is a consolidated deci-
sion on applications for duty-free
entry of scientific articles pursuant to
section 6(c) of the Educational, Scien-
tific, and Cultural Materials Importa-
tion Act of 1966 (Pub. L. 89-651, 80
Stat. 897) and the regulations issued
thereunder as amended (15 CFR Part
301).

A copy of the record pertaining to
each of the applications in this con-
solidated decision is available for
public review between 8:30 a.m. and 5
p.m. in Room 6886C of the Depart-
ment of Commerce Building at 14th
and Constitution Avenue NW., Wash-
ington, D.C. 20250.

Decision: Applications denied. Appli-
cants have failed to establish that in-
struments or apparatus of equivalent
scientific value to the foreign articles,
for such purposes as the foreign arti-
cles are intended to be used, are not
being manufactured in the United
States.

Reasons: Section 301.8 of the regula-
tions provides in pertinent part:

The applicant shall on or before the 20th
day following the date of such notice,
inform the Deputy Assistant Sec-
tary whether it intends to resubmit an-
other application for the same article to
the Department of Commerce Build-
ing at 14th and Constitution Avenue NW,
Washington, D.C. 20250.

* * * If the applicant fails, within the ap-
pllicable time periods specified above, to
either (a) inform the Deputy Assistant Sec-
tary whether it intends to resubmit an-
other application for the same article to
which the denial without prejudice to resub-
mission relates, or (b) resubmit the new ap-
lication, the prior denial without prejudice
to resubmission shall have the effect of a
final decision by the Deputy Assistant Sec-
tary on the application within the context
of subsection 301.11. (Emphasis added)

The meaning of the subsection is
that should an applicant either fail to
notify the Deputy Assistant Secretary
of its intent to resubmit another applica-
tion for the same article to which
the denial without prejudice relates
within the 20-day period, or fails to
resubmit a new application within the

Prospect Avenue NW, Room 8506,

Richard M. Seppa,
Director, Statutory Import
Programs Staff.

[FR Doc. 78-18096 Filed 6-28-78; 8:45 am]

[3510–25]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Withdrawal of Application for Duty Free Entry
of Scientific Article

The Massachusetts Institute of Techno-
logy has withdrawn Docket No. 78-00255 an
application for duty-free entry of an Ion Microprobe.

Furthermore, administratively proceedings shall not be taken by the
Department of Commerce with respect
to this application.

[FR Doc. 78-18090 Filed 6-28-78; 8:45 am]

[3510–25]
NOTICES

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 Material Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

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

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 Material Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

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

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 Material Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

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

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 Material Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.
formational deficiencies. The foreign article has the capability of resolving 12-13 nanosecond frames in 25 nanoseconds within a time frame less than or equal to $5 \times 10^{-8}$ seconds. The National Bureau of Standards advises in its memorandum dated June 5, 1978 that (1) the capability 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 uses.

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.

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

[FR Doc. 78-18092 Filed 6-28-78; 8:45 am]

[3510-25] UNIVERSITY OF CALIFORNIA, LOS ANGELES

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket No. 78-00173. Applicant: University of Southern California, Department of Chemistry—University Park, Los Angeles, Calif. 90007. Article: TEC 601A and Accessories. Manufacturer: Gen Tech Corp., an application for duty-free entry of a scientific article was ordered.

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

[FR Doc. 78-18083 Filed 6-28-78; 8:45 am]

[3510-25] UNIVERSITY OF SOUTHERN CALIFORNIA

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket No. 78-00173. Applicant: University of Southern California, Department of Chemistry—University Park, Los Angeles, Calif. 90007. Article: TEC 601A and Accessories. Manufacturer: Gen Tech Corp., an application for duty-free entry of a scientific article was ordered.

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

[FR Doc. 78-18097 Filed 6-28-78; 8:45 am]
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Electron transport characteristics of isolated synaptosomal reticulum (medical pharmacology).

The article will also be used for training for faculty, students, and technical personnel who require capability for research. Article ordered: March 20, 1978.

Docket No. 78-00220. Applicant: Oklahoma College of Osteopathic Medicine and Surgery, P.O. Box 2280, Tulsa, Okla. 74101. Article: Electron Microscope, Model H-300 and Accessories. Manufacturer: Hitachi, Perkin-Elmer, Japan. Intended use of article: The article is intended to be used for the investigation of the ultrastructural changes in kidney following mycotoxin exposure and anamnestic response to microbial lipids and the pathology of myoccardial ischemia. In addition, the article will be used in the following courses:

(1) Pathology (Clinical Sciences 1413) A course covering the basic mechanisms of the disease processes.
(2) System Biology I (Neuromuscular-skeletal). To provide to students the exposure necessary to gain a fundamental knowledge of the neuromuscular-skeletal system as a background for their clinical learning.
(3) Systems Biology II (Respiratory, cardiovascular and hematological). A continuation of the systems approach in the study of medicine consisting of lectures, demonstrations and/or laboratories involving the respiratory, cardiovascular and hematological systems.
(4) Systems Biology III (Obstetrics-gynecology, pediatrics and the genito-urinary tract system). A continuation of the systems approach in the study of osteopathic medicine.

Application Received by Commissioner of Customs: April 27, 1978.

Docket No. 78-00222. Applicant: Cell Research Institute, the University of Texas, Austin, Tex. 78712. Article: Electron Microscope, Model JEM-100CX with eucentric side-entry gonio­meter stage and Accessories. Manufacturer: JEOL Ltd. Japan. Intended use of article: The article is intended to be used to study the structure of biological cells and tissues and macromolecular structures of biological origin using standard transmission electron microscopy techniques, dark field and scanning electron microscopy techniques and high resolution scanning electron microscopy of small samples. In addition, the article will be used in the course Botany 380 to introduce students to the use of modern electron microscopy. Chemical and biological principles and techniques in order that they may apply these methods to their research projects. Article Ordered: March 8, 1978.
Section 10 of United States Code (U.S.C.) (1976) and Office of Management and Budget Circular No. A-63 of March 27, 1974, those advisory committees of the Department which held meetings in 1977 that were closed to the public have prepared reports on the activities of these meetings. Copies of the reports have been filed and are available for public inspection at two locations:

- Department of Commerce, Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The reports cover the closed and partially closed meetings of 42 committees and 6 subcommittees, the names of which are listed below.

**COMMITTEE (SUBCOMMITTEE) TITLE**

**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 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 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 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. 11.108, Importation of Duty-Free Educational and Scientific Materials.)

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

(FR Doc. 78-18095 Filed 0-28-78; 8:45 am)

**NOTICES**

**DEPARTMENT OF ENERGY**

Office of Conservation and Solar Application

**INSULATION MATERIALS AND PROPERTIES**

Public Meeting

The Department of Energy will hold a public meeting from 8:45 a.m. to 4:30 p.m. on July 28, 1978, to present the findings of "An Assessment of Thermal Insulation Materials and Systems for Building Applications" and the "Minnesota Retrofit Insulation in Situ Test Program."

The Assessment concerns the state-of-the-art of common residential insulating materials, the insulation industry, thermal properties of specific materials and the properties of various insulation assemblies. The Assessment will be useful for identifying areas where new test methods and standards are needed and for establishing new programs to improve the thermal performance of buildings.

The Minnesota Retrofit study reports on the findings of a project to study for "in situ" properties of various thermal insulation materials. Results from samples of 22 residential

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[3128-01]

**DEPARTMENT OF ENERGY**

Office of Conservation and Solar Application

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The Minnesota Retrofit study reports on the findings of a project to study for "in situ" properties of various thermal insulation materials. Results from samples of 22 residential
NOTICES

DOE has determined that making the Prohibition Orders effective will not have a significant impact on the quality of the human environment. Accordingly, environmental impact statements need not be prepared.


FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

Prohibition orders, which if made effective, would prohibit the above-named powerplants from burning natural gas or petroleum products as their primary energy source, were issued on June 30, 1975 (40 FR 28430, July 3, 1975) under authority of sections 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 791 et seq., as amended by Pub. L. 94-163, and as further amended by Pub. L. 95-70. The Prohibition Orders provided, however, that in accordance with the requirements of 10 CFR 305.10(b) and 305.7, the orders would not become effective until DOE had considered the environmental impact of making the orders effective pursuant to 10 CFR 305.9 and until DOE had served the affected utilities with NOE's.

The Economic Regulatory Administration (ERA), Department of Energy, has analyzed the potential environmental impacts that would result from the proposed NOE issue for these powerplants. DOE has determined that the proposed issuance of NOE's for the Prohibition Orders issued to the above-named powerplants will not constitute "major Federal action(s) significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act, 42 U.S.C. 4321 et seq. Therefore, pursuant to 10 CFR 208.4(c), DOE has concluded that environmental impact statements are not required.

Additional copies of this negative determination of environmental impact and copies of the environmental assessments upon which it is based are available upon request from Mr. W. H. Pennington, Office of NEPA Affairs, Office of the Assistant Secretary for Environment, Department of Energy, Room 3131, 2000 M Street NW, Washington, D.C. 20461. Copies of the documents are also available for public review in the DOE Freedom of Information Reading Room, Room 2107, 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461.

COMMENT PROCEDURE: Interested parties are invited to submit written comments with respect to this negative determination to the Office of Public Hearing Management, Box UM, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461. Ten copies should be submitted. All comments should be received by DOE no later than July 23, 1978 in order to insure consideration.

Any information or data, considered by the person furnishing it to be confidential must be so identified and submitted in accordance with the procedures set forth at 10 CFR 205.9(f). Any material not filed in accordance with such section will be considered to be nonconfidential. DOE reserves the right to determine the confidentiality status of the information or data and to treat it according to that determination.


BARTON R. HOUSE, Assistant Administrator for Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-18131 Filed 6-29-78; 8:45 am]

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for April 1978

In accordance with the provisions of 10 CFR § 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA) of the DOE, the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for April 1978, submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports, and imported naphtha utilized as a petrochemical feedstock in Puerto Rico, application of the entitlement adjustment for residual fuel oil production for sale in the east coast.

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market provided in §211.67(d)(4); application of the entitlement adjustment for California lower tier crude oil and for imported and Alaska North Slope crude oil included in the crude oil receipts of California refiners provided in §211.67(a)(4); May 1978 deliveries of crude oil for storage in the Strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in §211.67(c).

In accordance with §211.67(e), the national domestic crude oil supply ratio for April 1978 is hereby calculated to be 0.218441.

In accordance with §211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of April 1978, each barrel of oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to 0.206753 of a barrel of deemed old oil.

The issuance of entitlements for the month of April 1978 to refiners and other firms is set forth in the appendix to this notice. The appendix lists the number of entitlements required to each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(b)(4), the price at which entitlements shall be sold and purchased for the month of April 1978 is hereby fixed at $8.35, which is the exact differential as reported for the month of April between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR §211.67(b), each refiner that has been issued entitlements for the month of April 1978 has been increased by a number of entitlements equal to the number of barrels of imported crude oil and Alaska North Slope crude oil that are included in its adjusted crude oil receipts for the month of April 1978 multiplied by 0.060108 (the aggregate increase in entitlement issuances for California lower tier crude oil divided by the total number of barrels of imported crude oil and Alaska North Slope crude oil included in the adjusted crude oil receipts for April 1978 for all refiners with respect to refineries located in the State of California).

For purposes of §211.67(d)(6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the U.S. Government for storage in the Strategic Petroleum Reserve, the number of barrels sold to the Government totaled 1,898,519 barrels.

For purposes of the adjustments to refiners' crude run volumes under §211.67(d)(4), total production of residual fuel oil for sale in the east coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 7,116,867 barrels for April 1978. For that month, imports of residual fuel oil eligible for entitlement issuances totaled 37,086,273 barrels.
Payment for entitlements required to be purchased under 10 CFR 211.67(b) for April 1978 must be made by June 30, 1978.

On or prior to July 10, 1978, each firm which is required to purchase or sell entitlements for the month of April 1978 shall file with the DOE the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitlements for the month of April. The monthly transaction report forms for the month of April have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by June 30, 1978, are requested to contact the ERA at 202-254-3336 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to June 30, 1978, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before July 31, 1978.


DAVID J. BARDEN,
Administrator, Economic Regulatory Administration.

[PR Doc. 78-18317 Filed 6-28-78; 8:45 am]
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*Equals March 1978 entitlement purchase requirement of Arizona Fuels. See discussion in Notice.

**Includes entitlements issued for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve.

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**NOTICES**

- **28234**
- **DEEMED ULD OIL**
- **ENTITLEMENT POSITION**

- **7109,588,910 109,588,910 3,698,588 3,240,822 0 21,384,805 21,384,805**

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**FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978**

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NOTICES

FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978

28235

Federal Energy Regulatory Commission

[Docket No. RP78-5]

CITY OF DES ARC, ARKANSAS, COMPLAINANT
v. MISSISSIPPI RIVER TRANSMISSION CORPORATION, RESPONDENT

Order Dismissing Complaint, Providing for Hearing, and Establishing Procedures


On October 7, 1977, the city of Des Arc, Arkansas, filed pursuant to order No. 467-C an application requesting that the Commission direct the respondent, Mississippi River Transmission Corp. (MRT), to increase Des Arc's daily contract demand allocation by an additional 300 Mcf per day and a complaint requesting relief from the responsibility of paying certain overrun penalties imposed by MRT.

In support of its application and complaint, Des Arc states that its present agreement with MRT provides for a 725 Mcf daily contract demand, a 100 Mcf per day "priority interruptible" allocation, and requires the payment of a $10 per Mcf overrun penalty on volumes taken in excess of these amounts. Despite its efforts to limit the usage of natural gas to human needs only, Des Arc contends that the city's increase in human needs requirements, Des Arc claims that it incurred overrun penalties of up to $1,900 per day during the winter of 1976-77, even though it voluntarily curtailed all manufacturing plant and industrial uses of natural gas, closed the local school district, and curtailed most businesses on the days that overruns were required.

Des Arc further argues that the overrun penalties imposed by MRT are more than it can afford to pay and requests that it be relieved of the responsibility for paying those charges. Des Arc additionally requests that the Commission alleviate the city's supply shortage by increasing its allotment for human needs natural gas and additional 300 Mcf per day, and in support of its requests, sets forth certain information it believes to be required by order No. 467-C which pertains to requests for relief from curtailment.

In its December 7, 1977, response to Des Arc's application and complaint, MRT requests that the pleading be dismissed on the grounds that it is patently deficient and improperly filed as both a complaint and a request for relief from curtailment pursuant to the requirements of order No. 467-C. In support of its motion to dismiss, MRT argues that the application cannot be considered under the provisions of order No. 467-C because MRT, Des Arc's sole supplier, has not curtailed deliveries to the city, and, in addition, points out certain deficiencies in the information submitted by Des Arc in support of its order No. 467-C filing. MRT further contends that the pleading should be dismissed as a complaint because it contains no allegation that MRT has violated or contravened any act, rule, regulation, or order issued by the Commission, as required by section 1.8 of the Commission's rules of practice and procedure.

With respect to Des Arc's request for relief from the payment of overrun penalties, MRT states that the 100 Mcf "priority interruptible" allocation alleged by Des Arc to be part of its daily contract entitlement is in fact an unauthorized overrun tolerance which is billed at the interruptible service rate for smaller volume overtake. The overrun for overruns of 100 Mcf per day or less is allegedly designed to avoid heavily penalizing customers for overtake which ordinarily would not jeopardize MRT's ability to maintain adequate service to its existing customers. For overtake exceeding 100 Mcf per day, a $10 penalty is imposed under MRT's applicable FERC gas tariff. MRT points out that the $10 per Mcf overrun penalty was established by compromise among the Commission staff, MRT, and other active parties in Mississippi River Transmission Corp., docket No. RP75-20, and was approved by order of the Federal Power Commission issued February 13, 1976.

MRT contends that the overrun penalties from which Des Arc requests relief were properly imposed in accordance with MRT's interruptible gas tariff and that any waiver of these penalties might encourage Des Arc to ignore the volumetric limitations contained in its contract with MRT. MRT additionally asserts that Des Arc has already paid the overrun charges imposed for the 1976-77 winter heating season and aver that any attempt to compel refund of those charges at this time would constitute unlawful retroactive ratemaking. For these reasons, MRT requests that the Commission deny Des Arc's request for relief from the payment of overrun penalties.

As for Des Arc's request that the Commission increase its daily allotment and allocate an additional 300 Mcf per day, MRT acknowledges that it has been able to avoid high-priority curtailments in the past, but states that it has not been able to meet any of the numerous customer requests for curtailment. In addition, MRT states that it does not have sufficient supplies of natural gas to enable it to undertake increased deliveries to any customer without impairing its ability to serve other customers.

Therefore, MRT requests that the Commission deny Des Arc's application for an increase in its daily allotment of natural gas.

Des Arc contends that Des Arc's request for an increase in its daily contract demand allocation cannot be considered under the curtailment relief procedures outlined in order No. 467-C because deliveries to the city are not being curtailed by MRT. However, the request could appropriately be considered as a section 7(a) application for increased natural gas service and will be considered as such by the Commission, provided Des Arc submits the information required under part 156 and section 250.6 of the Commission's regulations under the Natural Gas Act.

MRT argues that Des Arc never sought to increase deliveries to the city of Des Arc without impairing its ability to serve other customers, recent form 16 reports show that MRT did not project any curtailments from requiring the 1977-78 winter heating season. For the past several years, MRT's interruptible customers have been curtailed on a regular basis during the winter months, but they have adequate alternate fuel capability and have received substantial volumes of natural gas from MRT during the summer periods. Nevertheless, we recognize that in this time of nationwide natural gas shortages, each request for increased service must be carefully scrutinized to determine whether one customer's growth is endangering the supplying companies.

1 Des Arc did not intervene in docket No. RP75-20.

2 Des Arc did not intervene in docket No. RP75-20.

35 U.S.C. §771(a), Section 7(a) of the Natural Gas Act provides as follows: Whenever the Commission, after notice and opportunity for hearing, finds such action necessary or desirable in the public interest, it may by order direct a natural gas company to extend or improve its transportation facilities to establish physical connection of its transportation facilities with the facilities of, and sell natural gas to, any person or municipality engaged or legally authorized to engage in the local distribution of natural or artificial gas to the public, and for such purpose to extend its transportation facilities to communities immediately adjacent to such facilities or to territory served by such communities. The Commission finds that no undue burden will be placed upon such natural gas company thereby: Provided, That the Commission shall have no authority to compel the enlargement of transportation facilities for such purposes, or to compel such natural gas company to extend its physical facilities for the transportation of natural gas when to do so would impair its ability to render adequate service to its customers.
pipeline's ability to render adequate service to other existing customers.

In light of the potential impact which Des Arc's application for increased natural gas service could have upon other customers of MRT, we find that a full evidentiary hearing should be held in this proceeding. The hearing should develop a record concerning the information required under part 156 and section 250.6 of the Commission's regulations, and Des Arc should additionally: (1) Document all efforts to obtain alternate sources of gas from intrastate suppliers or increased volumes of LPG; (2) present all communications between Des Arc and the Arkansas Public Service Commission with respect to gas supply; (3) detail data from the books and records of Des Arc supporting the estimated present and projected peak-day annual requirements, together with such specific information relating to number of meters and classes of customers served and to be served; (6) provide the history of the gas supply, including rate, volumes, and source of gas received, and the measures taken to insure a continuing supply; (6) explain what Des Arc plans to do to insure a continuing supply should its subject application be denied; and (7) furnish estimates and backup data concerning the percentage by volumes of attachments over former service in each curtailment priority. Des Arc must also carry its burden to show that the requested increase in natural gas service is necessary or desirable in the public interest.

It shall be incumbent upon MRT to furnish testimony relating the gas supply available for the service in question and the effect that this service will have on its system from an operational standpoint if the request for service is granted. MRT shall also furnish facts and testimony as to its history of curtailments, with particular regard to the order No. 467-B categories of priority, as well as specific information related to its distributor customers' load additions and/or scope of postponement of such load additions by class of retail customer during the last several years of gas supply shortage.

As to Des Arc's request for relief from the responsibility of paying overrun penalties, we must first note that MRT's tariff does not contain a provision permitting either MRT or this Commission to waive overrun penalty charges and must also note that the сделал sweep order, No. RP75-20 specifically provides that MRT shall have no refund obligation with respect to overrun penalties charged. In addition, Des Arc has neither alleged nor shown that the overrun penalty was improperly assessed in a manner violative of Commission regulations or applicable MRT tariff provisions. For these reasons, we find that the Commission lacks authority to grant Des Arc relief from or refund of the overrun penalties which it paid to MRT. Accordingly, Des Arc's complaint respecting the payment of overrun penalties will be dismissed.

In view of the foregoing findings with respect to the appropriate disposition of Des Arc's application and complaint, the motion of MRT for dismissal of Des Arc's pleading will also be denied.

Notice of Des Arc's application and complaint was published in the Federal Register on November 18, 1977 (42 FR 53220). No petition to intervene, notice of intervention, or protest to the granting of the application, other than the motion of MRT has been filed in response to that notice.

The Commission orders: (A) On or before August 7, 1978, the city of Des Arc shall file with the Secretary of this Commission copies of all pertinent documents, and upon all parties to this proceeding, including the Commission staff, its direct case and all other persons or organizations subject to those documents. Des Arc should be held in this proceeding, with authority to establish and change all procedural provisions. For these reasons, we find

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, in support of its application together with the information required under part 156 and section 250.6 of the Commission's regulations under the Natural Gas Act.

(C) An administrative law judge shall be designated by the chief administrative law judge for that purpose (see delegation of authority, 18 CFR, §3.5(d)), shall preside at a hearing in this proceeding, with authority to establish and change all procedural dates, and rule on all motions with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the rules of practice and procedure.

(D) The complaint filed by the city of Des Arc requesting relief from the payment of certain overrun penalties imposed by MRT is hereby denied.

E) MRT's motion to dismiss the complaint and application of the city of Des Arc is hereby denied.

By the Commission.

KENNETH F. PLUMER, Secretary.

(FR Doc. 78-18070 Filed 6-28-78; 8:45 am)

NOTICES

[CITIES SERVICE GAS CO. AND NATURAL GAS PIPELINE CO. OF AMERICA

Order Amending Order Issuing Certificate of Public Convenience and Necessity


On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-94, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12069, 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 were the subject of this proceeding were specifically transferred to the FERC by section 402(b)(1) of the DOE Act.

On April 8, 1978, Cities Service Gas Co., Cities Natural Gas Pipeline Co. of America (Natural) (petitioners) filed in docket no. CP64-89 a petition to amend further the order of January 2, 1964, as amended, in the instant docket (31 FPC 3) issuing a certificate of public convenience and necessity pursuant to section 7c) of the Natural Gas Act so as to authorize an additional exchange point at an existing point of interconnection between the systems of petitioners in Ford County, Kans., (Ford County exchange point), and to authorize petitioners to continue to exchange gas pursuant to an exchange agreement dated September 30, 1963, as amended, beyond May 1, 1980, all as more fully set forth in the petition to amend.

The January 2, 1964, order, as amended, authorizes petitioners, among other things, to construct and operate certain facilities, to abandon and replace certain other facilities, and to exchange up to 60,000 Mcf per day of natural gas at various exchange points in Oklahoma for a term ending May 1, 1980.

On February 3, 1978, petitioners amended further their exchange agreement dated September 30, 1963, to provide for the Ford County, Kans., exchange point whereby either petitioner may deliver to the other, at times and daily rates mutually agreeable, volumes of exchange gas, and to provide for the continued exchange of gas beyond May 1, 1980. The utilization of the existing Ford County interconnection as an exchange point provides petitioners a balancing point whereby imbalances in deliveries is alleviated and provides additional flexibility for the exchange arrangements.

After due notice by publication in the Federal Register on April 27,
NOTICES

1978 (43 FR 18009), no petition to intervene, notices of intervention, or protests to the granting of the petition to amend have been filed.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order in Docket No. CP84-89, issued January 2, 1984, as amended, be amended further as hereinafter ordered.

The Commission orders: The order issued January 2, 1984, as amended, is amended so as to authorize and additional exchange point in Ford County, Kans., and to authorize the continued exchange of gas beyond May 1, 1980. In all other respects, said order, as amended, shall remain in full force and effect.

By the Commission.

KENNETH F. PLUMB, Secretary.

(PR Doc. 78-18076 Filed 6-28-78; 8:45 am)

1978, Columbia submitted an interim curtailment plan in docket No. RP72-89.

New York asserts that under a settlement proposal noticed on March 24, 1978, Columbia submitted an interim curtailment plan to be effective through October 1978. This plan was subject to comments, some opposing the plan, by the parties to the proceeding. The Commission has not to date acted upon this proposal nor on the presiding law judge's initial decision on a permanent curtailment plan for Columbia.

New York notes that one of the uncontested features of the aforementioned settlement was the convening of a conference in the spring or summer of 1978 to consider the operation of any interim plan for the Columbia System. New York contends that operating problems under the effective plan continue to persist and urges that one area of discussion should be the problem of overtakes under that plan. It feels that other parties may have other areas with respect to the plan that also warrant discussion.

Take notice that on June 27, 1978, an informal conference will be held in a hearing room of the Federal Energy Regulation Commission at 825 North Capitol Street, NE., Washington, D.C. 20426, at 10 a.m. (e.d.t.), for the purpose of discussing problems that have arisen relative to the implementation of Columbia's effective curtailment plan.

KENNETH F. PLUMB, Secretary.

(PR Doc. 78-18076 Filed 6-28-78; 8:45 am)

1978, Washington, D.C. 20426, in accordance with §§ 1.6 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.6, 1.10). All such petitions or protests should be filed on or before June 29, 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.


Take notice that Gas Gathering Corp. (GGC), on June 8, 1978, tendered for filing substitute changes in its FERC gas tariff providing for increased charges to Transcontinental Gas Pipe Line Corp. (Transco), its sole jurisdictional customer, under GGC's PGA clause. The substitute filing would correct errors discovered by GGC in its filing of May 31, 1978, in this docket. As so corrected, the changes proposed would increase the rate charged Transco by 5.5533 cents per Mcf over those rates presently in effect. The rates are proposed to be made effective on July 1, 1978.

A copy of the filing has been served upon Transco.

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 §§ 1.6 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.6, 1.10). All such petitions or protests should be filed on or before June 29, 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.

(PR Doc. 78-18078 Filed 6-28-78; 8:45 am)

[6740-02]


As so corrected, the changes proposed would increase the rate charged Transco by 5.5533 cents per Mcf over those rates presently in effect. The rates are proposed to be made effective on July 1, 1978.

A copy of the filing has been served upon Transco.

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 §§ 1.6 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.6, 1.10). All such petitions or protests should be filed on or before June 29, 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.

(PR Doc. 78-18078 Filed 6-28-78; 8:45 am)

[6740-02]
The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall be continued, and orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceedings were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities. On October 20, 1978, the Kansas City Power & Light Co. (KCPL) tendered for filing new schedules of rates and charges for power service to 11 wholesale customers located in Kansas and Missouri. By order issued October 4, 1978, the Commission accepted and approved a settlement agreement which settled all issues in the matter except one, relating to cost allocation, which was reserved for hearing. The reserved issue was whether for cost allocation purposes KCPL's 161/56/34/12 kV step-down transformation facilities and 69 and 34 kV line facilities should be (a) rolled-in and included as a portion of KCPL's power source facilities or (b) assigned and allocated as a portion of KCPL's "local" facilities.

Hearings on the reserved issue were conducted by Administrative Law Judge (ALJ) Kimball on October 20-21, 1978, and Judge Kimball issued his Initial Decision on July 13, 1977. The Judge found that the 34 kV facilities are integrated parts of KCPL's bulk power supply system and function similarly to power source facilities. Accordingly, he determined that for cost allocation the facilities at issue in the case should be rolled-in and included as a portion of KCPL's power source facilities rather than assigned and located as a portion of KCPL's "local" facilities.

On September 15, 1977, KCPL submitted a brief on exceptions to the Initial Decision. Responses in opposition were filed by several parties, including the Commission Staff. The FERC, after giving due consideration to each exception, finds that the exceptions are without merit.

The FERC has consistently favored the rolled-in method of allocation. In 31 FPC 1180 (1964); Union Electric Co., 47 FPC 144 (1972); Florida Power & Light Co., 47 FPC 891, (Dec. 15, 1976).

NOTICES

KANSAS CITY POWER AND LIGHT CO.

Order Affirming Initial Decision of Administrative Law Judge


On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (Aug. 4, 1977) and Executive Order No. 12009, 42 FR 46267 (Sept. 15, 1977), the Federal Energy Regulatory 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 "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FERC when used otherwise, the reference is to the FERC.

FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978
under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

The Commission has before it an application filed March 17, 1978, by Kentucky West Virginia Gas Co. ("Kentucky West" or "Company") for rehearing and request for oral argument of the Commission's Opinion No. 7 and order issued in this proceeding on February 16, 1978. By that opinion and order the Commission accepted and approved a stipulation regarding certain cost of service and cost allocation issues. With respect to the first of two reserved issues, the Commission held that Kentucky West had not demonstrated "special circumstances" warranting an allowance in excess of the area rate for "new" gas produced from leases obtained after October 7, 1969, from wells drilled prior to January 1, 1973. On the second reserved issue, the Commission determined that the appropriate rate of return for Kentucky West during the locked-in period is 8.99 percent, based upon an imputed capital structure and an allowed return on common equity of 12.00 percent. Kentucky West seeks rehearing on both issues.

By this order, the Commission, for the reasons stated below, will deny rehearing and, the matter having been fully presented in the record and the pleadings including the application for rehearing, will deny the request for oral argument.

**Special Relief**

In its application for rehearing Kentucky West presents a new contention that the Commission erred in denying Kentucky West's request for special relief. The only record evidence on cost relevant to this issue is staff's testimony based on Kentucky West's filing demonstrating that the cost to produce new gas was 8.1 cents per Mcf. Kentucky West now contends that the adjustment for nonrecurring cost of service items made in the revised stipulated cost of service (Ex. 21), when applied to staff's cost analysis, yields a 46.8 cents per Mcf it requests for new gas.

We disagree. The record does not support Kentucky West's suggested adjustments to staff's analysis. The revised stipulated cost of service in Exhibit No. 21 neither adjusts nor requires adjustments to determine the "new gas" cost of service amounts stipulated in Exhibit No. 19. The expenses which Kentucky West proposes should be assigned to "new gas" cannot be said to be wholly attributable to this gas or to constitute the only adjustments warranted. Kentucky West had the opportunity to place on the record its own cost of service analysis of "new gas" or to rebut staff's analysis during the course of these proceedings. It chose to do neither. Its attempt to retroactively correct cost adjustments to staff's record analysis is rejected.

Kentucky West further argues for "special relief" by citing a report concerning the price incentive necessary to develop gas. We find that report inappropriate and irrelevant to the cost determination necessary to support the grant of special relief.

**Rate of Return**

We now turn to the rate of return issue where Kentucky West appears to unleash a many-pronged attack upon Opinion No. 7. In essence, however, its arguments reduce to three general points.

1. The Commission erred in regarding Kentucky West as having risks comparable to those of transmission companies rather than to those of independent producers;
2. The Commission erred in imputing the consolidated capital structure of Kentucky West's parent, Equitable Gas Co., to Kentucky West and that, in doing so the Commission unfairly imputed that capitalization to a past locked-in period; and
3. The Commission erred in finding a rate of return whose end result is unjust and unreasonable.

**1. Kentucky West's Risk Exposure**

Kentucky West continues to rely heavily upon arguments alleging to show its risk comparability to independent producers and upon the Commission's use of a 15-percent rate of return in area and nationwide rate proceedings as bases for the rate of return it requests in this proceeding on its cost of service rate base. We find these arguments equally unpersuasive at the time we issued our opinion and find their new arguments equally unpersuasive now.

The rate of return determination in this proceeding was influenced by the differences in the cost of service regulatory regime under which Kentucky West has operated and the area and nationwide rate setting regime under which independent producers have operated. Gas exploration, development, and production operations conducted under cost of service treatment carry substantially less risk to investors than gas operations conducted under the expectation of receiving prices, only for gas found, based on average areawide or nationwide costs determined periodically by a regulatory body.

Kentucky West's claims that it does not benefit from cost of service regulation and that it would be better off if it were allowed to charge the nationwide free gas rates are unfounded. Independent producers' cost of old gas embodied in its cost of service is less than the flowing gas rates applicable to independent producers is misleading due to the omission of gathering costs. Our conclusion we reached in Opinion No. 7, and which Kentucky West argues is misconceived, followed from: (1) transmission costs and advance payments constituting a small percentage of the per unit cost of service and (2) "new gas" unit rates being significantly less than the resulting total per unit cost. In its application for rehearing, Kentucky West shows the costs by function and compares the producer flowing gas rate to the unit production costs of its "old gas." Kentucky West compares the 29.5 cents per Mcf rate (14.73 psia and 1,000 Btu per cu. ft.) allowed by the Commission on flowing gas of independent producers with the unit production cost of 20.97 cents allowed in Opinion No. 7 (8.96 percent rate of return) and the 28.88 cents cost embodied in Company's proposed rates (13.05 percent rate of return). But the flowing gas rate to independent producers permits only a 1 cent per Mcf adjustment for gathering costs. Kentucky West's cost of service includes a 15.26 cents per Mcf allowance for gathering costs using the Commission's 8.96 percent rate of return. A 19.27 cents per Mcf allowance is embodied in Company's proposed rates. Thus the relevant comparison

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1 An order granting rehearing for purposes of further consideration and stay pending order on rehearing was issued in this proceeding on April 17, 1978.
should be between the independent producer’s production plus gathering and transmission cost of 30.5 cents per Mcf and the 36.26 cents per Mcf cost implied by our rates. Moreover, even if Kentucky West’s rates were less than the applicable natural gas flow rates, the relative assurance of the independent producers of cost recovery under cost of service treatment results in a substantially better position because of its cost of service treatment than it would have had its sales been subject to the same type of regulation as independent producers.

We also find no merit in Kentucky West’s claim that its cost of service is deficient in comparison with producer rates because no cost of service is allowed for dry hole and related expenses. This is a result of the different regulatory frameworks under which independent producers and pipeline producers are operated and which create a regulatory risk differential to investors in the two types of operations. As Kentucky West points out, “when a cost of service is constructed accounting for the successful efforts method of accounting there is included an allowance for exploration and development based on base year experience.” This is the method that has been used in setting Kentucky West’s rates until this proceeding. The effect of such accounting methodology is to give the company the ability to earn in each year revenues sufficient to cover the unsuccessful efforts costs for that year. In contrast, independent producers are compensated only to the extent that they are able to find and sell gas at the established just and reasonable rate. If they find no gas, they bear the full burden of their losses. The reason for the exclusion of dry hole and related costs in determining cost of service is because they are nonrecurring, being related to “new gas” production priced at nationwide rates which include an allowance for such costs. Finally, it is significant that concomitant with the exclusion of these costs was the exclusion of related nonrecurring tax savings, the net effect of which was to increase Kentucky West’s cost of service in this proceeding.

Kentucky West’s contention that independent producers are favored by their ability to renegotiate contract rates to higher ceiling prices is also misleading. Kentucky West ignores the fact that as a pipeline producer it has no prescribed ceiling. When the operating costs of a pipeline producer’s flow rates increase, it has the ability to request a rate increase to cover higher costs. The Commission must then determine whether the gas should be made available at the higher price.

Thus, we find no merit in Kentucky West’s claim that its claims to the rate-making methodological advantage of cost recovery under cost of service is predicated. For these reasons, we are not persuaded that Kentucky West’s rate design significantly contributes to risk of its operations.

In conclusion, we find that our evaluation of Kentucky West’s overall risk exposure as being roughly comparable to that of more typical transmission company operations was reasonable.

2. APPROPRIATE CAPITAL STRUCTURE

Kentucky West presents a number of criticisms to our use of an imputed capital structure. It does not challenge our perogative to employ a capitalization different from that reported in company books where circumstances warrant one. It claims only that the necessary circumstances are not present in the instant proceeding. Kentucky West argues that there is substantial record evidence supporting the reasonableness and prudence of its capital structure and little supporting the contrary. We disagree. Company’s evidence consisted primarily of opinions based on claims of high risks in its exploration and development activities. It presented no data on capital structures of similar pipeline producer enterprises. In fact, the record contains no evidence of independent companies being financed wholly by equity capital. Staff, on the other hand, presented a variety of evidence on the capital structures of natural gas pipelines and oil companies. The decision to employ Equitable’s consolidated capital structure was based upon our evaluation of the range of these capital structures in light of our perception of the risk of Kentucky West’s cost of service operations. We did not make a finding that Kentucky West should be considered a natural gas pipeline; rather, we found Kentucky West more comparable in risk to conventional pipeline companies than to independent producers. Our choice of capital structure represents a reasonable resolution of this issue.

Kentucky West claims that it is unable to obtain debt financing for its operations. It alleges that its parent, Equitable, is effectively precluded by government regulations from using senior debt to fund any of Kentucky West’s activities. Further, Kentucky West argues that there is substantial record evidence supporting the reasonableness and prudence of its capital structure and little supporting the contrary. We disagree. Company’s evidence consisted primarily of opinions based on claims of high risks in its exploration and development activities. It presented no data on capital structures of similar pipeline producer enterprises. In fact, the record contains no evidence of independent companies being financed wholly by equity capital. Staff, on the other hand, presented a variety of evidence on the capital structures of natural gas pipelines and oil companies. The decision to employ Equitable’s consolidated capital structure was based upon our evaluation of the range of these capital structures in light of our perception of the risk of Kentucky West’s cost of service operations. We did not make a finding that Kentucky West should be considered a natural gas pipeline; rather, we found Kentucky West more comparable in risk to conventional pipeline companies than to independent producers. Our choice of capital structure represents a reasonable resolution of this issue.

Kentucky West claims that it is unable to obtain debt financing for its operations. It alleges that its parent, Equitable, is effectively precluded by government regulations from using senior debt to fund any of Kentucky West’s activities. Further, it

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for support. These comparisons do not provide a reasonable basis for evaluating the end result of the instant proceeding where we are concerned with setting an overall rate of return applicable to a past locked-in period beginning in 1973.

In accepting the settlement of other issues in this proceeding, we permitted the computation of income taxes on the basis of Company’s proposed all-equity capital structure. In so doing we noted the inconsistency but were of the opinion that it was more in the public interest to deal with that issue in a more current rate filing than to disturb the settlement in this already protracted proceeding. We also note the fact that, in its previous rate filing, Kentucky West asked for and received only an 8.50-percent rate of return. In conclusion, we find the resolution of the issues in this proceeding achieves a reasonable end result, balancing the interests of both investors and consumers.

The Federal Energy Regulatory Commission orders:
(A) The application filed by Kentucky Virginia Gas Co. on March 17, 1978, for rehearing of the Commission’s order issued on February 18, 1978, is denied.
(B) Ordering paragraph (B) of the February 16, 1978, order is modified only insofar as refunds shall be made within 15 days of the date of this order.
(C) The request for oral argument is denied.

By the Commission.

KENNETH F. PLUMS, Secretary.

[FED. REG. 78-18067 Filed 6-28-78; 8:45 am]

[6740-02]


LANDS WITHDRAWN IN POWER SITE RESERVE NO. 660, WATER POWER DESIGNATION NO. 14 AND PROJECT NO. 1001

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


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.

The Bureau of Land Management, Department of the Interior, has requested that the land withdrawal for Project No. 1001 be vacated in its entirety. The requested action requires Federal Energy Regulatory Commission consideration under Section 24 of the Federal Power Act, as amended.

The lands affected by the withdrawal lie near the towns of Brightwood and Rhododendron in Clackamas County, Ore., and are described in the Attachment hereto.

Subsequently, the U.S. Geological Survey recommended that Power Site Reserve No. 660 and Water Power Designation No. 14 be vacated in its entirety. The requested action requires Federal Energy Regulatory Commission consideration under Section 24 of the Federal Power Act, as amended.

The underlined lands lie along the Sandy River, near Brightwood, and were withdrawn in Power Site Reserve No. 660 and Water Power Designation No. 14 in connection with a 1917 Geological Survey diversion-conduit plan which is no longer considered feasible. Those lands have no significant water-power value.

Project No. 1001 was a 6.6-kV transmission line which extended from the town of Sandy to a point near the town of Rhododendron. The 25-year license for the project, held by the Portland General Electric Company, expired on August 7, 1954. A 1952 Federal Power Commission staff study disclosed that the subject transmission line no longer serves a useful purpose. The Geological Survey has recommended that the land withdrawal for Project No. 1001 be vacated in its entirety.

The Commission finds:

It has no objection to the revocation of Power Site Reserve No. 660 and Water Power Designation No. 14 insofar as they pertain to full subdivisions underlined in the Attachment (approximately 400 acres).

The underlined lands have no significant water-power value.

Project No. 1001 was a 6.6-kV transmission line which extended from the town of Sandy to a point near the town of Rhododendron. The 25-year license for the project, held by the Portland General Electric Company, expired on August 7, 1954. A 1952 Federal Power Commission staff study disclosed that the subject transmission line no longer serves a useful purpose. The Geological Survey has recommended that the land withdrawal for Project No. 1001 be vacated in its entirety.

The Commission finds:

It has no objection to the revocation of Power Site Reserve No. 660 and Water Power Designation No. 14 insofar as they pertain to full subdivisions underlined in the Attachment (approximately 400 acres).

The Commission orders:

The land withdrawal for Project No. 1001 is vacated in its entirety.

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**MOUNTAIN FUEL RESOURCES, INC.**

**Tariff Sheet Filing**


Take notice that on May 17, 1978, Mountain Fuel Resources, Inc., pursuant to section 154.62 of the Commission's regulations under the Natural Gas Act, filed Fifth Revised Sheet No. 7 to its FERC Gas Rate Schedule No. 1. Resources states that the filed tariff sheet relates to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provisions authorized by RP74-14 and RP74-34. More specifically, the tariff sheet reflects a net increase over that currently being collected of 2.27 cents per Mcf to be effective July 1, 1978.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's rules. Resources tariff filing is on file with the Commission and available for public inspection.

**Kenneth F. Plumb,**

Secretary.

**NORTH PENN GAS CO.**

**Proposed Changes in FERC Gas Tariff**


Take notice that on May 26, 1978, North Penn Gas Co. (North Penn) on June 6, 1978, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Sheet No. 1, pursuant to its PGA Clause for rates to be effective June 1, 1978.

North Penn states that the rates contained in First Substitute Fifty-Fourth Revised Sheet No. 1 reflect the same changes as filed by North Penn on May 2, 1978, and May 30, 1978, and additionally reflect the changes in supplier rates filed by Consolidated Gas Supply Corp. on June 7, 1978 and Tennessee Gas Pipeline Co. on May 31, 1978, both for effectiveness June 1, 1978.

Third Substitute Fifty-Fourth Revised Sheet No. 1 reflects a decrease of 26.751 cents per Mcf from the rates contained in Substitute Fifty-Third Revised Sheet No. 1 effective May 1, 1978. The net change of 26.751 cents per Mcf reflects a decrease of 1.532 cents per Mcf to reflect changes in supplier rates to be effective June 1, 1978, a net decrease of 22.294 cents per Mcf in the six-month surcharge to amortize amounts accumulated in the Unrecovered Purchased Gas Cost Account and a decrease of 2.925 cents per Mcf in the Base Tariff Rates to reflect the Settlement Agreement of March 3, 1978, and Ordering Paragraph No. (4) of the Federal Energy Regulatory Commission's (Commission) Letter Order dated May 11, 1978, at Docket No. RP78-156.

North Penn requests waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on June 1, 1978. Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§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 29, 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.
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[6740-02] [Docket No. ER78-433]

OKLAHOMA GAS & ELECTRIC CO.

Filing of Proposed Increase in Rates


Take notice that on June 18, 1978, Oklahoma Gas & Electric Co. (OG&E) tendered for filing a proposed increase in rates for transmission service and thermal energy being supplied to the Southwestern Power Administration pursuant to an interim Contract dated November 4, 1977 between the United States of America, as represented by the Administrator, Southwestern Power Administration, and OG&E submitted as a part of the Settlement Agreement that resolved Docket No. ER77-422. OG&E proposes to make the increase effective July 30, 1978, and therefore requests waiver of the Commission's notice requirements.

OG&E states that the revised rates result from a comprehensive review of its rates for transmission services, with a view to compliance with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10).

OG&E further states that copies of the revised rate schedule have been mailed to the Southwestern Power Administration and to the Corporation Commission of the State of Oklahoma and the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with 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 to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 to the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required in the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, written notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plum, Secretary.

[FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978]

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[6740-02] [Docket No. CP78-367]

PANHANDLE EASTERN PIPE LINE CO.

Application


Take notice that on June 8, 1978, Panhandle Eastern Pipe Line Co. (Applicant), P.O. Box 1642, Houston, Tex. 77001, filed in Docket No. CP78-367 a transportation application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Columbia Gas of Ohio, Inc. (Columbia), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport natural gas for Columbia pursuant to a transportation contract entered into by these two parties on March 28, 1978. Applicant states that said contract is effective as of March 1, 1978, and shall remain in effect until April 1, 1984; however, Columbia is said to have the option to extend said term until April 1, 1991, provided proper notice is given. Such authorization, it is said, would enable Columbia to effectuate a storage agreement, entered into by itself and Michigan Consolidated Gas Co. (Consolidated), which provides for the annual storage of up to 2,750,000 Mcf of natural gas by Consolidated for Columbia. By the terms of the transportation agreement, Consolidated is said to deliver this amount during the summer months (March 1-October 31), at a daily rate of 50,000 Mcf, to Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) for the account of Columbia at Defiance, Ohio, for storage. This amount would be made available by reducing the quantity of natural gas delivered to Columbia Gas Transmission Corp. (Transmission) for the account of Columbia by 50,000 Mcf per day. It is said. Conversely, during the winter months (November 1-March 31) Applicant would receive from Michigan Wisconsin at the Defiance, Ohio, interconnection, for the account of Consolidated and for redistribution to Transmission for Consolidated's account at Maumee, Ohio, daily quantities received by Columbia, provided that such volumes, including volumes delivered under contract, do not exceed the capacity of Columbia's then effective LS-1 Service Contract, it is further indicated.

Applicant states that initially there was an agreement between it and Columbia whereby it was agreed to pay a monthly rate of $8,450 for Applicant's deliveries to Michigan Wisconsin during the summer periods and 2.41 cents for each Mcf of gas delivered to Transmission for the account of Consolidated during the winter period. Subsequent to the negotiation of the transportation agreement, however, Applicant states that it filed a notice of change in rate in Docket No. RP78-63 which would change the unit transportation charge from 2.41 cents to 2.59 cents. Based on this rate, it is said, the monthly charge for delivery to Michigan Wisconsin for the account of Columbia during the summer period would be $8,081.

It is stated that the expense of any changes, modifications, or adjustments of Applicant's existing measuring facili-
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All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC." 10 CFR, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

The Commission notes that in Tennessee Oil Co., et al., docket Nos. CI75-45, et al., and CI75-466, allegations have been made on the issue of whether Tenneco Oil Co. or others may have violated the Act.

In particular, there have been allegations in such proceedings that: (a) Without a certificate of public convenience and necessity as required by section 7 of the Natural Gas Act. 1. Tennessee Gas Pipeline Co., a division of Tenneco, Inc. ("Tenneco"), transported and delivered natural gas to Creole Gas Pipeline Co. ("Creole") for Tenneco Oil Co. and Shell Oil Co. ("Shell").

2. Tenneco Oil Co. and Shell transported and sold natural gas to Creole which resold such gas to its customers, and

3. Tennessee transported and delivered natural gas to Creole for Tenneco Oil Co. for redelivery to Tenneco Oil's Chalmette refinery.

(b) Tennessee and Tenneco Oil Co. have disregarded the regulations of the Natural Gas Act in that Tennessee delivered more natural gas to Creole (which then delivered it to its customers) than was delivered by Tenneco Oil Co. to Tennessee for such customers, causing gas dedicated to the interstate market to be diverted to the intrastate market.

The Commission finds: The allocations and matters in the above paragraphs, if true, to be in possible violation of section 7 of the Natural Gas Act and the rules and regulations thereunder, finds it necessary and appropriate, and hereby

The Commission orders: (a) Pursuant to the provisions of the Natural Gas Act, that a private investigation be made to determine: (1) Whether the aforesaid persons or any other persons have engaged or are about to engage in any of the above-reported acts or practices or in any similar or related acts or practices, and (2) whether Tenneco Oil Co. or Tennessee Gas Pipeline Co. have violated the Natural Gas Act, or any opinion, order, or regulation thereunder by Tennessee Gas Pipeline's delivery of more gas to Creole than Tenneco Oil had delivered to Tennessee Gas Pipeline for Creole customers, and (3) whether Tenneco Oil Co. has properly complied with the Commission's order of March 1, 1976, in docket No. CI75-466, ordering a correction of the imbalance, and

(b) Pursuant to the provisions of section 14(c) of the Natural Gas Act that for the purposes of such investigation Joel Zipp, Jeanne M. Zabel, Frank Jenesi, James Lewis, Maureen Winkler, Thomson von Stein, Charles J. Friedman, and each of them, is hereby designated an officer of this Commission and empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant and material to the inquiry, and to perform all other duties in connection therewith as prescribed by law.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18068 Filed 6-28-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978

[6740-02]

[FR Doc. 78-18084 Filed 6-28-78; 8:45 am]

[6740-02]

[FR Doc. 78-18068 Filed 6-28-78; 8:45 am]

All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC." 10 CFR, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

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In particular, there have been allegations in such proceedings that: (a) Without a certificate of public convenience and necessity as required by section 7 of the Natural Gas Act.

1. Tennessee Gas Pipeline Co., a division of Tenneco, Inc. ("Tenneco"), transported and delivered natural gas to Creole Gas Pipeline Co. ("Creole") for Tenneco Oil Co. and Shell Oil Co. ("Shell").

2. Tenneco Oil Co. and Shell transported and sold natural gas to Creole which resold such gas to its customers, and

3. Tennessee transported and delivered natural gas to Creole for Tenneco Oil Co. for redelivery to Tenneco Oil's Chalmette refinery.

(b) Tennessee and Tenneco Oil Co. have disregarded the regulations of the Natural Gas Act in that Tennessee delivered more natural gas to Creole (which then delivered it to its customers) than was delivered by Tenneco Oil Co. to Tennessee for such customers, causing gas dedicated to the interstate market to be diverted to the intrastate market.

The Commission finds: The allocations and matters in the above paragraphs, if true, to be in possible violation of section 7 of the Natural Gas Act and the rules and regulations thereunder, finds it necessary and appropriate, and hereby

The Commission orders: (a) Pursuant to the provisions of the Natural Gas Act, that a private investigation be made to determine: (1) Whether the aforesaid persons or any other persons have engaged or are about to engage in any of the above-reported acts or practices or in any similar or related acts or practices, and (2) whether Tenneco Oil Co. or Tennessee Gas Pipeline Co. have violated the Natural Gas Act, or any opinion, order, or regulation thereunder by Tennessee Gas Pipeline's delivery of more gas to Creole than Tenneco Oil had delivered to Tennessee Gas Pipeline for Creole customers, and (3) whether Tenneco Oil Co. has properly complied with the Commission's order of March 1, 1976, in docket No. CI75-466, ordering a correction of the imbalance, and

(b) Pursuant to the provisions of section 14(c) of the Natural Gas Act that for the purposes of such investigation Joel Zipp, Jeanne M. Zabel, Frank Jenesi, James Lewis, Maureen Winkler, Thomson von Stein, Charles J. Friedman, and each of them, is hereby designated an officer of this Commission and empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant and material to the inquiry, and to perform all other duties in connection therewith as prescribed by law.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18068 Filed 6-28-78; 8:45 am]
Tennessee and Midwestern request authorization to transport for a limited term ending November 30, 1981, injected or withdrawn volumes of natural gas proposed to be placed in storage by Southern under arrangements which, it is said, Southern has entered into with Mid-Continent. Gas Storage Co. (Mid-Continent). Pursuant to a limited-term gas transportation agreement dated May 19, 1978, between Southern and Tennessee, it is stated that, Tennessee has agreed to receive and to deliver to Mid-Continent a limited-term volume of gas of up to 55,000 Mcf and up to an aggregate volume of 15,000,000 Mcf for Southern during the injection period, a period from April 1 through November 30 of each year during the term of the above-mentioned storage arrangement with Mid-Continent. It is further stated that, Tennessee has agreed to return to Southern during the withdrawal period, a period from November 1 through March 31 of each year, during the term of the storage agreement, a volume of gas equal to the volume so stored with Mid-Continent. All of the volumes of gas to be transported for injection and returned from storage would be delivered at the existing point of interconnection between Southern and Tennessee near Pugh, Miss., applicants assert.

Additional that pursuant to a limited-term gas transportation agreement between Tennessee and Midwestern, dated May 19, 1978, Midwestern has agreed to receive and to return to Southern, for Southern's account, the injection and withdrawal volumes tendered by Southern by taking delivery from and effecting the return of said volumes to Tennessee at the existing interconnection between Tennessee and Midwestern located near Portland, Tenn. Applicants assert that Midwestern would transport such volumes for delivery to Mid-Continent and would return to Tennessee, at Portland, the withdrawal volumes received from Mid-Continent at existing interconnections between Midwestern and Northern Illinois Gas Co. (NI-Gas). It is said that said facilities have been leased by Mid-Gas, in 1978, for the purpose of effectuating the terms of the storage agreement between Southern and Mid-Continent.

The application states that Southern has agreed to pay Tennessee, for such transportation service, a volume charge equal to 21.09 cents multiplied by the total volume of gas, expressed in Mcf, delivered for Southern's account for injection into storage. In addition, Tennessee has proposed to retain 4.07 percent of the volumes delivered in Mcf and delivered to Mid-Continent in consideration for fuel, company used and lost and unaccounted for gas of Tennessee and Midwestern in rendering the transportation service. Finally, it is proposed that Midwestern would receive from Tennessee 7.48 cents multiplied by the total volume of gas expressed in Mcf, delivered for Southern's account for injection into storage, and would retain a portion of the 4.07 percent fuel and use volume.

The interconnection between Tennessee and Southern near Pugh, Miss., has heretofore been used to effect the Pugh delivery point of emergency gas, it is stated. Tennessee and Southern have stated that they anticipate the expanded use of this Pugh delivery point not only in connection with the transportation of injection and withdrawal volumes for the storage contemplated herein but also in connection with other planned exchange and transportation arrangements. Southern, therefore, requests authorization to modify the existing facilities by upgrading the existing 8-inch meter run to a 10-inch meter run and installing new facilities including a 12-inch meter run and tap at the Pugh delivery point regardless of whether or not the applicant's request for authorization of the transportation agreement is granted.

Applications call attention to the serious curtailment of priority 1 and 2 customers which Southern has had to effect due to the nationwide gas shortage during the winters of 1976-77 and 1977-78. The proposed storage agreement and the transportation agreements necessary to effectuate said storage agreement would enable Southern to serve all of its high priority 1-3 requirements in periods of gas shortages without having to construct and operate duplicative pipeline facilities, it is said. Additionally, Tennessee and Midwestern assert that such transportation service would not preempt or have any impact on the pipeline capacity needed for any existing firm service they are now rendering since they now anticipate having sufficient capacity available in their respective gas systems and since they have the option to render the transportation service proposed herein when, in their sole opinions, their respective operating conditions permit it.

A limited-term certificate is requested by this application due to Southern's prior plans to increase permanently its storage capacity, it is said. This goal would not be achieved until the winter of 1981-82 pursuant to agreements more fully set forth in the applications filed by Southern, Tennessee, and Bear Creek Storage Co. in docket No. CP78-267 on March 31, 1978.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10 and the regulations under the Natural Gas Act (18 CFR 157.10)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18085 Filed 6-28-78; 8:45 am]

[6740-02]

[Dockets No. RP77-141, RP77-132, RP77-133-1, RP77-134]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO, INC., (PIKE NATURAL GAS CO. AND DELTA NATURAL GAS CO., AND SPRINGFIELD GAS SYSTEM, SPRINGFIELD, TENN.)

Extension of Time


Upon consideration, notice is hereby given that an extension of time is granted to and including July 5, 1978,
NOTICES

Take notice that on May 22, 1978, Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, Houston, Tex. 77001, filed an amendment to the application hereto filed in this proceeding, pursuant to section 7 of the Natural Gas Act. On February 23, 1978, Texas Eastern filed an application for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the compression of natural gas produced from Block 349, Eugene Island Area, South Addition, Offshore, Louisiana. Texas Eastern proposed to install and operate one 3,540 horsepower compression unit and related facilities, at a cost of $1,286,740. By the amended application Texas Eastern requests, in lieu of its original request, authorization to acquire, by purchase from Marathon, and operate the 3,540 H.P. compressor and appurtenant facilities to be installed and operated by Marathon on production platform "A" located in Block 349, Eugene Island Area, South Addition, Offshore, Louisiana. Marathon's estimated cost of installing the compressor unit and appurtenant facilities is now estimated at approximately $1,460,000. Texas Eastern's acquisition cost will be the original cost of installing the facilities less accumulated depreciation until the time of acquisition.

Any person desiring to appear or intervene in accordance with the Commission's rules of practice and procedure (18 CFR 157.70) and the regulations under the Natural Gas Act (18 CFR 157.70) is hereby notified that a formal hearing will be conducted, unless otherwise advised, to determine the propriety of this application. Any person desiring to be represented by counsel or a representative is hereby notified that counsel or a representative must file an appearance at the hearing.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1978, file a protest 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 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act, a petition to intervene is hereby provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or represent at the hearing.

KENNETH F. PLUMB, Secretary.

[FR Doc. 78-18069 Filed 6-28-78; 8:45 am]

TEXAS EASTERN TRANSMISSION CORP.
Amendment to Abbreviated Pipeline Application

Take notice that on June 8, 1978, Texas Eastern Transmission Corp. (Applicant), P.O. Box 2521, Houston, Tex. 77001, in Docket No. CP78-366, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for Arkansas Louisiana Gas Co. (Arkla), all as more fully set forth in the application which is on file with the Commission and open to public inspection. It is stated that Arkla is a direct reseller of natural gas. The record shows that, pursuant to §157.22 of the Commission's regulations under the Natural Gas Act, Applicant agreed to transport, for Arkla's account, gas furnished from Arkla's system supply, commencing on April 26, 1978, to the communities of Cabot, Beeke, and Paragould, Ark., since it became apparent that Arkla would exhaust its annual entitlement of natural gas per day at the existing interconnections at the Arkla Waskom Plant in Harrison County, Tex., for delivery by Applicant to Cabot, Beeke, and Paragould. The transportation for Arkla would result in the continued supply of natural gas for the above-named communities and afford flexibility for Arkla in handling similar situations in the future, according to Applicant. Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act, a petition to intervene is hereby provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or represent at the hearing.

KENNETH F. PLUMB, Secretary.

[FR Doc. 78-18087 Filed 6-28-78; 8:45 am]

TEXAS EASTERN TRANSMISSION CORP.
Application

Take notice that Texas Gas Transmission Corp. (Texas Gas), 7700 S. Post Oak Rd., Houston, Tex. 77056, tendered for filing Twenty-fourth Revised Sheet No. 7 to its FERC Gas Tariff, Third Revised Volume No. 1. Proposals are being issued to reflect changes in the cost of purchased gas pursuant to Texas Gas' Purchased Gas Adjustment Clause, and the recovery of demand charge adjustments pursuant to the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure (18 CFR 157.70). 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.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act, a petition to intervene is hereby provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or represent at the hearing.

KENNETH F. PLUMB, Secretary.

[FR Doc. 78-18087 Filed 6-28-78; 8:45 am]
Trunkline has volumes of gas available from the Southern Louisiana area including the High Island Area, offshore Texas and is arranging for such gas to be brought onshore by High Island Offshore System (HIOS) and U-T Offshore System (UTOS) in West Cameron Block 167, offshore Louisiana. UTOS will further transport such gas to Transco’s Southwest Louisiana Gathering System in Cameron Parish, Louisiana. Transco proposes to deliver a thermally equivalent quantity, less 0.6 percent for compressor fuel and line loss make-up, to Trunkline at existing points of interconnection between the two systems located near Katy, Waller County, Tex., and Ragley, Beauregard Parish, La. Transco and Trunkline agreed that any imbalances would be corrected not later than during the next calendar month. Trunkline will pay a 3.5 cents per dekatherm charge for this service. No new facilities are proposed in this application.

In its application filed in Docket No. CP78-191, Transco expects that the gas supply available to it from the Southern Louisiana area and offshore areas will amount to 450,000 Mcf per day by December, 1978. Transco further indicates that after the facilities proposed in Docket No. CP78-191 are in operation its system capacity in the Southern Louisiana area will be able to handle an increase in gas purchase, gas exchange, and transportation volumes from the existing capacity of 330,000 Mcf per day to 609,900 Mcf per day by December, 1979.

The rate to be charged Transco by Trunkline in addition to six tenths of one percent (0.6 percent) for fuel reimbursement and line loss make-up, is 3.5 cents per dekatherm, which represents a charge for transporting gas by displacement within the production areas of Texas and Louisiana. This rate is the same as the average cost per Mcf per 100 miles of haul on Trunkline’s onshore pipeline system in the gathering area.

After due notice by publication in the Federal Register, no protests or petitions to intervene in opposition have been filed. At a hearing held on June 21, 1978, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of said record, the Commission finds.

(1) Applicant, Transcontinental Gas Pipe Line Corporation, is a “Natural-gas company” within the meaning of the Natural Gas Act.

(2) The transportation of natural gas hereinafter described as more fully described in the application in this proceeding, is made in interstate commerce, subject to the jurisdiction of the Commission, and is subject to the requirements of subsections (c) and (e) of Section 7 of the Natural Gas Act.

(B) Applicant, Transcontinental Gas Pipe Line Corporation, is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

The Commission orders. (A) A certificate of public convenience and necessity is issued to Transcontinental Gas Pipe Line Corporation in Docket No. CP78-227 in compliance with Part 154 and §157.20 (a), (c), and (e) of the Commission’s regulations.

(B) Applicant is advised that transportation service shall commence within 30 days from the date the order issues in compliance with §157.20(b) of the Commission’s regulations.

(C) The transportation rates proposed by Applicant are subject to the final determination in Docket Nos. RP78-136 and RP77-26.

(D) The certificate granted in Ordering Paragraph (A) above is not transferable and Applicant shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and order of the Commission.

By the Commission.

KENNETH F. PLUMB, Secretary.

[FR Doc. 78-18088 Filed 6-28-78; 8:45 am]

NOTICES

TRANSCONTINENTAL GAS PIPE LINE CORP.

Pipeline Application


Take notice that on May 19, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1306, Houston, Tex. 77001, filed in Docket No. CP78-339, an application pursuant to Section 7(c) of the Natural Gas Act, as amended, and the rules and regulations of the Federal Energy Regulation Commission (Commission), for a certificate of public convenience and necessity authorizing the construction, installation and operation of certain pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it seeks authorization to construct, install and operate a meter and regulation station only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and order of the Commission.

By the Commission.

KENNETH F. PLUMB, Secretary.

[FR Doc. 78-18073 Filed 6-28-78; 8:45 am]

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TRANSCONTINENTAL GAS PIPE LINE CORP.


[FR Doc. 78-18068 Filed 6-28-78; 8:45 am]
Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules and regulations of the Federal Energy Regulatory Commission (Commission) for a certificate of public convenience and necessity authorizing Applicant to provide a firm transportation service for Consolidated Gas Supply Corporation (Consolidated) for up to 38,000 Mcf (14.73 psia) of natural gas per day from Block 313, Vermilion Area, South Addition to Block 66, South Marsh Island Area (SMI), offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Consolidated has contracted rights to purchase 63.125 percent of an estimated 147.8 Mcf of natural gas reserves in Block 313, Vermilion. Applicant further states that it was granted authority in Docket No. CP77-453 on September 26, 1977, to construct and operate an extension of its Southeast Louisiana Gathering System from Block 66, SMI to Blocks 130 and 132, SMI, and to Block 331, Vermilion; that the design of the facilities authorized in Docket No. CP77-453, which are now under construction, included capacity for the firm transportation which Applicant proposes to render for Consolidated from Block 313, Vermilion to Block 66, SMI, as well as for other transportation services; that Applicant requested authority in its application in Docket No. CP78-453 to render the proposed transportation service for Consolidated pursuant to a precedent agreement, but the Commission dismissed the request as premature until a definitive transportation agreement had been executed; and that Applicant and Consolidated have now executed such an agreement, dated May 11, 1978, covering the proposed transportation service for a primary term of ten (10) years.

Applicant states that the estimated initial demand charge for the proposed transportation service for Consolidated will be $285,620 monthly, and is based on preliminary estimates of the costs of completing the facilities and a daily contract demand of 38,000 Mcf for Consolidated. Applicant further states that the first year's demand charge will be adjusted to reflect actual costs of the facilities authorized in Docket CP77-453 and in the event that at the beginning of the second and third years of service, the demand charge will be redetermined to reflect the estimated aggregate volumes of gas to be handled through the facilities in those years, and the adjusted demand charge established at the beginning of the third year shall remain in effect thereafter, subject to Applicant's rights to file changes in its rates and charges, from time to time, for the service rendered.

According to Applicant, Coastal Producing Co. and Texas Gas Exploration Corp. have pending applications in Docket Nos. C177-768 and C178-652, respectively, for authority to sell and deliver to Consolidated the natural gas production from Block 313, Vermilion for which Consolidated has contracted. Applicant states that the connecting facilities between the production platforms in Block 313 and Applicant's facilities have now been executed; and that Applicant and Consolidated have now executed such an agreement, dated May 11, 1978, for the delivery of natural gas to the High Island Offshore System at Leidy, Clinton County, PA., under another transportation agreement pending approval in Docket No. CP77-453, pursuant to which Applicant proposes long-haul firm and interruptible transportation services for Consolidated.

Any person desiring to be heard or to make any protest with reference to said application, or on or before July 14, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Federal Energy Regulatory 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 protests parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, Secretary.

[FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978]
review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Unless the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.
[FR Doc. 78-18060 Filed 6-28-78; 8:45 am]

[6560-01]
ENVIRONMENTAL PROTECTION AGENCY
[FRL 913-4]
OCEAN DUMPING
Availability of Implementation Manual, "Bioassay Procedures for the Ocean Dumping Permit Program" EPA-600/9-78-010

In accordance with sections 227.6(e) and 227.27(b) of the Environmental Protection Agency's (EPA) Criteria for the Evaluation of Permit Applications for Ocean Dumping of Material (40 CFR Chapter I, Subchapter H, Part 227, 42 FR 2462, 2466-2468, 2476-2482, January 11, 1977), notice is hereby given of the availability of a manual setting forth the procedures for conducting bioassays of non-dredged materials to determine whether such materials are acceptable for ocean disposal under section 227.6 of the Criteria.

The bioassay procedures presented in this manual were established to provide procedures for conducting biological evaluations of waste materials to be disposed of in the ocean. Tests conducted according to these procedures will provide information on the toxicity of various non-dredged materials being considered for ocean disposal.

This manual does not contain benthic bioassay procedures suitable for application to the solid phases of sewage sludge or industrial sludges. Where appropriate, benthic bioassay procedures given in the manual "Ecological Evaluation of Proposed Discharged of Dredged Material into Ocean Waters" shall be used. In cases where these procedures are not appropriate, guidance on specific procedures will be provided by EPA Regional Administrators.

The procedures contained in this manual are not "standard" EPA methods. They are intended to serve as guides for those persons involved in evaluating ocean dumping permit applications. Accordingly, methods differ in detail and style and do not necessarily conform to a standard format. Selection of appropriate procedures should be made by the permitting authority on a case-by-case basis, depending on the type and amount of material to be disposed of, the dumping site, the proposed methods of disposal, and other appropriate considerations as deemed necessary.

This manual is a revision of EPA-600/9-78-010 published in May 1976. It will be revised periodically as new information becomes available.

The EPA bioassay working group maintains close coordination with the EPA/Corps of Engineers Technical Committee on Criteria for Dredged and Fill Material during development of test procedures. This joint committee prepared the Bioassay Manual for Dredged Material Disposal in Ocean Waters for which the availability was announced in the Federal Register on September 7, 1977 (42 FR 44835).

Copies of this revised bioassay manual are available from Chief, Marine Protection Branch (WH-548), U.S. Environmental Protection Agency, Washington, D.C. 20460.

EPA invites public comments on this revised bioassay manual. Comments should be sent to the Chief, Marine Protection Branch at the address listed above.

Dated: June 23, 1978

THOMAS C. JOLING
Assistant Administrator for Water and Hazardous Materials.
[FR Doc. 78-18060 Filed 6-28-78; 8:45 am]

[6560-01]
[OPP-42037D; FRL 916-8]
STATE OF COLORADO
Implementation of a Federal Plan for Certification of Pesticide Applicators

On December 7, 1977, the U.S. Environmental Protection Agency (EPA) published in the Federal Register proposed regulations (42 FR 61873) specifying the requirements which would apply to applicators of restricted use pesticides under a Federal certification plan. A 30 day public comment period ending on January 6, 1978, was provided.

On June 8, 1978, EPA published in the Federal Register (43 FR 26834) final regulations governing "Federal Certification of Pesticide Applicators in States or On Indian Reservations Where There Is No Approved State or Tribal Certification Program in Effect." These regulations amended 40 CFR Part 171 by adding a new section 171.11 and became effective on June 8, 1978. All Federal certification plans implemented by EPA must be consistent with these regulations.

On February 15, 1978, EPA Region VIII published a notice in the Federal Register (43 FR 6648) announcing the Agency's intent to implement a Federal Plan for the certification of pesticide applicators within the State of Colorado. This notice summarized the planned certification program and proposed a hearing deadline of March 17, 1978.

One commenter suggested that the length of certification for commercial applicators be extended from 2 years to 4 years. This suggestion was based on the opinion that it is very unlikely that major breakthroughs will occur in pest control technology during 2-year intervals and that EPA should use the average recertification interval under State programs. The suggestion has not been incorporated into the final plan for Colorado. The Agency's position on this issue is discussed in the preamble to the proposed and final Federal certification regulations referenced earlier in this notice.

It should be noted, however, that the Federal Plan for Colorado has been extended to allow for full implementation of approved training as a recertification option for commercial applicators. This action has been taken in conformity with the addition of the training option by regulations at 40 CFR 171.111(c)(6). As stated in the preamble to the final Federal certification regulations, EPA is not now in the position to provide the training required for recertification. The availability of training will be dependent upon the willingness and capability of public or private organizations to develop recertification training programs which can be approved by EPA. EPA will work closely with the Colorado State University (CSU) Extension Service, as well as with national training experts, in developing criteria for approving recertification training programs.

A similar matter, a commenter suggested that private applicators should be recertified every 5 years rather than every 3 years. This suggestion was based on the opinion that recertification for private applicators should not be required more frequently than required under an average approved State Plan. The Agency rejected an identical proposal when considering the final regulations and must again reject the suggestion. The reasoning for this rejection is discussed in the preamble to the final regulations.

One commenter requested that EPA establish a certification program whereby private applicators may obtain an emergency certification. The same request was given careful consideration when developing the final regulations and was rejected. The Agency at that time concluded, and must still conclude, that its resources are not adequate to effectively provide this type of certification to private applicators. Furthermore, individuals desiring to be certified as
One commenter requested that EPA limit its authority to deny, suspend, revoke or modify an applicator's certification to cases of "knowing" or "willful" misuse of a pesticide. The commenter felt that EPA would be obliged to impose sanctions for every misuse, no matter how minor, inadvertent, or harmless. The Agency considers these fears unjustifiable, and therefore has rejected this suggestion. The Agency's position on this suggestion is discussed at length in the preamble to the final regulations.

One commenter suggested that EPA limit its authority to deny, suspend, revoke or modify an applicator's certification to cases of "knowing" or "willful" misuse of a pesticide. The commenter felt that EPA would be obliged to impose sanctions for every misuse, no matter how minor, inadvertent, or harmless. The Agency considers these fears unjustifiable, and therefore has rejected this suggestion. The Agency's position on this suggestion is discussed at length in the preamble to the final regulations.

Amendment to Specific Exemption To Use Benomyl To Control Cercosporella Foot Rot of Wheat

On June 7, 1978 (43 FR 24739), Environmental Protection Agency (EPA) published a notice in the Federal Register which announced the granting of a specific exemption to the Washington State Department of Agriculture (hereafter referred to as the "Applicant") to use benomyl for the control of Cercosporella foot rot on 50,000 acres of wheat in Washington. This exemption was granted in accordance with, and was subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

The Applicant has requested an extension of the specific exemption until June 15, 1978. According to the Applicant, the late rainy season coupled with cold weather resulted in an outbreak of Cercosporella foot rot on 3,000 acres of winter wheat which had not previously experienced this disease. The additional acreage to be treated will not exceed the acreage originally authorized.

After reviewing the request and other available information, EPA has determined that the proposed extension of time should pose no additional risk to the public health and environment since only one treatment of benomyl is to be applied and the total acreage remains the same. Accordingly, EPA has amended the specific exemption granted to the Applicant for the use of benomyl to control Cercosporella foot rot on winter wheat. The specific exemption is subject to the following conditions:

1. A single application of benomyl may be made, a dosage rate of 0.5 pound active ingredient/acre in 5 to 10 gallons of water (if applied aerially) or in 20 to 30 gallons of water (if applied by ground equipment) on 3,000 acres of winter wheat.
2. All other restrictions in the original exemption remain in force; and
3. This amendment will expire on June 15, 1978.

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


[FR Doc. 78-18057 Filed 6-28-78; 8:45 am]

STATE OF WASHINGTON
Amendment to Specific Exemption To Use Benomyl To Control Cercosporella Foot Rot of Wheat


ALAN MERSHON, Regional Administrator, Region VIII.

[OPP-180187A; FR 2919-31]

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FEDERAL MARITIME COMMISSION
[Docket No. 73-38]

COUNCIL ON THE NORTH ATLANTIC SHIPPING ASSOCIATION, ET AL. v. AMERICAN MAIL LINES, LTD., ET AL.

Availability of Final Environmental Impact Statement

Upon completion of a final environmental impact statement ("FEIS"), the Federal Maritime Commission's Office of Environmental Analysis ("OEA") has identified the energy and environmental consequences of the Commission's final resolution in this proceeding. The assessment of energy use is required under section 382(b) of the Energy Policy and Conservation Act of 1975, and an environmental assessment is required under section 4332(2)(c) of the National Environmental Policy Act of 1969.

Docket No. 73-38 was instituted pursuant to complaints filed by the Council on the North Atlantic Shipping Association, International Longshoremen's Association, APL-CIO, Delaware River Port Authority, and Massachusetts Port Authority to determine whether the movement of containerized cargo under through rates by rail from U.S. Atlantic/gulf coast ports to west coast ports and then by vessel to Far East ports and in the opposite direction (Far East minibridge) is contrary to certain sections of the Shipping Act, 1916, and violative of section 8 of the Merchant Marine Act of 1920.

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By order of the Federal Maritime Commission. FRANCIS C. HURNEY, Secretary. (FR Doc. 78-18108 Filed 6-28-78; 8:45 am)

[6730-01] (Docket No. 78-28)

TRIMODAL, INC.

Order of Investigation and Hearing Regarding Independent Forwarder Applications and Certain Possible Violations

Trimodal, Inc., filed an application with the Commission for a license as an independent ocean freight forwarder. During the course of the Commission’s investigation of Trimodal, Inc., it was disclosed that:

1. Trimodal, Inc., appeared to violate section 44(a), Shipping Act, 1916, on three or more occasions by engaging in unlicensed forwarding activities during the period July 26, 1976, through February 3, 1977, although warnings from the Commission had been received by Trimodal, Inc., on July 26, 1976, and prior thereto, on unlicensed forwarding activities.

2. Trimodal, Inc., appeared to knowingly and willfully violate section 16, first paragraph, Shipping Act, 1916, on five or more occasions in that it operated as an NV0CC and, arranged, with underlying water carriers, for the performance of transportation and obtained transportation by water for property at less than the rates or charges which would otherwise be applicable.

3. Whether Trimodal, Inc., has violated section 18(b)(1), Shipping Act, 1916, by transporting property as a nonvessel-operating common carrier from United States ports to ports in Japan, Hong Kong, South Africa, Peru, and Portugal, without having a tariff on file with the Commission showing all the rates and charges for transportation to the above foreign countries; or is contrary to the public interest, or

4. Whether Trimodal, Inc., violated section 18(b)(3), Shipping Act, 1916, by transporting property at rates and charges other than those specified in its tariffs on file with the Commission, and

5. Whether, in light of the evidence adduced pursuant to the foregoing issues, together with any other evidence adduced, Trimodal, Inc., possesses the requisite fitness, within the meaning of section 44(b), Shipping Act, 1916, to be licensed as an independent ocean freight forwarder.

It is further ordered, That Trimodal, Inc., be made the respondent in this proceeding and that the matter be assigned for public hearing before an administrative law judge at a date and place to be determined by the administrative law judge presiding, but in no event, later than December 22, 1978.

The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, documents, or other evidence, or that the nature of the matter in issue is such that an oral hearing and cross-examination are otherwise necessary for the development of an adequate record.

It is further ordered, That this order be published in the Federal Register and a copy thereof be served upon the respondent;

It is further ordered, That any person other than respondent and the Commission’s attorney or drug Counsel, having an interest and desiring to participate in this proceeding, may do so by filing a timely petition

NOTICES


GRiffith L. Garwood,
Deputy Secretary of the Board.
[FR Doc. 78-17991 Filed 6-28-78; 8:45 am]

[6210-01]
Kerkhoven Bancshares, Inc.
Formation of Bank Holding Company

Kerkhoven Bancshares, Inc., Kerkhoven, Minn., has applied for the Board's approval under §3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 90 percent of the voting shares of State Bank of Kerkhoven, Kerkhoven, Minn. The factors that are considered in acting on the application are set forth in §3(c) of the act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve bank, to be received not later than July 20, 1978.


GRiffith L. Garwood,
Deputy Secretary of the Board.
[FR Doc. 78-17992 Filed 6-28-78; 8:45 am]
of the Education Amendments Act of 1976, 20 U.S.C. 1221e, to review proposals submitted by the laboratories and centers to NIE for funding; review the operations of the laboratories and centers; and submit a final report to the NIE director and the Congress. Copies of the records of all Panel proceedings can be obtained by contacting the Panel office. A summary of the activities discussed at the closed portion of the July 17 session, which are informative to the public consistent with the policy of 5 U.S.C. 552b(c) will be available to the public after approval by the Panel at a subsequent meeting and are available to the public two weeks following their approval.

In order to verify the tentative agenda or to assure adequate seating arrangements, interested persons are requested to contact this office below:


Carolyn Breebove, Staff Director, Panel for the Review of Laboratory and Center Operations.

[PR Doc. 76-18052 Filed 6-28-78; 8:45 am]

[4110-02]

Office of Education

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Notice of Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on Friday, July 14 and on Saturday, July 15, 1978. The meeting will be held from 9 a.m. until 5 p.m., and on Saturday from 9 a.m. until 12 noon. A portion of the Saturday session will be set aside for committee meetings. The two-day meeting will be held at 425 13th Street NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 146 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The agenda items for the meeting include Briefings on Mandated Studies, Migrant Education and Urban Education. Committee reports will be given on Saturday, June 15, along with further discussions on the preliminary plans for the August meeting scheduled to be held in Geneseo, NY.

The entire meeting will be open to the public. Because of limited space, all persons wishing to attend should call for reservations by July 10, 1978, area code 202-724-0114 and speak with Mrs. Lisa Haywood.

Records shall be kept of all Panel proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 13th Street NW., Suite 1012, Washington, D.C. 20004.


ROBERTA LOVENHEIM, Executive Director.

[PR Doc. 78-18133 Filed 6-28-78; 8:45 am]

[4110-07]

Office of the Secretary

PRIVACY ACT OF 1974

Major Alteration of Existing Systems of Records, New Routine Uses, Minor Technical and Editorial Amendments

AGENCY: Department of Health, Education, and Welfare.


SUMMARY: The Social Security Administration (SSA) proposes to major alterations to the subject systems to include individuals applying for or receiving benefits under title II of the Social Security Act; and (2) expand the categories of records in the subject systems to include medical information. SSA also proposes to add new routine uses applicable to the systems of records, and to make minor technical and editorial amendments to clarify the notices and conform their internal structure to HEW requirements, and rename the systems of records. SSA changed the name of system of records 09-60-0040 from SSI Quality Assurance System to Quality Review System; and system of records, No. 09-60-0042 from Quality Assurance Casefile to Quality Review Casefile. The new names reflect the information added to the system.

DATES: The new routine uses shall become effective as proposed without further notice in 30 calendar days from the date of this publication (July 29, 1978), unless comments are received on or before July 29, 1978, which would result in a contrary determination. The Department filed altered system reports for these systems with the Director, Office of Management and Budget, the Speaker of the House of Representatives, and the President of the Senate on June 23, 1978. The Department filed a request for waiver of the 60-day waiting period required for altered systems with the Office of Management and Budget (OMB). If OMB does not approve the waiver request, SSA will not put the notices into effect until 60 days after the altered system report filing date.

ADDRESS: The public should address comments to Acting Director, Fair Information Practices Staff, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Mr. David Greenwald, Chief, QA Operational Policy Branch, Division of Standards and Operating Policies, Office of Quality Assurance, Office of Management and Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-3595.

SUPPLEMENTARY INFORMATION:

The Social Security Administration conducts quality review of randomly selected samples of the Supplemental Security Income (SSI) benefits rolls to determine the effectiveness of its administration of the SSI program, including verification of the disability status of SSI beneficiaries, accuracy of amounts paid, and calculation of fiscal liability case and gross dollar error rates for federally administered State supplementation.

SSA reviews claims folders and other information about individuals in the sample and offers supplements this information with results of field contacts with such individuals and third-party sources to verify eligibility and payment factors which the sampled individuals assert. SSA establishes records through these reviews and maintains them in two systems of records: the Quality Review System, 09-60-0040; and the Quality Review Casefile, 09-60-0042.

SSA is initiating the inclusion of individuals receiving benefits under the Old-Age, Survivors, and Disability Insurance programs (title II of the Social Security Act) in a quality review process similar to that described above for the SSI program (fiscal liability case and gross dollar error rate). Full scale implementation will not commence before October 1978.

SSA stores records in the Quality Review System in a vault in the Elec.
NOTICES

tronic Data Processing Operations Branch or in protected storage racks, and they secure records in the Quality Review Casefile in locked compartments. They also establish systems security in accordance with departmental standards and National Bureau of Standards guidelines.

SSA is making major alterations to the categories of individuals covered by these systems of records and to the categories of records in these systems. They are expanding these categories to reflect the additional categories of individuals and records, respectively, which they will cover in the conduct of quality reviews of the SSI and title II programs.

The routine uses SSA proposes for the systems of records will enable them to provide State Welfare Departments with SSI information, pursuant to agreements with SSA, for the administration of State supplementation payments for the SSI program. These routine uses will also enable SSA to provide State agencies with SSI information which the State will use in the administration of the Medicaid quality control system.

SSA is making minor technical amendments to the titles of the systems of records. They are changing the titles to indicate that the records now contain title II data whereas before they contained SSI data only. SSA is also making minor technical and editorial amendments to the location, storage, and notification categories of the Quality Review System and the retrievability, safeguards, retention and disposal and record source categories of both systems of records.

They are making these amendments to clarify the systems of records and to conform their internal structure to HEW requirements.

Leonard D. Scheffer.
Assistant Secretary for Management and Budget.

9-60-0940

System name:
Quality Review System HEW SSA OMA.

Security classification:
None.

System location:
Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Md. 21235.

Categories of individuals covered by the system:
Randomly selected applicants for and/or beneficiaries of:

- a. Supplemental Security Income (SSI) payments under title XVI of the Social Security Act. Records of some SSI beneficiaries may have been transferred from State welfare rolls for Aid to the Aged, Blind, and Disabled.

Categories of records in the system:

- a. Supplemental Security Income Quality Review: Quality Assurance Data Base, selected casefile, contingency sample master file, quality assurance universe file, designated case file, designated case transmission file, designated case extract file, and sample control list. These records may contain: social security number, State and county of residence, type of claim, information regarding federally administered supplementation payments, social security claim numbers, living arrangements and family composition, income and medical information, sex, race, resources, third party contacts, and indications of processing errors.

- b. Retirement and Survivors Insurance and Disability Insurance Quality Review: These records contain information regarding Federal payments and other information listed in (a) above.

Authority for maintenance of the system:
Sections 205(a), 1631(d), and 1631(e) of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

- With respect to SSI data, routine use disclosure may be made: 1. As noted in 45 CFR, part 5b, Appendix B—(1), (3), (4), (9), and (10); 2. To members of the community and local State and Federal agencies in order to locate the individual (when his or her whereabouts are unknown), to establish the validity of evidence or to verify the accuracy of information presented by the applicant/beneficiary, representative payee, legal guardian or other representative of the applicant/beneficiary; 3. To State Welfare Departments pursuant to agreements with Social Security Administration for the Federal administration of State supplementation payments; 4. State agencies for administration of the Medicaid Quality Control system; 5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. 6. In the event of litigation, where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

With respect to title II data, routine disclosure is made only as indicated in items 1, 2, 5, and 6.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

- Storage:
  Magnetic tape and disks.

- Retrievability:
  By any set of record characteristics; e.g., social security number, and name.

The Quality Review Data Base is used for accumulating and tabulating data to determine the accuracy of the entitlement status of applicants/beneficiaries and of benefit amounts paid under the retirement and survivors insurance and the disability insurance programs, and eligibility status of applicants/recipient/beneficiaries and of benefit amounts paid under the supplemental security-income program. Title XVI data also are used to calculate the Federal fiscal liability case and gross dollar error rates for State supplementation funds administered by the Social Security Administration. Other categories of records provide data necessary to complete the data base and to provide information to the Social Security Administration's Quality Assurance Regional Offices and Field Office Staffs needed to review cases in order to obtain information on the general level of accuracy of the entire beneficiary rolls in the programs noted previously.

- Safeguards:
  Tapes are stored in tape vault in Electronic Data Processing Operations Branch or in protected storage racks; disks in protected storage racks. The entire area is secured by guarded entrances, with admission limited to authorized personnel.

- Retention and disposal:
  The Quality Review data base is retained indefinitely. Other records are erased after 30-500 days.

System manager(s) and address:
Director, Office of Quality Assurance, 6401 Security Boulevard, Baltimore, Md. 21235.

Notification procedure:
Requests may be forwarded to the Director, Division of Reports and Sys-
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CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM

Randomly selected applicants for and/or beneficiaries of:

a. Supplemental Security Income (SSI) payments under title XVI of the Social Security Act. Records of some SSI beneficiaries may have been transferred from State welfare rolls for Aid to the Aged, Blind, and Disabled;


CATEGORIES OF RECORDS IN THE SYSTEM

The Quality Review Casefile contains information from SSA records and information obtained by Quality Specialists from retirement and survivors insurance, disability insurance and SSI applicants beneficiaries and from third party sources. These casefiles may contain information relating to any combination of these three programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM

Sections 205(a), 1631(d)(1), and 1631(e)(1)(B) of title XVI of the Social Security Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM:

1. As noted in 45 CFR, part 5b, Appendix B—(1), (3), (9), and (103);

2. To members of the community and local, State and Federal agencies, representatives of such individuals (where appropriate), Social Security Administration offices, other Federal and State agencies, and from private sources.

3. To State Welfare Departments pursuant to agreements with Social Security Administration for the Federal administration of State supplementation payments;

4. State agencies for administration of the Medicaid Quality Control system;

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual;

6. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORAGE, RERETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS

Storage: Manilla folder.

RETRIEVABILITY:

The Quality Review Casefiles can be retrieved by social security number. Retrieval will be speedier if the individual's State of residence, program under which benefits were received and/or applied for, and sample selection month are supplied.

Both title II and title XVI Quality Review casefiles are used for accumulation of data concerning the eligibility or entitlement of applicants/beneficiaries and of benefit amounts paid under the retirement and survivors insurance program, the disability insurance program, and the supplemental security income program. Casefiles also provide data necessary to complete the Quality Review Data Base and to provide information to the Social Security Administration's Quality Assurance Regional Offices and Field Office Staffs needed to review cases in order to obtain information on the general level of accuracy of the entire beneficiary rolls in the programs noted previously.

Data obtained from the title XVI Quality Review casefiles also are used to calculate the Federal fiscal liability case and gross dollar error rates for the supplementations funds adminstered by the Social Security Administration.

SAFEGUARDS:

With respect to title XVI, Quality Review casefiles are stored in the Quality Assurance Field Offices that have jurisdictional responsibility for review of the selected sample case. With respect to title II, Quality Review casefiles are stored in the Quality Assurance Regional Offices and where appropriate, in the Quality Assurance Field Offices that have jurisdictional responsibility by review of the selected sample case. All Quality Review casefiles are stored either in locked cabinets and/or in locked rooms or in space serviced by GSA guards.

RETENTION AND DISPOSAL:

a. Title XVI Quality Review casefiles are retained for 18 months after the
case was selected for quality review or until fiscal settlement (Federal fiscal liability situation) for the sample period for which the individual case was selected is reached between SSA and the individual States whichever is later.

b. Title II Quality Review casefiles are retained for 18 months after the case was selected for review.

System manager(s) and address:
Director, Office of Quality Assurance, Office of Management and Administration, 6401 Security Boulevard, Baltimore, Md. 21235.

Notification procedure:
Requests may be forwarded to the Program Review Officers (See Appendix D-3). An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative’s discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) and the representative’s discretion. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) FEDERAL REGISTER, October 8, 1978, page 47411.)

Record access procedures:
Same as notification procedures. Requests should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1978, page 47410.)

Contesting record procedures:
Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1978, page 47411.)

Record source categories:
Information in the Quality Review casefile is furnished by applicants/beneficiaries under the retirement and survivors insurance program, disability insurance program and the supplemental security program, representatives of such individuals (where appropriate), Social Security Administration offices, and other Federal, State and local agencies, and from private sources.

Systems exempted from certain provisions of the act:
None.

[FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978]
send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA, Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18100 Filed 6-28-78; 8:45 am]

NEW MEXICO Applications

June 20, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31, N., R. 12 W., Sec. 5, SE¼SW¼; Sec. 12, SW¼SW¼; Sec. 18, SW¼NE¼ and NW¼SE¼; Sec. 20, NE¼NW¼.

This pipeline will convey natural gas across 0.828 miles of public land in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA, Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18101 Filed 6-28-78; 8:45 am]

NEW MEXICO Applications


Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 27 E., Sec. 1, lot 3, SE¼NW¼ and SW¼NE¼; T. 28 S., R. 30 E., Sec. 24, lot 3, and NE¼NW¼.

These pipeline will convey natural gas across 0.867 miles of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA, Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18102 Filed 6-28-78; 8:45 am]

NEW MEXICO Applications


Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Co. has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18, S., R. 25 E., Sec. 3, SE¼SE¼.

This pipeline will convey natural gas across 0.224 miles of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA, Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18103 Filed 6-28-78; 8:45 am]

NEW MEXICO Application

June 20, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the act of November 16, 1973 (87 Stat. 576), Colorado Interstate Gas Co.'s existing pipeline in sec. 1, in T. 19 N., R. 93 W., Carbon County, Wyo. will be proceeded with consideration of:

SIXTH PRINCIPAL MERIDIAN, Wyo.

T. 19 N., R. 93 W., Sec. 2, SE¼SE¼.

The proposed pipeline will transport natural gas from the Federal No. 1-2 Well in the SE¼ of sec. 2, in a generally easterly direction, to a point of connection with Colorado Interstate Gas Co.'s existing pipeline in sec. 1, in T. 19 N., R. 93 W., Carbon County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of
whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82301.

WILLIAM S. GILMER, Acting Chief, Branch of Lands and Minerals Operations.

[FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978]

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[FR Doc. 78-18104 Filed 6-28-78; 8:45 am]

WYOMING

Application

June 20, 1978.

Notice is hereby given that pursuant to sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo., has filed an application for a right-of-way to construct a 4½ inch outside diameter pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING.

T. 20 N., R. 95 W.,
Sec. 11, NW½NE¼ and SE¼NW¼

The proposed pipeline will transport natural gas produced from the CIGE No. 22-36 Well located in the NW½ of section 36, T. 20 N., R. 95 W., to a point of connection with an existing pipeline located in the SW¼NW¼ of section 31, T. 20 N., R. 94 W., in Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82310

WILLIAM S. GILMER, Acting Chief, Branch of Lands and Minerals Operations.

[FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978]

ADDITIONAL VISITOR INTERPRETATIVE TRANSPORTATION SERVICE

Notice of Authorization

Pub. L. 93-62 (Act of July 6, 1973, 87 Stat. 146) directed the Secretary of the Interior to provide interpretative visitor transportation services between or in Federal areas within the District of Columbia and its environs upon the determination that such services are desirable to facilitate visitation and to ensure proper management and protection of these areas.

Pursuant to the authority of the Act of July 25, 1916, as amended and supplemented (16 U.S.C. 1, et seq.), and the Act of July 6, 1973, 40 U.S.C. 804, the Federal property of the George Washington Memorial Parkway located adjacent to Mount Vernon, the home of George Washington, including the gates at the entrance to this estate, is hereby designated a visitor facility. It is further determined that providing interpretative visitor transportation services between the Mall and the visitor facility at Mount Vernon is desirable to facilitate visitation and to ensure proper management and protection of such areas.

Therefore, notice is hereby given that pursuant to these authorities, interpretative visitor transportation services are to be provided between the Mall and the Federal property adjacent to the Mount Vernon estate in Fairfax County, Va.

Dated: June 6, 1978.

MANUS J. FISH, JR., Regional Director, National Capital Region.

[FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978]
Having considered the complaint, the U.S. International Trade Commission on June 22, 1978, Ordered:

1. Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c) whether, on the basis of the allegations set forth in the complaint and the evidence adduced, there is a violation or reason to believe that there is a violation of subsection (a) of this section in the unauthorized importation of certain multicellular plastic film into the United States, or in its subsequent sale, either in roll or in swimming pool cover form, by reason of the alleged coverage of imported multicellular plastic film during manufacturing in a foreign country by claims 1 and 2 of U.S. Letters Patent 3,416,984, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and competently operated, in the United States. The alleged unfair low pricing of swimming pool covers manufactured from the imported multicellular plastic film, and the alleged unfair methods of competition by use of advertising have not been included in the scope of the investigation because of failure to conform these allegations in the complaint to the requirements of Commission rules (19 CFR 210.20).

2. That, for the purpose of this investigation so instituted, the following are hereby named as parties.
   a. The complainant is:
      Sealed Air Corp., Park 80 Plaza East, Saddle Brook, NJ 07662
   b. The respondents are the following companies alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, and are parties upon which the complaint and this notice are to be served:
      i. Polybubble, Inc., 1181 Chess Drive No. 1, Equity Point, Calif. 94404
      ii. Conform Plastics, 113 Myus Road, Box 12357, Penrose, Aukland, New Zealand
      iii. Unipak (H.K.) Ltd., 11f 59-61 Wong Chuk Kong Road, Aberdeen, Hong Kong
      iv. Tong Sce Co., Ltd., P.O. Box 53907, Taipe, Taiwan, R.O.C.
      v. Peter Darlington, d.b.a. Solar Pool Covers, 15581 Product Lane (No. 15), Huntington Beach, Calif. 92649
   c. Steven Morrison, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named Commission Investigative Attorney, a party to this investigation.
   e. That for the purpose of the investigation so instituted, complainant's request for an expedited hearing on temporary exclusion is denied at this time without prejudice to the right to renew the request before the presiding officer.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's rules of practice and procedure, as amended (19 CFR 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and of this notice, and will authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The complaint, with the exception of business confidential information, is available for inspection by interested persons at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the New York City office of the Commission, 6 World Trade Center.


By Order of the Commission.

KENNETH R. MASON, Secretary.

[FR Doc. 78-18141 Filed 6-28-78; 8:45 am]

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28259

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Application

Pursuant to 21 U.S.C. 823(a)(1), and section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on May 24, 1978, Wyeth labs., Inc., 611 East Nield Street, West Chester, Pa. 19380, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substance mepiperidine.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, U.S. Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than August 1, 1978.


PETER B. BENSGIER, Administrator, Drug Enforcement Administration.

[FR Doc. 78-18135 Filed 6-28-78; 8:45 am]

DEPARTMENT OF JUSTICE
Drug Enforcement Administration

MANUFACTURE OF CONTROLLED SUBSTANCES
Notice of Registration

By Notice dated May 1, 1978, and published in the Federal Register on May 5, 1978; (43 FR 19470), Regis Chemical Co., 8210 North Austin Avenue, Morton Grove, Ill. 60053, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of mescaline, a basic class of controlled substance listed in schedule I.

No comments or objections having been received, and pursuant to section 308 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations Section 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.


PETER B. BENSGIER, Administrator, Drug Enforcement Administration.

[FR Doc. 78-18136 Filed 6-28-78; 8:45 am]
NOTICES

DANCE ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, the notice is hereby given that a meeting of the Dance Advisory Panel to the National Council on the Arts will be held July 15, 1978, from 9:15 a.m.-6 p.m.; July 16, 1978, from 9:15 a.m.-6 p.m.; and July 17, 1978, from 9:15 a.m.-5:30 p.m., in Room 1422 of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on July 17, 1978, from 9:15 a.m.-12 p.m. The topic of discussion will be guidelines for the dance touring program.

The remaining sessions of this meeting on July 15, 1978, from 9:15 a.m.-6 p.m.; July 16, 1978, from 9:15 a.m.-5:30 p.m.; and July 17, 1978, from 12 p.m.-5:30 p.m., are for the purpose of panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation for the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants.

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.


JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978]

[7590-01]

NUCLEAR REGULATORY COMMISSION

(Docket No. PRM-32-2)

OMHART CORP.

Withdrawal of Petition for Rulemaking

Notice is hereby given that the Nuclear Regulatory Commission has received a letter from Ohmart Corp. withdrawing its petition for rulemaking PRM 32-2.

By letter dated October 13, 1977, Ohmart Corp. filed with the Commission a petition for rulemaking to amend PRM 32-2. The petition requested that the CRP Part 32, the words "but not greater than 3 years" be inserted between the words "months" and "either." Currently, that sentence reads as follows:

In the event the applicant desires that the device be required to be tested at intervals

[FEDERAL REGISTER, VOL. 43, NO. 125—THURSDAY, JUNE 22, 1978]
NOTICES

longer than 6 months, either for proper operation of the on-off mechanism and indicator, if any, or for leakage of radioactive material for both, he shall include in his application sufficient information to demonstrate that such longer interval is justified by the safety features of the device or similar devices, and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the on-off mechanism and indicator.

This permits any applicant for NRC specific license to manufacture, import or distribute certain measuring, gaging, or controlling devices for use by general licensees to request that the device be required to be tested at intervals longer than 6 months, either for proper operation of the on-off mechanism and indicator, if any, or for leakage of radioactive material or for both.

The effect of the requested rule change would have been to prohibit any applicant from requesting under 10 CFR 32.2 from further consideration by the Nuclear Regulatory Commission and stated that "... * * we have come to the conclusion that the evidence shows no significant hazards existing for leak test periods beyond 3 years." The NRC agrees with the petitioner's conclusion and accordingly has terminated work on this petition.

Copies of the petition, letters of comment on the petition, and the letter withdrawing the petition are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Dated at Washington, D.C. this 22d day of June 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK, Secretary of the Commission.

[FR Doc. 78-17915 Filed 6-28-78; 8:45 am]

DAIRYLAND POWER COOPERATIVE
(LACROSSE BOILING WATER REACTOR)

Full-Term Operating License; Hearing and Prehearing Conference

On April 10, 1978 the Nuclear Regulatory Commission published in the Federal Register, 43 FR 15021, a notice that the Commission had received an application for a full-term facility operating license from the Dairyland Power Cooperative to operate the LaCrosse boiling Water Reactor located in Vernon County, Wis. The facility has been provisionally licensed to operate since July 1967. The notice provided that on or before May 10, 1978, any person whose interest may be affected by the proceeding may file a petition for leave to intervene and in accordance with the Commission's rules of practice, 10 CFR Part 2, particularly section 2.714 of Part 2. On May 7, 1978, George R. Nygaard, Mark Burmester, and Anne K. Moree as members of and on behalf of the Coulee Region Energy Coalition filed a petition for leave to intervene and a request for a hearing in the proceeding. An Atomic Safety and Licensing Board was established to rule upon petitions for leave to intervene. On June 19, 1978, the Atomic Safety and Licensing Board designated to rule upon petitions issued its order granting the petition for leave to intervene and admitting the Coulee Region Energy Coalition as a party to the proceeding.

The public is invited to attend the prehearing conference. Any person, not a party to the proceeding, will be permitted to make a limited appearance statement, either orally or in writing, stating his position on the issues. Oral statements will be taken at the conclusion of the business of the prehearing conference. The number of persons making oral statements and the time allowed for each oral statement may be limited depending upon the total time available. Additional opportunities for oral statements will be provided during the evidentiary hearings to be scheduled later. Written statements supplementing or in lieu of oral statements may be of any length and will be accepted at any session of the proceeding or may be mailed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The documents pertaining to this proceeding are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and the LaCrosse Public Library, 800 Main street, LaCrosse, Wis. 54601.

It is so ordered.

For the Atomic Safety and Licensing Board, (designated to rule on petitions).

Dated at Bethesda, Md., this 23d day of June, 1978.

IVAN W. SMITH, Chairman.

[FR Doc. 78-18127 Filed 6-28-78; 8:45 am]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 50 to Provisional Operating License No. DPR-21 and Amendment No. 42 to Facility Operating License No. DPR-65 to Northeast Nuclear Energy Co., the Connecticut Light & Power Co., the Hartford Electric Light Co., and Western Massachusetts Electric Co., which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Units Nos. 1 and 2, located in the town of Waterford, Conn. The amendments are effective as of their date of issuance.

These amendments modify the Common Appendix B (Environmental) Technical Specifications by adding
NOTICES

**Nuclear Regulatory Commission**

Joe M. Felton, Director, Division of Rules and Records, Office of Administration.

[Federal Register: 78-18130 (Filed 6-28-78; 8:45 am)]

**Tennessee Valley Authority**

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-31; Amendment No. 36 to Facility Operating License No. DPR-52 and Amendment No. 12 to Facility Operating License No. DPR-68 issued to Tennessee Valley authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units Nos. 1, 2, and 3, located in Limestone County, Ala. The amendments are effective as of the date of issuance.

The amendments change the Technical specifications to delete the requirements for the oxygen sensors used in the containment atmosphere monitoring system and augment the surveillance requirements associated with the daily oxygen analyses of primary containment.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1984, 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact statement need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 12, 1978, (2) Amendment No. 50 and 42 to Licenses Nos. DPR-21 and DPR-65, respectively, 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 Waterford Public Library, Rope Ferry Road, Route 186, Waterford, Conn. 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 23d day of June 1978.

For the Nuclear Regulatory Commission.

Joseph M. Felton,

Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[Federal Register: 78-18129 (Filed 6-28-78; 8:45 am)]

**Nuclear Regulatory Commission Issuances**

Availability of Semiannual Hardbound Volume

The Nuclear Regulatory Commission has issued Volume 5, Book II of II, of the Nuclear Regulatory Commission Issuances, covering the period April 1 to June 30, 1978. This publication is a semiannual compilation of adjudicatory decisions and other issuances of the Commission, the Atomic Safety and Licensing Appeal Boards, and the Atomic Safety and Licensing Boards.


Dated at Bethesda, Md., this 23d day of June 1978.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[Federal Register: 78-18128 (Filed 6-28-78; 8:45 am)]

**ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON EXTREME EXTERNAL PHENOMENA**

Meeting

The ACRS Subcommittee on Extreme External Phenomena will hold an open meeting on July 14, 1978, in Room 1446, 1717 H Street, N.W., Washington, D.C. 20555, to review matters relating to the NRC sponsored research on extreme external phenomena. Notice of this meeting was published in the Federal Register on June 16, 1978.

In accordance with the procedures outlined in the Federal Register on October 31, 1977 (42FR72), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Friday, July 14, 1978.

8:30 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 on 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, and their consultants, pertinent to the above topics. 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.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Richard P. Savio, telephone 202-634-1374, between 8:15 a.m. and 5 p.m., e.d.t.


John C. Hoyle, Advisory Committee Management Officer.

[FR Doc. 78-18211 Filed 6-28-78; 8:45 am]

[7590-01]

RISK ASSESSMENT REVIEW GROUP

In accordance with sections 9 and 14 of Pub. L. 92-463 (Federal Advisory Committee Act), notice is given that the Nuclear Regulatory Commission has determined that extension of the Risk Assessment Review Group for the period July 1, 1978, through September 30, 1978, is necessary and in the public interest. An appropriate amendment to the charter for this committee has been filed in accordance with section 9(c).

Dated at Washington, D.C., this 27th day of June, 1978.

John C. Hoyle, Advisory Committee Management Officer.

[FR Doc. 78-18210 Filed 6-28-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD (N-AR 78-26)

ACCIDENT REPORTS; RESPONSES TO SAFETY RECOMMENDATIONS

Availability and Receipt

The National Transportation Safety Board announces the release last week of the narrative reports of its investigations into two marine accidents—


The Great Lakes bulk cargo vessel, fully loaded with a cargo of taconite pellets, sank in eastern Lake Superior approximately 17 miles from the entrance to Whitefish Bay, Michigan. The ship was en route from Superior, Wisconsin, to Detroit, Michigan, and had been proceeding at a reduced speed in a severe storm. All the vessel's officers and crew were missing and presumed dead. No distress call was heard by vessels or shore stations.

The Safety Board considered many factors during the investigation, including stability, hull strength, operating practices, adequacy of weather-tight closures, hatch cover strength, possible grounding, vessel design, loading practices, and forecasting.

By a 3-to-1 vote, the Safety Board determined that the probable cause of this accident was the sudden massive flooding of the cargo hold due to the collapse of one or more hatch covers. Before the hatch covers collapsed, flooding into the cargo hold through nonweather-tight hatch covers caused a reduction of freeboard and a list. The hydrostatic hull and hydrodynamic forces imposed on the hatch covers by heavy boarding seas at this reduced freeboard and with the list caused the hatch covers to collapse. Contributing to the accident was the lack of transverse weather-tight bulkheads in the cargo hold and the reduction of freeboard authorized by the 1969, 1971, and 1973 amendments to the Great Lakes Load Line Regulations.

Safety Board Member Philip A. Hogue dissented from the majority, contending that the most probable cause of the sinking of the FITZGERALD was a shoaling which first generated a list, followed by progressive, massive flooding of the cargo hold resulting in a total loss of the vessel. Contributing to the accident was the lack of transverse weather-tight bulkheads in the cargo hold and the reduction of freeboard authorized by the 1969, 1971, and 1973 amendments to the Great Lakes Load Line Regulations.

The Federal Aviation Administration's response of June 1, contains the procedures for ultrasonic and magnetic particle inspections, and that Douglas DC-10 Service Bulletin A27-160, issued March 27, provides additional information relative to conducting the ultrasonic inspections. FAA considers these procedures to be satisfactory.

Regarding A-78-16, FAA issued a proposed airworthiness directive on April 28 (43 FR 20238, May 11, 1978), proposing requirements for ultrasonic and magnetic particle inspections at 1,500 and 4,000 hours time-in-service, respectively. Closing date for comments on the proposal is June 29 and FAA expects final action by July 31.

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As for consideration of how performance of the barrier rail systems is affected by maintenance, FHWA states that to be effective, barriers must be designed for a specific situation and must be retained in service only when meeting the determined design. Accordingly, directions to FHWA field offices regarding replacement of damaged barriers is recommended. Discussion of the maintenance factors for barriers is included in "AASHTO Barrier Guide" developed and adopted by FHWA. A copy to the Guide was provided with the response letter.

FHWA's response states that the interaction between a vehicle and a barrier for a particular configuration which involves factors that are difficult to measure and especially difficult to model. Both basic research and the development of better hardware are progressing and will continue until satisfactory factory answers are found. FHWA reports that current research and planned work which affect the effects of geometry and surface conditions are:

"Bridge Rail Retrofit for Curved Structures." This study, now in the procurement phase of the project, examines the use of a tubular thrie beam with collapsing tubes and shaped concrete barriers in a loop ramp configuration. The simulated bridge rail systems are designed to protect high occupancy vehicles using a bridge. FHWA has also programmed for Fiscal Year 1978, a research project for a study entitled, "Determination of the Operational Performance Requirements for Retrofit Projects." This memorandum also describes the FHWA field office plans to identify locations where improved bridge rails or barriers are warranted. The memorandum also requests formal letters from Regional Administrators to field offices regarding replacement of damaged barriers. Two of the six recommendations developed as a result of the Board's investigation were directed to UL:

"Bridge Rail Retrofit for Curved Structures" study are expected to lead to a second phase study of "Traffic Railings for Curves". A modification to an existing contract with the Illinois Institute of Technology Research Institute is being prepared to perform computer simulations of the interactions between heavy vehicles and barriers. Simulations of vehicles from subcompact to schoolbus sizes will be used in a general overview of barrier performance.

In answer to I-78-6 and the Board's finding that the motor of the electrically driven transfer pump in question in the Gadsden accident was listed by UL for use in Class I, Group B hazardous locations and had been modified in the field, UL states that its listings pertain to products as shipped by the manufacturer from his plant. Listed products, UL notes, may cease to meet UL's requirements because of misuse, exposure to adverse conditions, failure to follow instructions, failure to inspect and maintain the product and its component parts, failure to repair, or other factors occurring after manufacture which affect the safety of the product. UL says that it will continue to give this general problem consideration, but it does not at this point propose administrative steps can be taken to provide effective safeguards against possible hazards resulting from field modifications of listed equipment or practices which are in violation of nationally recognized installation, use, and maintenance standards and codes. In response to I-78-7, UL states that its requirements for aboveground tanks are included in the UL Standard for Flammable and Combustible Liquids, UL 142, a copy of which is attached to UL's response. Section 9 of the Standard includes requirements for both general and emergency venting, which are consistent with NFPA 30. UL believes that these requirements provide reasonable protection against violent ruptures and explosions in fires involving such tanks.
Instruct its employees to respond immediately to reports of gas leaks that require prompt action to protect life and property and monitor its employees' response time to assure that these solid reports receive immediate attention. (P-78-15)

Instruct its supervisors in each zone to schedule their servicemen so that emergencies can be handled promptly at all times.

To implement these recommendations, the company reports that it has held a series of meetings to review current operating practices, and Service Department supervisors have been reminded to respond quickly to reports of gas leaks. Existing monitoring procedures have been reviewed and updated to assure prompt response to all leak reports. Also, the company now has more formalized controls on the number of servicemen allowed to go to lunch at the same time, thus ensuring that an adequate number of employees is available to respond to emergencies at all times. Meetings have been held with servicemen to review these concepts. The company will continue to review and update procedures with its employees.

RAILROAD

R-75-39 and R-76-41.—Letter of June 6 from the Federal Railroad Administration to the Safety Board's inquiry of last November 2. The recommendations resulted from the August 1, 1976, collision involving three Massachusetts Bay Transportation Authority (MBTA) Transit Trains in Boston, Massachusetts.

With reference to the Board's inquiry concerning R-75-39 as to whether the MBTA program of testing and adjusting variable load and by pass valves has been completed, FRA states that its review of MBTA's program revealed initially weak planning and direction. Under the direction of a new Chief Mechanical Officer, however, MBTA has established a well-staffed and well-funded MBTA Valve Inspection Program according to FRA. One of the positive steps taken by MBTA was the hiring of Westinghouse Air Brake Company (WABCO) to evaluate the repair, overhaul, and testing of air brake equipment used on their system. Based on WABCO findings, MBTA ordered new, larger capacity air compressors and adapter plates for their air brake test racks. FRA also states that individual air brake valve repair kits, containing all components necessary to overhaul a valve, are being prepared. To insure that the emergency deceleration rate of the “Bluebird” and “Silverbird” cars meets design specifications, MBTA is testing an uncoupled pair as it arrives for its 5,000 mile inspection. Cars over 5 percent deficient as indicated by air brake tests are held for repair.

In answer to the Board's inquiry regarding R-75-41 as to FRA's survey of emergency braking systems on rapid transit systems other than the MBTA, FRA states that in June 1976, the FRA Office of Safety initiated a survey of the braking systems of various rapid transit cars in the Nation. Over an 18-month period, FRA inspectors surveyed the emergency brake systems of these companies:

Baltimore & Ohio/Allegheny County Port Authority
Bay Area Rapid Transit
Chicago Transit Authority
Cleveland Rapid Transit Authority
New York Transit Authority
Port Authority Transit Co.
Southeastern Pennsylvania Transit Authority
Washington Metropolitan Area Transit Authority

The purpose of this survey was to determine whether the brake systems of the rapid transit cars operated by these companies are being maintained in accordance with manufacturer's specifications. FRA inspectors conducting this survey noted that (1) approximately 77.7 percent of the rapid transit cars surveyed maintain their brake systems according to specifications prescribed by the manufacturer or to requirements more stringent; (2) the brake system maintenance program of approximately 88.8 percent of these carriers include cleaning and testing of components on a mileage or time period basis rather than a brake failure basis; and (3) approximately 66.6 percent of the rapid transit carriers surveyed inspect the brake systems daily prior to dispatching trains to insure operational capability. FRA believes that the rapid transit braking systems are adequate provided they are maintained in accordance with specifications prescribed by the manufacturer or more stringent requirements.

FRA notes that at the time of the survey it had planned to monitor the systems, but, in the interim, the U.S. Court of Appeals for the Seventh Circuit decreed that rapid transit companies are now, and hence, are not subject to FRA regulations, and FRA inspectors have no jurisdiction on rapid transit property. Under departmental policy, all rapid transit responsibility has been vested in the Urban Mass Transportation Administration.

R-76-15.—In response to the Safety Board's inquiry of April 26 regarding the review of the Massachusetts Bay Transportation Authority's revised "Rules for Rapid Transit and Other Employees" rule book, the MBTA states that the final draft of the book has been completed and is expected to be printed and distributed by September 15, 1978. A copy will be furnished to the Safety Board when the printing has been completed.

MBTA reports that by the end of June 1978, it will have completed its reinstruction program for all rapid transit supervisors, train starters, dispatchers, master control operators, inspectors, starts, motormen, and guards. With the issuance of the new rule book in September, the reinstruction of all of these employees will continue on a programed basis to be restructured and reexamined on rule proficiency at least once every 2 years.

R-77-14 through 17.—Letter of June 2 from the Chicago Transit Authority (CTA) is in response to the Safety Board's inquiry of May 30 concerning recommendations issued after investigation of the February 4, 1977, collision of two CTA trains in Chicago, III. The Board, noting that the new Aspect Display Unit has been accomplished on about 140 cars (recommendation R-77-15), asked to be informed when retrofitting has been completed on the balance of CTA's passenger-carrying equipment. Also, the Board, referring to R-77-17, noted that the unresolved issue of considering an operating employee's complete service record when judging the employee's operating capabilities is now subject to binding arbitration and asked to be advised of the outcome of the arbitration hearing.

CTA informed the board that work is underway on both items and a report will be furnished about July 1. At that time, CTA plans also to report progress on its further actions to reduce the possibility of future accidents.

Note.—The above notice summarizes Safety Board documents recently released and recommendation response letters received. Single copies of the documents and the Board's recommendation letters in their entirety are available to the general public without charge. Copies of the full text of responses to recommendations may be obtained at a cost of $4 for service and 10 cents per page for reproduction.

All requests to the Board for copies must be in writing, identified by report or recommendation number and date of publication of this notice in the Federal Register. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.


MARGARET L. FISHER,
Federal Register Liaison Officer.
(FJR Doc. 78-18116 Filed 6-28-78; 8:45 am)
NOTICES

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 23, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

New Forms

DEPARTMENT OF ENERGY

Survey of Energy Consumption (feasibility study), S-3805, S-3809B, S-380A-SUPP. S-380L(D), single time, 1,200 establishments in manufacturing, 2,000 in commercial sector (SIC 48-89), C. Louis Kincannon, 395-3211.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Importers' Questionnaire for Invoice No. TA-201-35 (High-Ferrophosphorus), single time, 26 importers of high-carbon ferrophosphorus, C. Louis Kincannon, 395-3211.

Consumers' Questionnaire for Invoice No. TA-391-35 (High-Carbon Ferrophosphorus), single time, 26 consumers of high-carbon ferrophosphorus, C. Louis Kincannon, 395-3211.

DEPARTMENT OF ENERGY

Monthly Energy Review Survey, EIA-72, single time, 1,000 subscribers to monthly energy review, Roye L. Lowry, 395-3772.

DEPARTMENT OF AGRICULTURE

Farm and Rural Development Administration, Area Development Assistance Planning Grant, Program, project, performance report, quarterly, 500 planting grant programs, Budget Review Division, 395-4775.

DEPARTMENT OF COMMERCE

Bureau of Census, Unit Status Review, 1978 Census of Lower Manhattan, 1980 Census Dress Rehearsal, D-160(CN), single time, 7,000 units classified "vacant" or "delete" in dress rehearsal, Clearance Office, 395-3772.

DEPARTMENT OF DEFENSE

Departmental and other, Research and Development Capability Index Scientific and Technological Fields of Interest, DD-1630, on occasion, small business R. & D. firms, Marsha Traynham, 395-3773.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Medical Report (individual with childhood impairment), SSA-826CH, on occasion, 75,000 disability benefits, Clearance Office, 395-3772.


U.S. CIVIL SERVICE COMMISSION


VETERANS ADMINISTRATION

CH. 35, 38 Educational Plan (under provisions of U.S.C. 1720), 22-5490A, on occasion, 12,000 children of deceased or totally disabled veterans 12,000 responses, 3,000 hours, Clearance Office, 395-3772.

Beneficiary-Designation-Veterans Group Life Insurance-Servicemen's Group Life Insurance for Retired Reservists, 29-8721, on occasion, 15,000 veterans' retired reservists, 15,000 responses, 1,000 hours, Clearance Office, 395-3772.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Producer Identification of Cotton, ASCS-503, annually, 400,000 cotton farmers, 600,000 responses, 40,000 hours, Eillet, C. A., 395-3812.

Appalachian Land Stabilization and Conservation Program Regulations, 7CFR785, on occasion, farmers, Clearance Office, 395-3772.

Request for Cost-Share Contract—Appalachian Land Program, ASCS-385, on occasion, farm operators or landowners, 350 responses, 70 hours, Clearance Office, 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Statement of Benefits, SSA-723, on occasion, 46,200 respondents, 12,060 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF TREASURY


DEPARTMENT OF LABOR

Assistance Secretary (Economy Policy): Monthly Foreign Currency Report of Banks in the United States, FC-1A, monthly, 1,856 banks and banking institutions in U.S., 1,560 responses, 12,480 hours, C. Louis Kincannon, 395-3211.


EXTENSIONS

DEPARTMENT OF ENERGY

Application for Access Permit (to restricted data), AEC-378, on occasion, industrial firms, manu. & R. & D., 100 responses per hour, C. Louis Kincannon, 395-3211.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service: Report of Acreage and Field Determinations, ASCS-578, on occasion, participants in ASCS programs, 850,000 responses, 1,700-6,000 hours, Eillet, C. A., 395-3812.

DEPARTMENT OF DEFENSE

Assistant Secretary (Economic Policy), Prehearing Statement, LS-18, on occasion, 800,000 hours, Clearance Office, 395-3772.

David R. Leuthold,
Budget and Management Officer.

[FR Doc. 78-18242 Filed 8-28-78; 8:45 am]

[3110-01]

CLEANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 26, 1978.

FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978
(44 U.S.C. 3509). The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form numbers, if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collections; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release. Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

New Forms

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics.
Application for Federal Assistance (non-construct), capacity Building for Statistical Activities in Seas, NCES-2413, annually, 40 State education agencies, Budget Review Division, 395-4778.

DEPARTMENT OF LABOR


DEPARTMENT OF AGRICULTURE


DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Statement of Income and Resources, SSA-8010, on occasion, aged, blind, and disabled, 750,000 responses, 375,000 hours, Human Resources Division, Marsha Traynham, 395-3532.

DEPARTMENT OF LABOR

Employment and Training Administration, ESFARS Transition Activity Report, Part II.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Statement of marital Relationship, SSA-753, on occasion, persons with knowledge of common law marriages, 35,684 responses, 6,246 hours, Clearance Office, 395-3772.

Employment Standards Administration, Authorization for Release of Medical Information, CM-956, on occasion, black lung claimants, 40,000 responses, 3,334 hours, Clearance Office, 395-3772.

DEPARTMENT OF EDUCATION


DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Statement of marital Relationship, SSA-753, on occasion, persons with knowledge of common law marriages, 35,684 responses, 6,246 hours, Clearance Office, 395-3772.

DEPARTMENT OF LABOR

Employment and Training Administration, ESFARS Transition Activity Report, Part II.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Statement of Income and Resources, SSA-8010, on occasion, aged, blind, and disabled, 750,000 responses, 375,000 hours, Human Resources Division, Marsha Traynham, 395-3532.

DEPARTMENT OF LABOR

Employment and Training Administration, ESFARS Transition Activity Report, Part II.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Statement of marital Relationship, SSA-753, on occasion, persons with knowledge of common law marriages, 35,684 responses, 6,246 hours, Clearance Office, 395-3772.

Employment Standards Administration, Authorization for Release of Medical Information, CM-956, on occasion, black lung claimants, 40,000 responses, 3,334 hours, Clearance Office, 395-3772.

DEPARTMENT OF AGRICULTURE


DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Statement of marital Relationship, SSA-753, on occasion, persons with knowledge of common law marriages, 35,684 responses, 6,246 hours, Clearance Office, 395-3772.

DEPARTMENT OF LABOR

Employment Standards Administration, Authorization for Release of Medical Information, CM-956, on occasion, black lung claimants, 40,000 responses, 3,334 hours, Clearance Office, 395-3772.

DEPARTMENT OF EDUCATION


DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Statement of marital Relationship, SSA-753, on occasion, persons with knowledge of common law marriages, 35,684 responses, 6,246 hours, Clearance Office, 395-3772.

DEPARTMENT OF LABOR

Employment Standards Administration, Authorization for Release of Medical Information, CM-956, on occasion, black lung claimants, 40,000 responses, 3,334 hours, Clearance Office, 395-3772.
The operating companies expect that, in the future, CSWF will assume and carry on substantially all non-petroleum fuel exploration and development, procurement and transportation activities on behalf of the operating companies. Initially, CSWF will assume responsibility for such activities only as agent for the operating companies with ownership of all such ventures remaining in the operating companies. It is contemplated that when the CSW interconnection proceedings (Admin. Proc. File No. 3-4951) have been concluded satisfactorily for the CSW System, authority would be sought by further application to transfer ownership of certain ventures to CSWF. Gas and oil procurement responsibilities will then be transferred to CSWF although CSWF personnel may advise and assist the operating companies in their petroleum procurement activities.

CSWF will serve to centralize and coordinate fuel planning and policy for the operating companies, preparing estimates of fuel needs and availability, and ensuring that adequate steps are taken to assure fuel supplies for each of the operating companies.

The operating companies believe that CSWF will facilitate the pooling of the existing fuel expertise within the CSW System at a time when the CSW System must intensify its fuel exploration activity. It is contemplated that geologists, engineers, and other fuel exploration and development personnel now employed by the operating companies, mainly PSO, will be transferred to CSWF, and that additional officers and staff would be added from time to time as appropriate. No fuel staff would remain with the operating companies in the oil and gas area. CSWF's Board of Directors will consist of the Chairman, President, and chief financial officer of CSW and the chief executives of the operating companies. CSWF's secretary and treasurer will be the same as CSW's. It is planned that CSWF have an initial staff of about 35 people. CSWF will be responsible on a continuing basis for surveying the fuel needs and resources of the operating companies. CSWF and the operating companies will adopt plans and budgets for exploration and development programs, including the types of fuel required and the extent of activity desirable. Petroleum project proposals will then be formulated and submitted to the boards of directors of CSWF and the operating companies. The financing of projects will then be subject to further authorization by the Commission.

CSWF will also allow for centralization of planning and reporting for all fuel exploration and development expenditures of the operating companies. The operating companies believe that this will result in substantial economies of scale with a consequent uniformity of these functions. The operating companies believe that it may be possible to acquire their fuel requirements at a somewhat lower price through centralized exploration activities, especially for uranium resources, than they would otherwise have to pay to acquire fuel in the open market.

The operating companies will transfer cash to CSWF in exchange for the authorized CSWF common stock in an aggregate amount of $10,000 and additional operating advances in the amount of $300,000. CSWF will acquire office furniture and supplies and exploration equipment from PSO at PSO's cost, less depreciation, on the date of transfer. At March 31, 1978, such cost approximated $150,000. Any operating company would, from time to time, be entitled to request a promissory note evidencing its advances to CSWF. Any such note would be a demand note and be dated as of the date of receipt of cash proceeds by CSWF. Any cost of CSWF, by such note, will be payable without penalty at the option of CSWF at any time.

The operating companies will reimburse CSWF monthly, based upon their percentage ownership shares, for all of CSWF's expenses related to jointly-owned fuel ventures. In addition each operating company shall be billed monthly for consulting services rendered on its own fuel ventures or matters. All charges to the operating companies shall be in accordance with the Commission's Rule 91. CSWF will prepare a monthly statement to cover expenditures made by CSWF on behalf of the owner of those particular properties. When a project is determined to be economically viable to place into operation, external financing will be sought. In the event of such an additional application to and authorization by the Commission, will be sought. Funds for administrative and general expenditures will come from the operating companies as requested by CSWF. Such costs which cannot be identified with a specific project will be expensed.

CSWF will utilize a project work order system to accumulate charges for each project owned or managed by CSWF. This type of system facilitates the accounting for each project and also readily allows analysis of each component of a project by management. If the required fuel ventures are transferred to CSWF, then all billing for fuel produced from such ventures will include depreciation, cost of capital, taxes, and other relevant costs and will be identified to a specific mine or project.

The operating companies propose that the return, if any, on investments by them in CSWF be calculated by applying to each investment in CSWF made by an operating company, whether debt or equity, a composite rate of return, calculated by applying to the consolidated capital structure (excluding short-term debt) of the four operating companies (excluding CSW and third-tier subsidiaries), as of the last day of the calendar quarter next preceding the date of such investment, and interest rate on long-term debt (excluding tax-exempt borrowings) equal to the effective interest cost of any operating company's last debt issue preceding the investment, a preferred dividend rate equal to the effective dividend rate of any operating company's last preferred stock issue preceding the investment and a return on common equity not to exceed the rate of return on common equity allowed by the Federal Energy Regulatory Commission or its successor.

In the event that, at the time an investment was made, the operating company had not issued long-term debt or preferred stock, whichever is applicable, within the preceding 12 months, then upon the subsequent issuance of such debt or preferred stock, as the case may be, the interest or dividend cost thereof would be substituted, from and after the date of such issuance, for the interest or dividend cost previously applied.

Upon the retirement of an issue of long-term debt or preferred stock, the cost of which was used as a component in calculating the rate of return on an investment, the cost of the long-term debt or preferred stock, whichever is applicable, issued next preceding the investment and a preferred dividend rate equal to the rate of return calculated by applying to the Consolidated capital structure at actual cost. The extent to which such allocation, by increasing CSWF's imputed capital structure to vary from that otherwise applicable, subsequent investments by the operating companies will be allocated in such a manner as to eliminate such variation, by treating them first as components equal in percentage the respective percentages previously applicable.
For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17981 Filed 6-28-78; 8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.
Self-Regulatory Organization: Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78o(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 20, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANACE OF THE PROPOSED RULE CHANGE

The Board of Directors of the Chicago Board Options Exchange (the "Exchange") recently reviewed the expenses involved in providing a number of services to members and determined to impose charges for such services in order to offset the costs thereof. The services and the proposed respective costs are set forth below:

(1) Membership transfers between related parties effected in accordance with Exchange rule 3.14(c)—$250 per transfer.

(2) Amendments to partnership agreements of member organization submitted pursuant to rule 3.6—$100 per amendment.

(3) Increase in the charge for attendance at the Exchange new member Orientation Seminar and examination from $50 to $100 per person.

(4) Trading jacket storage fee of $10 per month per jacket.

(5) Exchange trading floor identification badge fee of $15 per new badge.

(6) A fee of from $10-$50, depending upon extent of the requested modifications, for administering, processing and monitoring construction changes to member firm's booths and to Board Broker stations.

(7) Trading jacket cleaning fee of $10 per month per jacket.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of these proposed fees is to attempt to recoup the out-of-pocket and administrative expenses which the Exchange incurs through the provision of the services described above. Those members taking advantage of these services will now create a direct source of revenue for the Exchange which can be used by the Exchange to offset directly the costs connected therewith.

The basis for these proposed fees is found in section 6(b)(4) of the Act inasmuch as such charges are reasonable in relation to the costs of providing the type of services specified above and are equitably allocated since they will be imposed only upon those members which avail themselves of such Exchange services.

No comments have been solicited from members.

No burden will be imposed upon competition by these proposed fees.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of such filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 20, 1978.

For the Commission by the Division of Market Regulation pursuant to delegated authority.


GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17973 Filed 6-28-78; 8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.
Self-Regulatory Organization: Proposed Rule Change

organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

OBLIGATIONS FOR ORDERS

Rule 7.4(a) Acceptance. A Board Broker shall ordinarily be expected to accept orders for all option contracts of the class or classes to which his appointment extends, and is required to maintain a written record of orders (as defined in Rule 6.53(a)), limit orders (as defined in Rule 6.53(b)) and such orders as may be designated by the Floor Procedure Committee. A Board Broker shall not accept orders of any other type or from any source other than a member. For the purposes of this rule, an order shall be deemed to be from a member if the order is placed with a Board Broker by a perceived customer with a member firm, provided that the order is either (i) an order to buy at a price equal to or below the highest bid in the Board Broker's book, or (ii) an order to sell at a price equal to or above the lowest offer in the Board Broker's book, or (iii) an order routing and cancels which are away from the Board Broker's book. The Floor Procedure Committee may, if it deems it necessary or to suspend such associated person's ability to place any or all orders on the Board Broker's book whenever, in its judgment, the interest of maintaining a fair, orderly, and efficient market are best served, specify the manner in which orders are routed to the Board Broker's book. No member shall place, or permit to be placed an order with a Board Broker for an account in which such member, any other member or any nonmember broker/dealer has an interest.

(b) No change.

(c) No change.

(d) (1) If a Board Broker holds orders to buy and sell the same option series, and if the highest bid and lowest offer displayed by the Board Broker in that series differ by more than the minimum fraction, the Board Broker may cross such orders, provided he proceeds in the following manner:

(i) A Board Broker shall request bids and offers for such option series and make all persons in the trading crowd aware of his request;

(ii) After providing an opportunity for such bids and offers to be made, he must bid above the highest bid or offer below the lowest offer at prices differing by the minimum fraction;

(iii) If neither his bid nor his offer is taken, he may cross the orders at such higher bid or lower offer if possible, or at a price determined by the limit order to be crossed, by announcing by public outcry that he is crossing and giving the quantity and price.

(2) If a Board Broker holds orders to buy and sell the same option series, and if the highest bid and lowest offer displayed by the Board Broker in that series differ by the minimum fraction, the Board Broker may cross such orders, by announcing by public outcry that he is crossing and giving the quantity and the price.

(3) The provisions of paragraph (d) of this Rule shall not apply to matching 1 cent buy and sell orders under Rule 6.54.

(e) Notwithstanding anything to the contrary in paragraph (d) of this Rule, during the opening rotation for a class of option contracts, in the interests of achieving a single price opening, a Board Broker may proceed as follows:

(i) A Board Broker may match all market orders in his possession;

(ii) The Board Broker shall then announce by public outcry the number of contracts he has matched, and will cross at the opening price to be established;

(iii) The Board Broker may then continue to bid or offer the remaining unmatched and unexecuted orders in his possession for execution during opening rotation.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The general purpose of the proposed amendments is to enable members to use the Exchange's Order Support System ("OSS"), an order routing and automated book facility, in conjunction with their own telecommunication systems. The new Rule 7.4(a) now requires that the Board Broker maintain a written record of orders placed in his custody and prohibits him from accepting orders "from any source other than a member." Compliance with these requirements would severely restrict the utility of an automated book and order routing facility. Therefore, the Exchange proposes to amend paragraph (a) to eliminate the requirement that the Board Broker maintain a written record. The book will be maintained electronically by OSS. In addition, under the proposed change an order will be deemed to be from a member if it is placed through the telecommunication system of a member firm which is linked to OSS. Present paragraph (a) also permits the use of a person associated with a member for placing an order with a Board Broker in those situations where the Board Broker would not establish a new highest bid or new lowest offer on the Board Broker's book. This proposed rule change would remove the limitation and would permit a person associated with a member to place an order with a Board Broker under all situations. This provision for handling limit orders is consistent with the manner in which such orders will be handled through OSS and will be subject, as before, to the oversight responsibility of the Floor Procedure Committee.

The Floor Procedure Committee has specified certain routing provisions to be contained in OSS that will guard against errors and the mishandling of orders by requiring member participation at those points where trading is or is likely to be taking place, but will permit automatic processing of orders and cancels which are away from the current market price. Therefore, limit orders at prices that are outside the market bid and offer disseminated by the Exchange and cancels of bids or offers which are inferior to the best bid and offer in the book will be processed automatically by OSS.

On the other hand, market orders and limit orders that equal or improve the market bid and offer disseminated by the Exchange will be routed to a member firm's booth at the perimeter of the floor. At the booth, member firm personnel can make a judgment whether to use a Floor Broker to execute such orders or to direct them to the Board Broker. Should a firm decide to direct such an order to the Board Broker, it can do so by using an OSS terminal at its booth that will cause the order to be printed at the post, to be either executed or keyed into OSS by the Board Broker. Where the market bid or offer disseminated by the Exchange is the same as the best bid or offer in the book, a limit order at that price will be processed automatically by OSS without being first routed to the member firm's booth. Any cancellation by the member firm or crossing of orders by Board Brokers. Provision has also been made for freezing electronic entry to the book for a particular series during the opening rotation for that series. Such a provision is necessary in order for the opening rotation to take place. The freezes could be short lived, but without it, the Board Broker and other members of the trading crowd would be attempting to open a particular series even while the number of orders in the market for that series continues to change. During the period that the book was frozen, orders coming through OSS would be printed at the member firm's booth and could still be directed to the crowd for possible execution during opening rotation. New paragraph (d) describes the procedure to be followed by a Board...
Brokers in crossing orders. The Exchange's existing rules contain no such provision, but do provide in rule 6.74 for crosses by Floor Brokers. With a competitive use of the Board Broker's book, there will be more situations where the Board Broker will have orders that could be crossed. The proposed rule requires a Board Broker to use due diligence in executing orders by insuring that any orders to be crossed could not receive a better execution from another participant in the trading crowd. The procedure is consistent with the existing crossing procedures for Floor Brokers.

New paragraph (e) described the procedure currently followed by the Board Broker during the opening rotation for each series. The provision is included here because the matching of market orders on the opening is in effect a cross and would otherwise be subject to the limitation of proposed paragraph (d) of this rule. Proposed paragraph (e) would permit Board Brokers to continue their existing opening practice of matching market orders on the opening, without following the bidding requirements of proposed paragraph (d).

Initially only one board Broker station on the trading floor will be included in OSS; additional functions and stations will be added within a period of approximately 18 months. Proposed Interpretation .05 would continue a Board Broker's responsibility to maintain a written record of orders placed in his custody until his station is included in OSS.

The basis under the act for the proposed rule change is contained in those provisions of section 6(b)(1) which require the Exchange to have the capacity to regulate transactions in options and to insure the maintenance of fair and honest markets in such transactions, and in those provisions of section 6(b)(5) which require the rules of the Exchange to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and to protect investors and the public interest.

Comments have not been solicited or received on this proposed rule change. The Exchange does not believe this proposal will impose any burden on competition.

On or before August 3, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publish the proposed rule in the Federal Register so that the Board Broker and (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change.

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 20, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.


GEORGE A. FITZSIMMONS, Secretary.

[FR Doc. 78-17974 Filed 6-28-78; 8:45 am]

NOTICES

[8010-01]

E. F. HUTTON TRUST FOR GOVERNMENT GUARANTEED SECURITIES, FIRST SERIES (AND ALL SUBSEQUENT SERIES)

Filing of Application Pursuant to Section 6(c) of the Act for an Order of Exemption From the Provisions of Section 14(a) of the Act and Rules 19b-1 and 22c-1 Under the Act


Notice is hereby given that E. F. Hutton Trust for Government Guaranteed Securities, First Series (and all subsequent Series) ("Applicant"), registered investment company, files an application on April 28, 1978, and amendments thereon on May 24 and June 20, 1978, pursuant to section 6(c) of the act for an order of the Commission exempting applicant from compliance with the initial net worth requirements of section 14(a) of the act, exempting the frequency of the capital gains distributions of the applicant from the provisions of rule 10b-1 under the act and exempting the secondary market operations of E. F. Hutton & Co. Inc., applicant's sponsor ("Sponsor"), from the provisions of rule 22c-1 under 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.

Each series of applicant will be governed, pursuant to the laws of the Commonwealth of Massachusetts, by a trust agreement ("Trust Agreement") under which the sponsor will act as such, New England Merchants National Bank will act as trustee ("Trustee"), and Interactive Data Services, Inc. will act as evaluator ("Evaluators"). The trust agreement for each series will contain standard terms and conditions of trust common to all series.

Pursuant to the trust agreement, the sponsor will deposit with the trustee, not less than $2,900,000 principal amount of securities, including contracts and funds for the purchase of certain such securities ("Securities"), which are backed by the full faith and credit of the United States, either by statute or as determined in an opinion of the Attorney General of the United States. It is presently contemplated that a portion of the securities will consist of mortgage-backed securities of the "modified pass-through" type (generally known as "Ginnie Maes"), as well as other securities all of which will provide for regular payments of principal over the life of the security.

Simultaneously with such deposit the trustee will deliver to the sponsor registered certificates for units representing the entire ownership of the series. The units are, in turn, to be offered for sale to the public by the sponsor.

The securities will not be liable in any other way subject to any debt at any time after the securities are deposited with the trustee. The sponsor is in the process of accumulating the securities for the purpose of deposit in applicant's first series and a similar procedure will be followed for each future series. In selecting the securities, the following factors are considered: (1) The types of such securities available; (2) the prices and yields of such securities relative to other comparable securities; and (3) the maturities of such securities. Each series of applicant will consist of the securities, such securities as may continue to be held from time to time in exchange or substitution for any of the securities, and accumulated undistributed income.

Units will remain outstanding until redeemed or until the termination of the trust agreement, which may be terminated in the event that the value of the securities falls below an amount specified for each series, either upon the direction of the sponsor to the trustee by the trustee without such direction. There is no provision in the trust agreement for the issuance of any units after the initial offering of units, and such activity will not take place except to the extent that the secondary trading of the units is deemed the issuance of units under the Securities Act of 1933.)

The initial offering price, which will be computed separately through a final prospectus at a public offering, will be computed by adding to the offering price...
side evaluation of the securities, divid­
ed by the number of units, a sales charge in an amount disclosed in the
prospectus for each series. The unit value at any date during the initial
public offering period (such evaluation to continue on a daily basis until appli­
cant has been granted an exemption from rule 22c-1 under the act) and on the
last business day of each week upon completion of the initial public offering.

In connection with portfolio activity, the sponsor may direct the trustee to dispose of securities upon default in payment of principal or interest, or the occurrence of other market or credit factors which in the opinion of the sponsor, would make the retention of such securities in the trust detrimental to the trust's interests, or if the disposition of such securities is desirable in order to maintain the qualification of the trust as a regulated investment company under the Internal Revenue Code. The sponsor is also authorized by the trust agreement to direct the trustee to accept or reject certain plans for the refunding or refinancing of any of the securities.

In addition, to maintain the corpus of the trust, the sponsor is further authorized to instruct the trustee to reinvest the proceeds of the sale of any of the securities or to reinvest the proceeds which do not represent capital gains, interest, or scheduled amortization payments from redemption by issuers of the securities in substitute securities which satisfy certain conditions specified in the trust agreement which are not otherwise available to the sponsor. It is further provided that substitute securities purchased for the trust conform to the standards followed by the sponsor in selecting the securities initially deposited in the trust. The sponsor agrees, however, that no more than 10 per­cent of the aggregate principal amount of the securities on the date of deposit or purchase may be reinvested in substitute securities in any given year. Interest, capital gains, and scheduled amortization of principal, and the proceeds upon maturity of the securities may not, however, be reinvested.

The sponsor intends to maintain a market for units of the various series of applicant and continuously to offer to purchase such units at prices which are based upon the offering side evaluation of the underlying securities in the various series. The sponsor may discontinue purchases of such units at prices which are based upon the offering side evaluation of the securities should the supply of such units exceed demand, or for other business reasons. While it is an­
ticipated that units in most cases can be sold in the secondary market for an amount in excess of the redemption price, units may be submitted to the trustee at any time and the particular unitholder will receive cash from the proceeds of a par­tial liquidation of the securities in the trust.

Applicant requests exemption from the following provisions of the act to the extent stated below:

**SECTION 14(a)**

Section 14(a) of the act requires that a registered investment company, prior to making a public offering of its securities, (1) have a net worth of at least $100,000, (2) have previously made a public offering and at that time have had a net worth of $100,000 or (3) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicant claims that section 14(a) was intended to be an act to protect against the irresponsible formation of investment companies on a shoestring. Applicant states that it is intended that each series, at the date of deposit and before any unit is offered to the public, will have a net worth in excess of $2,000,000, that the sponsor intends to sell all units to the public at offering prices disclosed in the prospectus for such series, and that it is intended that a secondary market be main­tained. Applicant contends that this course of conduct demonstrates that the creation of applicant will take place in a responsible way by responsi­ble persons.

Applicant seeks an exemption from the provisions of section 14(a) in order that a public offering of units of applicant as described above may be made. In connection with the requested exemp­tion from section 14(a) the sponsor agrees: (1) to refund, on demand and without deduction, all sales charges to purchasers of units of a series if, within 90 days from the time that a series becomes effective under the Securities Act of 1933, the net worth of the series shall be reduced to less than $100,000 or if such series is terminated; (2) to instruct the trustee on the date of deposit of each series that in the event that redemption by the sponsor of units constituting a part of the unsold units shall result in that series having a net worth of less than $2,000,000, the trustee shall termi­nate the series in the manner pro­vided in the agreement and distribute any securities or other assets deposited with the trustee pursuant to the agreement as provided therein; (3) in the event that the series described in (2) above, to refund any sales charges to any purchaser of units purchased from the sponsor on demand and without any deduction; and (4) immediately after the registra­tion statement is declared effective, to retain for investment and without a view to distribution 100 units (or such amount as is necessary so that the value of such units is at least $100,000).

**Rule 19b-1**

Rule 19b-1 provides in substance that no registered investment company which is a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall dis­tribute more than one capital gain dividend in any one taxable year. Paragraph (b) of the rule contains a similar prohibition for a company not "a regulated investment company" but permits a unit investment trust to dis­tribute capital gains dividends received from a "regulated investment compa­ny" within a reasonable time after re­ceipt.

Distributions of principal, to the extent that reinvestment is necessary for future principal payments, including any capital gains, and interest on each series will be made to unitholders monthly. Distribu­tions of principal constituting cap­i­tal gains to unitholders may arise in the following instances: (1) if the purpose may call or redeem an issue held in the portfolio; (2) securities may be dis­posed of in order to maintain the qualification of such series as a regu­lated investment company under the Internal Revenue Code; and (3) secur­i­ties may be liquidated in order to pro­vide the funds necessary to meet re­demptions.

In support of the requested exemption, the application states that the dangers against which rule 19b-1 is in­tended to guard do not exist in the situation at hand, since neither the sponsor nor applicant has control over investments in substitute securities, including any capital gains, and interest on each series will be made to unitholders monthly. Distribu­tions of principal constituting cap­i­tal gains to unitholders may arise in the following instances: (1) if the purpose may call or redeem an issue held in the portfolio; (2) securities may be dis­posed of in order to maintain the qualification of such series as a regu­lated investment company under the Internal Revenue Code; and (3) secur­i­ties may be liquidated in order to pro­vide the funds necessary to meet re­demptions.

As noted, paragraph (b) of rule 19b-1 provides that a unit investment trust may distribute capital gain dividends from a "regulated investment compa­ny" within a reasonable time after re­ceipt. Applicant asserts that the pur­pose behind such provision is to avoid forcing unit investment trusts to accumu­late valid distributions received throughout the year and distribute them only at year end, and that the operations of applicant in this regard are squarely within the purpose of such provision. However, in order to comply with the literal requirements of the rule, each series of applicant would be forced to hold any moneys
which would constitute capital gains upon distribution until the end of its taxable year. The application contends that such practice would clearly be to the detriment of the certificate-holders.

**Rule 22c-1**

Rule 22c-1 provides, in pertinent part, that no registered investment company issuing any redeemable security, and no dealer in any such security, shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant seeks an order exempting the secondary market operations of the sponsor from the provisions of rule 22c-1 under the act. The sponsor proposes to institute a procedure where by the evaluator will provide informal evaluations to protect unitholders and investors. In the case of a repurchase, if the evaluator cannot state that the current bid price is not lower than or equal to the previous Friday's offering price, the sponsor will order a new evaluation (provided, however, the sponsor agrees that it will cause daily pricing until the applicant is granted an exemption from rule 22c-1). In the case of a repurchase in the secondary market, if the evaluator agrees that such a security would be revalued at a price which would constitute capital gains upon distribution until the end of its taxable year. The application contends that such practice would clearly be to the detriment of the certificate-holders.

**Rule 22c-1**

Rule 22c-1 provides, in pertinent part, that no registered investment company issuing any redeemable security, and no dealer in any such security, shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

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Bond approved by the Exchange, are the only forms which may be used. Specific Exchange approval is required for any forms from such forms. Each member organization may self-insure to the extent of $10,000 or 5% of its minimum insurance requirement as fixed by the Exchange, whichever is greater, but in determining the maximum amount of self-insurance permitted by any member organization, self-insurance under this Rule will be added to any self-insurance amounts under Rule 8 of this Article.

(b) Member organizations subject to this rule are required to maintain basic and specific coverages, which apply both to Stockbrokers Partnership Bond and Brokers Blanket Bond, in amounts not less than those prescribed in this Rule. Where applicable, such coverage must also extend to limited partners who act as employees, outside organizations providing electronic data processing services and the handling of U.S. Government securities in bearer form.

(c) Member organizations doing business with the public shall:

1. Maintain coverage for at least the following:
   - Fidelity
   - On Premises
   - In Transit
   - Misplacement
   - Forgery and Alteration Including check forgery
   - Securities Loss (including securities forgery)
   - Fraudulent Trading
   - Cancellation Rider providing that the insurance carrier will use its best efforts to promptly notify the Mid-west Stock Exchange in the event the bond is cancelled, terminated or substantially modified.

2. Maintain minimum coverage for all insuring agreements required in this subsection (c) of not less than $25,000.

3. Maintain required minimum coverage for Fidelity, On Premises, In Transit, Misplacement and Forgery and Alteration insuring agreements of not less than 120% of its required net capital under Rule 3 of this Article up to $600,000. Minimum coverage for required net capital in excess of $600,000 shall be determined by reference to the following table:

<table>
<thead>
<tr>
<th>Minimum coverage</th>
<th>$1,000,000 to $2,000,000</th>
<th>$2,000,001 to $3,000,000</th>
<th>$3,000,001 to $4,000,000</th>
<th>$4,000,001 to $5,000,000</th>
<th>$5,000,001 to $6,000,000</th>
<th>$6,000,001 to $7,000,000</th>
<th>$7,000,001 to $9,000,000</th>
<th>$9,000,001 to $12,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net capital required under article XI of the rules</td>
<td>$750,000</td>
<td>$1,000,000</td>
<td>$1,500,000</td>
<td>$2,000,000</td>
<td>$2,500,000</td>
<td>$3,000,000</td>
<td>$3,500,000</td>
<td>$4,000,000</td>
</tr>
</tbody>
</table>

4. Maintain Fraudulent Trading coverage of not less than $25,000 or 5% of the coverage required in subsection (c)(3), whichever is greater, up to $500,000.

5. Maintain Securities Forgery coverage of not less than $25,000 or 25% of the coverage required in subsection (c)(3), whichever is greater, up to $250,000.

Deductible Provision.

(d)(1) A deductible provision may be included in the bond of up to $5,000 or 10% of the minimum insurance requirement then a deductible provision may be included in the bond of up to $5,000 or 10% of the amount of blanket coverage provided in the bond purchased, whichever is greater. The excess of any such deductible amount over the maximum permissible deductible amount described in paragraph (d)(1) above must be deducted from the member's net worth in the calculation of the member's net capital for purposes of Rule 3 of this Article. Where the member organization is a subsidiary of an organization, such organization may be deducted from the parent's rather than the subsidiary's net worth, but only if the parent guarantees the subsidiary's net capital in writing.

Annual Review of Coverage.

(e)(1) Each member organization not covered by subsection (e)(2) herein, shall annually review, as of the anniversary date of the issuance of the bond, the adequacy thereof by reference to the highest required net capital during the immediately preceding twelve-month period, which amount shall be used to determine minimum required coverage for the succeeding twelve-month period pursuant to subsections (e)(2), (3), (4) and (5) herein.

(e)(2) A member organization which has been in business for one year shall, as of the first anniversary date of the issuance of its original bond, review the adequacy thereof by reference to the average required net capital experienced during its first year, recomputed as if the organization had been in business for more than two years. Such amount shall be used to determine minimum required coverage to be carried in the member organization's second year pursuant to subsections (e)(2), (3), (4) and (5) herein. Notwithstanding the above, no such member organization shall carry less minimum bonding coverage in its second year than it carried in its first year in business.

(e)(3) Each member shall make required adjustments not more than sixty days after the anniversary date of the issuance of such bond.

Notification of Change.

(f) Each member shall report the cancellation or substantial modification of the bond to the Exchange within ten business days of such occurrence.

Interpretations and Policies:

.01 While it is recognized that all firms in the securities business would carry sufficient coverage as a normal part of their operating procedures, we have learned of several exceptions as well as existence of inadequate amounts of coverage. It was therefore deemed advisable to specifically require such insurance and to indicate the minimum amounts to be carried. Inasmuch as it would be impossible to prescribe a logical minimum for every particular situation, it is strongly emphasized that the amounts indicated may actually have little relationship to the coverage needed. It is therefore incumbent on the part of each member organization to determine what coverage, above the basic minimum, it should have because of the nature of its respective business.

The Board of Governors has adopted the following schedule.

1. Member organizations (a) whose current minimum coverages are carried by another member firm on a disclosed basis; or (b) which do a principal business only with non-members, will be required to have a Brokers' Blanket Bond of at least $50,000.

2. Member organizations which carry accounts for non-members are required to have coverage for Fidelity, on Premises, In Transit, Misplacement, and Forgery at least equal to the following:

- $50,000 to $100,000
- $100,000 to $200,000
- $200,000 to $300,000
- $300,000 to $400,000
- $400,000 to $500,000
- $500,000 to $600,000
- $600,000 to $1,000,000
- $1,000,000 to $2,000,000
- $2,000,000 to $3,000,000
- $3,000,000 to $4,000,000
- $4,000,000 to $6,000,000
- $6,000,000 to $12,000,000
- $12,000,000 and above

In addition to this Basic Brokers' Blanket Bond coverage, member firms and member corporations in categories 1. and 2. above will be required to include the following specific coverages:

(a) Misplacement and check forgery—at least the amount of the basic bond minimum requirement.

(b) Fraudulent trading—the greater of $50,000 or 50% of the basic minimum requirements, with a top minimum of $500,000.

(c) Securities forgery—the greater of $50,000 or 25% of the basic minimum requirements, with a top minimum of $250,000.

Riders

The insurance industry has agreed to issue certain riders to Brokers' Blanket Bonds which will provide, among other things, for "best efforts" notice to the Exchange by the surety...
company of cancellation, termination, or substantial modification of coverage. In addition to this rider, the Exchange requires that each member organization notify the Exchange within 10 days of the time any cancellation, termination, or substantial modification of its bond is made known to it.

SUMMARY

Each member organization will be expected to review carefully any need for coverage greater than that provided by the required minimums. Where experience on the nature of the business warrants additional coverage, the Exchange expects the member organization to acquire it. The review shall be made at least annually as of the anniversary date of the issuance of the bond and minimum requirements for the next twelve months shall be established by reference to the highest net capital requirement in the preceding twelve months. Additional coverage, if required, shall be obtained within 30 days of the anniversary date of the bond. All policies shall be issued by an insurer acceptable to the Exchange.

Rule 8. Deleted in its entirety.
Rule 9.1 &. No change in text.
Rule 10. No change in text.

The MSE's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed amendment is to modify the fidelity bonding requirements of member organizations to conform them to Securities and Exchange Commission requirements and to maintain minimum insurance requirements commensurate with the degree of potential risk involved.

The basis of this proposed amendment is provided under Section 6(b)(5) of the Act, which require rules of the exchanges be designed to protect investors and the public interest.

The Midwest Stock Exchange, Incorporated has neither solicited nor received any comments.

The Midwest Stock Exchange, Incorporated believes that no burdens have been placed on competition.

On or before August 3, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or
(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the MSE, 130 South LaSalle Street, Chicago, Ill. 60603. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 19, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.


GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17975 Filed 6-28-78; 8:45 am]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 15, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission the proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The Municipal Securities Rulemaking Board (the "Board") is filing proposed amendments (hereafter referred to as the "proposed rule changes") to Board rule G-12 on uniform practice. The text of the proposed rule changes is as follows:

Rule G-12. Uniform Practice.

(a) through (d) No change.

(e) Delivery of Securities.

(i) through (vii) No change.

(ix) Delivery of Certificates Called for Redemption. A certificate for which a notice of call has been published prior to the delivery date shall not constitute good delivery unless the securities are identified as "called" at the time of trade or the notice of call is applicable to the entire issue of securities. For purposes of this subparagraph and item (D)(2) of subparagraph G-12(g)(iii), an 'entire issue of securities' shall mean securities of the same issuer having the same date of issue, maturity date and coupon rate.

(x) through (xy) No change.

(f) Rejections and Reclamations.

(i) and (ii) No change.

(iii), (A) through (C) No change.

(D) (1) No change.

(2) No good delivery because notice of call for less than the entire issue of securities (the certificate) was published prior to the delivery [trade] date and the securities were not identified as "called" [this was not specified] at the time of trade.

(iv) through (vi) No change.

(b) through (i) No change.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes is as follows:

Purpose of Proposed Rule Changes

Under section (e) of rule G-12, as presently in effect, delivery of a certificate for which a notice of call has been published prior to the trade date does not constitute good delivery if the securities are not identified as "called" at the time of trade. Section (g) of rule G-12, as presently in effect, provides that reclamation may be made, without time limitation, if it is discovered after delivery that a notice of call was published prior to trade date and this was not specified at the time of trade. Accordingly, under rule G-12, as presently in effect, in the case of a notice of call for part of an issue published between trade date and delivery date, a seller may deliver to a purchaser certificates included in the notice of call and there is no right of reclamation.

The proposed rule changes would amend section (e) of rule G-12 to provide that delivery of a certificate for which a notice of call has been published for less than the entire issue prior to delivery date, as opposed to trade date, does not constitute good delivery unless the securities are identified as "called" at the time of trade. Similarly, the proposed rule changes would amend section (g) of rule G-12 to provide for reclamation of called securities in such circumstances. The reference to an "entire issue of securities" is to securities having the same characteristics. For example, each series of a particular issue with the same coupon rate and maturity date would constitute a separate issue for purposes of the proposed rule changes.

The Board has adopted the approach incorporated in the proposed rule changes because it believes such approach to reflect more accurately the bargain of the parties to a transaction involving "called" securities. For example, it seems appropriate to...
assume that the parties to a transaction intend securities that have not been called to be delivered if the securities are not identified as “called” at the time of trade, and the call is not for the entire issue.

**Basis Under the Act for Proposed Rule Changes**

The Board has adopted the proposed rule changes pursuant to section 19(b)(2)(C) of the Securities Exchange Act of 1934, as amended (the “Act”), which authorizes and directs the Board to adopt rules which are designed * * * to foster cooperation and coordination with persons engaged in ** clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

**Comments Received From Members, Participants or Others on Proposed Rule Changes**

Written comments were not solicited or received with respect to the proposed rule changes. However, the Board received oral comments from industry members expressing concern that under rule G-12 a municipal securities dealer may deliver to a contrary party a certificate which has been “called” pursuant to a call notice published on or after the trade date, even though other certificates of the same issues have not been called.

**Burden on Competition**

The Board does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange has not solicited comments regarding the proposed rule changes and has received none.

**Burden on Competition**

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange has requested the Commission to exercise its authority under section 19(b)(2) of the Act to approve the proposed rule changes prior to July 31, 1978. Section 19(b)(2) of the Act requires the Commission to find good cause for so doing and to publish its reasons for so finding. The Exchange believes that accelerated approval is necessary in order to cause members’ transactions which are submitted to a qualified clearing agency for comparison only to be bound by the Exchange rules governing settlement procedures. The Commission is considering the Exchange’s request to approve the proposed rule changes prior to July 31, 1978.

On or before August 3, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 20, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.


GEORGE A. FITZSIMMONS,
Secretary.

(FR Doc. 78-17976 Filed 6-28-78; 8:45 am)

**[8010-01]**

[Release No. 34-14877; Filed No. SR-NYSE-78-37]

**NEW YORK STOCK EXCHANGE, INC.**

**Self-Regulatory Organization; Proposed Rule Change**


**STATEMENT OF BASIS AND PURPOSE**

The basis and purpose of the foregoing proposed rule changes are as follows:

**PURPOSE OF PROPOSED RULE CHANGES**

On April 7, 1978, the Securities and Exchange Commission approved amendments to rules 132, 135 through 137, 141, and 152. The purpose of the proposed rule changes set forth in this filing is to:

(a) Codify the Exchange’s position that a member or member organization can compare a transaction in one clearing agency and settle the same transaction in another clearing agency; (b) make it clear that when an Exchange member or member organization compares a transaction through one qualified clearing agency and elects to settle that transaction in a different clearing agency, such activity is subject to the applicable rules of each clearing agency; and (c) require that transactions which are not submitted to a qualified clearing agency for comparison by the Exchange, pursuant to the rules of such clearing agency, shall be compared in accordance with the rules of the Exchange; and transactions which are not submitted to a qualified clearing agency for settlement, pursuant to the rules of such clearing agency, shall be settled in accordance with the rules of the Exchange.

**BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES**

The proposed rule changes relate to section 6(b)(5) of the Securities Exchange Act of 1934, as amended (“the Act”) in that they would foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities.

**COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGES**

The Exchange has not solicited comments regarding the proposed rule changes and has received none.
regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 13, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.


GEORGE A. FITZSIMMONS, Secretary.

EXHIBIT I

The text of the proposed rule changes is as follows (italics indicate additions and brackets indicate deletions):

Rule 132

COMPARISON AND SETTLEMENT THROUGH A FULLY-INTERFACED OR QUALIFIED CLEARING AGENCY

(Rule 132 (a) Each party to a contract shall submit data regarding its side of the contract ("trade data") to a Fully-Interfaced Clearing Agency or to the same Qualified Clearing Agency for comparison or settlement pursuant to the rules of such Clearing Agency unless (i) it is otherwise stipulated in the bid or offer, (ii) it is otherwise mutually agreed upon by both parties to such contract for settlement in a Fully-Interfaced or Qualified Clearing Agency selected by either party to the contract refuses to act in the matter.

(b) Transactions which are not submitted to a Qualified Clearing Agency for comparison or settlement pursuant to the rules of such Clearing Agency shall be compared and settled in accordance with the Rules of the Exchange.)

Rule 133

COMPARISON—NON-CLEARED TRANSACTIONS

Rule 133. Comparisons of transactions in securities which are not submitted to a Qualified Clearing Agency for comparison (or settlement) pursuant to the rules of such Qualified Clearing Agency shall be effected in the following manner:

(1) Each selling member and member organization shall send to the office of the buyer in respect of each sale a comparison form in duplicate in the business day following the day of the transaction, but not later than 1 p.m. on that day;

(2) The party to whom the comparison is presented shall retain the original, if it be correct, and immediately return the duplicate duly signed;

except that transactions for delivery on the business day following the day of the contract shall be compared, in the manner prescribed herein, no later than one hour and a half after the closing of the Exchange on the day of the transaction.

Rule 135

DIFFERENCES AND OMISSIONS—NON-CLEARED TRANSACTIONS (DE's)

Rule 135. (a) When a comparison of a transaction (trade data) is not submitted to a Qualified Clearing Agency for comparison (or settlement) pursuant to the rules of such Qualified Clearing Agency and the recipient has no knowledge of the transaction, the comparison shall be stamped "Don't Know," dated and initialed by the person so marking the same, and the comparison form, so stamped, shall be returned immediately to the seller; and

(b) When the buyer has not received a comparison form when the comparison cannot be made because of a difference, the buyer shall communicate that fact by telephone to the seller as soon as possible, but not later than the opening of the Exchange of the second business day following the day of the transaction; and

(c) When a comparison form has been returned to the seller stamped "Don't Know," or if, for any reason, comparison cannot be made, the parties shall, as soon as possible, but not later than the opening of the Exchange on the second business day following the day of the transaction, report the transaction to the executing Floor broker or brokers; and

(d) The Floor broker or brokers to whom such a transaction is reported shall investigate it immediately, provided, however, that, if the questioned transaction is one for delivery on the business day following the day of the transaction, it shall be handled as provided above and reported to the executing Floor broker or brokers as soon as possible, but in any event, prior to the opening of the Exchange on the business day following the day of the transaction.

The provisions of this rule do not apply to transactions which are not submitted to a Qualified Clearing Agency for comparison (or settlement) pursuant to the rules of such Qualified Clearing Agency.

Rule 136

COMPARISON—TRANSACTIONS EXCLUDED FROM A CLEARANCE

Rule 136. A transaction which was submitted to a Qualified Clearing Agency for comparison (or settlement) pursuant to the rules of such Qualified Clearing Agency, but which has been excluded for any reason by such Qualified Clearing Agency and has not otherwise been compared through the facilities or pursuant to the rules of such Agency shall be compared, in the manner provided in Rule 133, as promptly as possible after the parties thereto have been advised that the transaction has been excluded.

Rule 137

WRITTEN CONTRACTS

Rule 137. On "seller's option" transactions in stocks, on "seller's option" transactions in bonds for more than seven days, and on all transactions made "when issued" or "when distributed," that are not submitted to a Qualified Clearing Agency for comparison (or settlement) pursuant to the rules of such Qualified Clearing Agency, written contracts shall be exchanged not later than the second business day following the transaction.

Rule 141

"FAIL TO DELIVER" Confirmations

Rule 141. If delivery on a contract has not been made on the due date, other than a contract which has been submitted to a Qualified Clearing Agency for comparison (or settlement) pursuant to the rules of such Qualified Clearing Agency, either the buyer or the seller may, while such contract remains open, send to the other party, in duplicate, a "fail to deliver" confirmation. When a "fail to deliver" confirmation is sent to a member or member organization, the party to whom the confirmation is presented shall retain the original, if it be correct, and promptly return the duplicate, a "fail to deliver" confirmation.

Rule 152

FAILURE TO DELIVER

Rule 152. A loan of securities shall become a failure to deliver if the securities are not delivered when due, except that, unless it has been submitted or a comparison (or settlement) to a Qualified Clearing Agency pursuant to the rules of such Qualified Clearing Agency, the contract may be cancelled by mutual consent.

(FDR Doc. 78-1797T Filed 6-28-78; 8:45 am)

[BO10-01]

Release No. 34-14884; File No. SR-PCC-78-21

PACIFIC CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant of section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1976), notice is hereby given that on June 16, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978
STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change is an Interregional Interface Agreement and an Interregional Interface Participants Agreement between Pacific Clearing Corp. ("PCC") and Midwest Clearing Corp. ("MCC"). These agreements, which are very similar to existing Interregional Interface agreements between clearing corporations, allow participants in one clearing corporation to clear and settle, through interface, transactions with participants in another clearing corporation.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The agreements which are the subject of this filing are designed to provide a framework for an interregional interface between PCC and MCC, and, through completion of interfaces, to further the development of a national system of clearance and settlement.

The proposed rule change, by aiding the integration of interregional interfaces among all registered clearing agencies, fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and contributes to the removal of impediments to and perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments from PCC members or participants were neither solicited nor received.

Pacific Clearing Corp. believes that the proposed rule change will not impose any burden on competition.

On or before August 3, 1978 or within such longer period as the Commission may designate up to 90 days after the date of this filing if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of any written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 20, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.


GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17978 Filed 6-28-78; 8:45 am]

PACIFIC STOCK EXCHANGE INC. AND CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Changes


On May 9 and 10, 1978, Pacific Stock Exchange, Inc. ("PSE") and the Chicago Board Options Exchange, Inc. ("CBOE") respectively filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and rule 19b-4 thereunder, copies of proposed rule changes which would provide investors with a simple and inexpensive procedure for the arbitration of small claims against member firms. The proposed rules would provide for determination by a single arbitrator knowledgeable in securities matters of disputes between brokerage firms and customers involving amounts not exceeding $2,500. 1

Notice of the proposed rule changes together with the terms of substance of the proposed rule changes was given by publication of Commission releases (Securities Exchange Act Release Nos. 14754 and 14757, May 12 and 15, 1978) and by publication in the Federal Register (43 FR 21763 and 21751, May 19, 1978). All written statements with respect to the proposed rule changes which were filed with the Commission and all written communications relating to the proposed rule changes between the Commission and any person were considered and were made available to the public at the Commission's public reference room.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to the PSE and the CBOE, and in particular, the requirements of section 6(b) and the rules and regulations thereunder. The proposed rule changes will provide a more effective, efficient, and economical dispute resolution system for public investors with small claims and thus protect investors and the public interest.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17979 Filed 6-28-78; 8:45 am]

Puritan Fund, Inc. and Fidelity Management & Research Co.

Filing of an Application for an Order of Exemption, Etc.


Notice is hereby given that Puritan Fund, Inc. ("Puritan"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, and Fidelity Management & Research Co. ("FMR"), investment adviser to Puritan (collectively referred to as "Applicants"), filed an application on May 8, 1978, for an order of the Commission pursuant to section 6(e) of the Act exempts from the provisions of section 22(c), rule 22c-1 and section 22(d) of the Act the proposed exchange of Puritan's shares at net asset value without a sales charge and at a price other than the price next determined after receipt of a purchase order for substantially all of the assets of Marr Co. ("Marr"), a personal holding company, and for an order pursuant to section 17(d) of the Act and rule 17d-1 thereunder permitting an agreement between Puritan and FMR calling for Puritan and FMR each to bear one-half of Puritan's out-of-pocket expenses related to the above-proposed exchange of shares up to a maximum of $5,000, and for all of such out-of-pocket expenses in excess of $5,000 to be borne by FMR. 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.

Puritan's shares are currently being offered by Fidelity Distributors Corp., its principal underwriter, for sale to dealers who in turn resell them to the public at public offering prices consisting of the net asset value per share plus varying sales loads described in
Puritan's current prospectus. FMR is an investment adviser registered with the Investment Advisers Act of 1940. Since FMR acts as investment adviser to Puritan, it is an affiliated person of Puritan under section 2(a)(3)(E) of the Act.

Based upon representations made by FMR, Applicants represent that Marr is an affiliated person of Puritan, and no affiliated person of Marr is an affiliated person of Puritan, and no affiliated person of Marr is an affiliated person of Puritan, and no affiliated person of Puritan is an affiliated person of Marr.

Applicants state that Puritan and Marr have entered into an Agreement (the "Plan") which provides for the transfer of substantially all of the securities owned by Marr to Puritan in exchange for shares of capital stock of Puritan. The shares of Puritan are to be acquired by Puritan at the current public offering price of the shares, Puritan and Marr shall have received a written ruling from the Internal Revenue Service satisfactory to counsel for Puritan and Marr in form and content, or an opinion from Puritan and Marr's counsel, to the effect that the Plan, the acquisition of Marr's assets by Puritan and the receipt of Puritan shares in exchange therefor, and the distribution of shares to Marr's shareholders will not result in taxable gains either to Marr or Puritan or to any of their shareholders, although such conditions may be waived by either Marr's or Puritan's board of directors.

The application states that as of December 31, 1977, the Federal tax cost basis of the Marr securities which are proposed to be transferred was $3,070,582.42 and their market value was $2,853,602.42. The Federal tax cost basis and market value of the securities in Puritan's portfolio was $697,923,850 and $708,567,609, respectively. Because there is no element of unrealized appreciation involved in the Marr assets to be acquired by Puritan the Directors of Puritan have determined that no adjustment to the Marr assets need be made to protect Puritan shareholders against possible tax liabilities.

The Plan provides for the exchange of shares of Puritan as described in its current public offering price per share of Puritan, and 22(d) of the Act and rule 22c-1 thereunder, Puritan would be prohibited from: (a) Exchanging its shares at net asset value, without a sales charge, for substantially all of the assets of Marr, and (b) effecting the proposed exchange transaction on the closing date based on the market value of the assets of Marr to be transferred and net asset value per share of Puritan, both determined as of the valuation date which is the close of business on the last business day immediately preceding the closing date and the valuation date will be fixed in advance and in view of the short time span involved, Applicants argue that the possible abuses at which rule 22c-1 is directed will not exist.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision under the Act or of any rule or regulation 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.

Applicants represent that they consider the proposed exchange of shares to be at a fair price, arrived at by arms-length bargaining, and believe that the granting of the requested exemption from the provisions of section 22(c), rule 22c-1 and section 22(d) of the Act is 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, and that the proposed acquisition will be beneficial to the shareholders of Puritan for the following reasons:

(1) Those expenses of Puritan which do not rise proportionately with an increase in portfolio size will be spread over a larger number of shares and, therefore, will be a smaller amount per share to the benefit of existing shareholders;

(2) The proposed exchange of shares will enable Puritan to acquire at one time additional securities for its existing portfolio without affecting the market in such securities; and

(3) Even after offsetting brokerage commissions and approximate principal transaction costs involved in disposition of securities which Puritan does not have which have not been paid prior to the closing date. The Plan further provides that the extent the expenses are less than the amount of cash so withheld, Marr will invest such excess cash in additional shares of Puritan at the net asset value of such shares next computed. In the event excess cash is deposited with Puritan.

Applicants further state that, without an exemption from sections 22(c) and 22(d) of the Act and rule 22c-1 thereunder, Puritan would be prohibited from: (a) Exchanging its shares at net asset value, without a sales charge, for substantially all of the assets of Marr, and (b) effecting the proposed exchange transaction on the closing date based on the market value of the assets of Marr to be transferred and net asset value per share of Puritan, both determined as of the valuation date which is the close of business on the last business day immediately preceding the closing date. Because the valuation date will be fixed in advance and in view of the short time span involved, Applicants argue that the possible abuses at which rule 22c-1 is directed will not exist.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision under the Act or of any rule or regulation 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.

Applicants represent that they consider the proposed exchange of shares to be at a fair price, arrived at by arms-length bargaining, and believe that the granting of the requested exemption from the provisions of section 22(c), rule 22c-1 and section 22(d) of the Act is 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, and that the proposed acquisition will be beneficial to the shareholders of Puritan for the following reasons:

(1) Those expenses of Puritan which do not rise proportionately with an increase in portfolio size will be spread over a larger number of shares and, therefore, will be a smaller amount per share to the benefit of existing shareholders;

(2) The proposed exchange of shares will enable Puritan to acquire at one time additional securities for its existing portfolio without affecting the market in such securities; and

(3) Even after offsetting brokerage commissions and approximate principal transaction costs involved in disposition of securities which Puritan does...
NOTICES

[8010-01]

[SOUTHWESTERN ELECTRIC POWER CO.]

Proposed Issuance and Sale at Competitive Bidding of $50,000,000 in First Mortgage Bonds


Notice is hereby given that Southwestern Electric Power Co. ("Swepco"), an electric utility subsidiary of Central & South West Corp., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") designating section 6(b) of the act and rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Swepco proposes to issue and sell, pursuant to the competitive bidding requirements of rule 50, $50,000,000 principal amount of its first mortgage bonds, series O, to be dated August 1, 1978 (the "bonds"), and to mature August 1, 2008.

The proceeds to be derived from the sale of the bonds (exclusive of accrued interest and after deducting expenses of issue) will be used by Swepco toward future construction and fuel exploration and development expenditures and to repay short-term borrowings incurred or expected to be incurred to finance construction expenditures. Approximately $57,000,000 of short-term borrowings are expected to be outstanding as of August 17, 1978, the planned date of issuance of the bonds. No funds generated from the bonds nor any of the borrowings retired thereby will be or have been utilized to pay the cost of facilities which would not be need to provide service to customers of Swepco if it were not part of the Central & South West System. No expenditures will be made for the construction or acquisition of any facility not so needed prior to the time all funds covered by the application herein 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. 78-17982 Filed 6-29-78; 8:45 am]
The annual interest rate and the redemption prices of the bonds, and the price to be paid to Swepco therefor (which will not be less than 99 percent nor more than 102.75 percent), will be determined through competitive bidding. The bonds will enjoy refunding protection until August 1, 1983, and will be subject to a 1 percent sinking fund beginning in 1979. The bonds will be issued under and secured by the company's indenture, dated February 1, 1940, under which Continental Illinois National Bank & Trust Co. of Chicago and M. J. Kruger are trustees, as amended by the indentures supplemental thereto heretofore executed (the "indenture"), and to be further amended by a proposed supplemental indenture to be dated August 1, 1978.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $170,000 including $29,250 in counsel fees, $18,000 in trustee fees, and $7,500 in accountants fees.

It is stated that the Arkansas Public Service Commission and the Corporation Counsel of Oklahoma have jurisdiction with respect to the issuance and sale of the bonds. It is further stated that no other-State commission and no Federal commission, other than this Commission, has jurisdiction with respect to the proposed transaction.

Notice is further given that any interested person may, not later than July 17, 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 said application 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 applicants at the above-stated address, 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 application, as filed or as it may be amended, may be granted 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 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 Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17983 Filed 6-28-78; 8:45 am]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 86 (Rev.)]

ASSISTANT ADMINISTRATOR, BUREAU FOR DEVELOPMENT SUPPORT

Delegation of Authority Regarding Development Support

Pursuant to the authority delegated to me by delegation of authority No. 104, as amended, dated November 3, 1961 (26 FR 10609), from the Secretary of State and in furtherance of my decision relating to the establishment of a new Bureau for Development Support as announced in the AID general notice dated November 16, 1977, and the AID general notice dated March 15, 1978, I hereby delegate to the Assistant Administrator for Development Support the following authorities:

1. All of the functions and authorities which are specified in any regulations, published or unpublished, manual order, policy determination, manual circular, or circular airgram, or instruction or communication relating to:

a. Administration of centrally funded programs of research and development in the program areas listed in c. below, subject to the prevailing procedures, and instructions of the Administrator of the Agency for International Development concerning the review and approval of such activities;
b. Development of policies, procedures, and programs under section 211(d) of the Foreign Assistance Act of 1961, as amended, with respect to grants to research and educational institutions and implementation of such assistance to the extent subsequently authorized by the Administrator;
c. The conduct of activities in the program areas listed below other than those included in bilateral and regional assistance programs:

(1) Agriculture;
(2) Development administration;
(3) Development information;
(4) Education and human resources;
(5) Energy;
(6) Engineering;
(7) Health;
(8) Housing and housing guarantees;
(9) International training;
(10) Nutrition;
(11) Population and family planning;
(12) Rural development;
(13) Science and technology;
(14) Urban development;

The coordinators of agency activities concerning the title XII program.

2. The authorities and functions enumerated above shall include the authority to sign or approve program implementation orders and similar implementation authorizations.

3. In connection with participant training program, authority to approve, in accordance with AID regulation 5, the maximum rates of per diem for participants in training in the United States, to authorize exceptional rates of per diem for distinguished participants.


5. Delegation of authority No. 88, dated November 4, 1970 (35 FR 17675), as amended is further amended by deleting the title Assistant Administrator for SER and inserting in lieu thereof the title "Assistant Administrator for Development Support."

6. Delegation of authority No. 100, dated December 13, 1976 (42 FR 6942), is further amended by deleting the title "Assistant Administrator for Technical Assistance" and inserting in lieu thereof the title "Assistant Administrator for Development Support."

7. Currently effective redelegations of authority issued by the Assistant Administrator for Technical Assistance, Assistant Administrator for Population and Humanitarian Affairs, Assistant Administrator for Program and Management Services and the Assistant Administrator for Program and Policy Coordination with respect to projects, programs, and activities within the area of responsibility of the above-named officials are hereby continued in effect according to their terms until modified or revoked by the Assistant Administrator for Development Support.

FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978
8. The authorities made available above may be exercised by an officer serving in an acting capacity and may be redelegated by the Assistant Administrator for Development Support.

9. Actions heretofore taken by officials, designated therein are hereby ratified and confirmed.

10. This delegation of authority amends and supersedes delegation of authority No. 88, as amended through April 27, 1973.

11. This delegation of authority shall be effective immediately.


JOHN J. GILLIGAN,
Administrator.

[FR Doc. 78-18107 Filed 6-28-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

(78-84)

SHIP STRUCTURE COMMITTEE

Notice of Renewal

The Charter for the Ship Structure Committee has been renewed by the Secretary of Transportation for a two-year period commencing July 1, 1978, through June 30, 1980. The Secretary has determined that this renewal is in the public interest.

The purpose of the Committee is to conduct an aggressive research program which will, in the light of changing technology in marine transportation, improve the design, materials, and construction of the hull structure of ships and marine platforms by an extension of knowledge in these fields for the ultimate purpose of increasing the safe and efficient operation of all marine structures.

The Committee is composed of the following ex-officio members:

Commandant, U.S. Coast Guard, Department of Transportation;
Commander, Naval Sea Systems Command, Department of the Navy;
Commander, Military Sealift Command, Department of the Navy;
Assistant Secretary for Maritime Affairs, Department of Commerce;
Director, U.S. Geological Survey, Department of the Interior;
President, American Bureau of Shipping.

The above members have designated the following ex-officio members as their representatives:

Chief, Office of Merchant Marine Safety, U.S. Coast Guard;
Assistant for Structures, Naval Ship Engineering Center;
Chief Engineer, Military Sealift Command;
Assistant Administrator for Commercial Development, Maritime Administration;

Chief, Branch of Marine Oil and Gas Operations, U.S. Geological Survey;
Vice President, American Bureau of Shipping.

Interested persons may seek additional information by writing LCDR T. H. Robinson, USCG, Secretary Ship Structure Committee, U.S. Coast Guard Headquarters (G-M/82), Washington, D.C. 20590.

This notice is issued under the authority of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972.


H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 78-18159 Filed 6-28-78; 8:45 am]

[4910-13]

Federal Aviation Administration

AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Special Committee 135 on Environmental Conditions and Test Procedures for Electronic/Electrical Equipment and Instruments to be held July 25 through 28, 1978, RTCA Conference Room 261, 1717 H Street NW, Washington, D.C., commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's opening comments; (2) approval of minutes for first meeting held January 17, 1978; (3) discuss the inclusion of "Fluid Testing" in update of RTCA document DO-160, environmental conditions and test procedures for electronic/electrical equipment and instruments; and (4) consideration of proposed changes to RTCA document DO-160.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW, Washington, D.C. 20006, 202-296-0484. Any member of the public may present a written statement to the committee at any time.


KARL F. BIERACH,
Designated Officer.

[FR Doc. 78-17887 Filed 6-28-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Decisions Volume No. 8]

DECISION-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 statement of the 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, on or before the date of this publication, and shall be served concurrently upon applicant's representative, or upon 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 application does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal. Further processing steps will be by Commission notice, decision, or letter of non-authorization. Any authority granted may reflect reasonable compliance with the requirements of the rules. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications have been modified to conform to the Commission's policy of simplifying grants of operating authority. Also, where authority has been sought within a single-State, authority to provide such service has been deleted where there has been no showing that such service would be other than intrastate in nature.

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 applicant has included in its application 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.
NOTICES

MN. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 82079 (Sub-No. 64F), filed May 30, 1978. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW., Grand Rapids, MI 49508. Representative: W. G. Elswasser, 900 Old Kent Building, Grand Rapids, MI 49503. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Confectionery and foodstuffs (except commodities in bulk), in mechanically refrigerated vehicles, from the facilities of Standard Brands, Inc., at Chicago and Bensonville, IL, to points in MI, restricted to the transportation of shipments originating at the named origins and destined to the indicated destinations. (Hearing site: Lansing, MI or Chicago, IL.)

MC 95540 (Sub-No. 1022F), filed May 11, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Grinnell Ave. Department of Defense, Landmark 163, Little Rock, AR, and Florida, FL 33802. Representative: Benjy L. Baker, 618 United American Bank Line Co., P.O. Box A, Savannah, GA 31401. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, from (a) Lawrenceville, IL, to Bicknell, IN; (b) Conway, KS, and Jasper, MO, to Grafton, WI; Winchester, KY; Mason and Cincinnati, OH; and (c) Columbus, OH, to points in IN, IL, KY, and TN; (d) Painesville, OH, to points in MI, IN, and KY; (e) Toledo, OH, to points in MI and IN; (f) Oakland City, IN, to points in IL, OH, KY, and TN; (g) Woodhaven, MI, to points in KY; (h) Mont Belvieu, TX, and Hattiesburg, MS, to points in IN, IL, KY, MI, OH, PA, TN, VA, WV, and WI; and (i) Silhouette, KY, to points in IN, IL, MI, OH, PA, TN, VA, WV, and WI; and (2) petroleum and petroleum products, in bulk, in tank vehicles, from (a) Warren, PA, to points in OH, and (b) Niles, OH, to points in Venango County, PA; and (3) for contract or contracts in (1) and (2) above, with San Giorgio Macaroni, Inc., of Lebanon, PA, and Hershey Foods Corp., of Hershey, PA, and Hershey Foods, Corp., of Hershey, PA; (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 98399 (Sub-No. 6F), filed May 24, 1978. Applicant: SHULL TRUCK LINE CO., INC., P.O. Box A, Savannah, TN 38372. Representative: Robert L. Baker, 618 United American Bank Building, Nashville, TN 37219. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, from Houston, TX, to Denver, CO, and points in WV and MT. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 100666 (Sub-No. 400F), filed June 1, 1978. Applicant: METLTON TRUCK LINES, INC., P.O. Box 7668, Shreveport, LA 71107. Representative: Wilburn L. Williamson, 230 National Foundation Life Building, Oklahoma City, OK 73122. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the facilities of the Yellow Creek Nuclear Plant, in Tishomingo County, MS, as an off-route point in connection with carrier's regular-route authority. (Hearing site: Nashville, TN.)

MC 102616 (Sub-No. 948F), filed June 2, 1978. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Lumber and lumber products, from points in AL, AR, LA, MS, MO, OK, TN, and TX to points in CA. (Hearing site: Little Rock, AR.)

MC 102951 (Sub-No. 170F), filed June 2, 1978. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW., Grand Rapids, MI 49508. Representative: W. G. Elswasser, 900 Old Kent Building, Grand Rapids, MI 49503. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Plastic articles and materials (except in bulk), from the facilities of Brockway Glass Co., Inc., Plastic Division, at Nashua, NH, to points in AZ, AR, CA, CO, ID, KS, MT, NE, NM, OK, OR, TX, UT, WA, and WY; and (2) plastic containers, container accessories, and gloves, except in bulk, from the facilities of Brockway Glass Co., Inc., in Jefferson, Clearfield, and Washington Counties, PA; Monmouth County, NJ, Muskingum County, OH, Harrison County, WV, and Madison County, IN, to points in AR, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 107515 (Sub-No. 1150F), filed May 22, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30056. Representative: Alan E. Serby, Fifth Floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, GA 30326. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products and meat byproducts, from the facilities of Royal Packing Co., at or near East St. Louis, IL, to Memphis, TN. (Hearing site: St. Louis, MO.)

Note.—The carrier must satisfy the Commission that its operations will not result in objectionable undue prejudice, in competition with the facilities of the American Can Co., at Chotaway Glass Co., Inc., Plastic Division, at Nashua, NH, to points in AZ, AR, CA, CO, ID, KS, MT, NE, NM, OK, OR, TX, UT, WA, and WY; (2) plastic containers, container accessories, and gloves, except in bulk, from the facilities of Brockway Glass Co., Inc., in Jefferson, Clearfield, and Washington Counties, PA; Monmouth County, NJ, Muskingum County, OH, Harrison County, WV, and Madison County, IN, to points in AR, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 111289 (Sub-No. 8F), filed June 2, 1978. Applicant: RICHARD D. FOLTZ, P.O. Box 161, Orwigsburg, PA 17961. Representative: S. Berne Smith, P.O. Box 1186, Harrisburg, PA 17106. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Foodstuffs (except in bulk), in vehicles equipped with mechanical refrigeration, (a) from points in Perry Township (Dauphin County), PA, to points in OH on, south, and east of a line beginning at the OH-IN State Line and extending along Interstate 70 and Interstate 77 to its junction with U.S. Hwy 68, then along U.S. Hwy 68 to the OH-KY State Line, (b) between Louisville, KY, and Lebanon, PA; and (2) materials and supplies used in the production of foodstuffs (except commodities in bulk), from Middletown and Hamilton, OH, to Lebanon, PA, under a continuing contract or contracts in (1) and (2) above, with San Giorgio Macaroni, Inc., of Lebanon, PA, and Hershey Foods Corp., of Hershey, PA. (Hearing site: Harrisburg, PA or Washington, DC.)

MC 113362 (Sub-No. 331F), filed May 22, 1978. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 1105½ Eighth Avenue NE., P.O. Box 429, Austin, MN 55912. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Containers for transportation, liquids and pulpboard, from the facilities of the American Can Co., at Chotaway Glass Co., Inc., Plastic Division, at Nashua, NH, to points in AZ, AR, CA, CO, ID, KS, MT, NE, NM, OK, OR, TX, UT, WA, and WY; (2) plastic containers, container accessories, and gloves, except in bulk, from the facilities of Brockway Glass Co., Inc., in Jefferson, Clearfield, and Washington Counties, PA; Monmouth County, NJ, Muskingum County, OH, Harrison County, WV, and Madison County, IN, to points in AR, KS, OK, and TX. (Hearing site: Washington, DC.)
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County, AL, to points in IL, IN, KY, MD, MI, MN, MO, NY, OH, PA, VA, WV, WI, and DC, restricted to the transportation of shipments originating at and destined to the indicated points. (Hearing site: Mobile, AL or Washington, DC.)

MC 113908 (Sub-No. 441F), filed May 26, 1978. Applicant: ERICK, INC., TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S., Springfield, MO 65804. Representative: B. B. Whitehead (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Alcoholic liquors, wine and vermouth, in bulk, (1) from Pekin, IL, to Hartford, CT, and (2) from Philadelphia, PA, to Paducah, KY, restricted in parts (1) and (2) against transportation in foreign commerce. (Hearing site: Kansas City, MO or Washington, DC.)

MC 114273 (Sub-No. 376F), filed May 19, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Hides and pelts; and cattle and horse switches and tails, from Redwood Falls, and Mankato, MN, to Milwaukee, WI, and Chicago, IL. Condition: In view of the findings in No. MC 114273 (Sub-No. 252), the certificate is to be limited to a 2-year term at which time it will expire, unless 20 months after issuance of certificate, or removal of the term, showing that it has been in full compliance with applicable rules and regulations. (Hearing site: Chicago, IL or Washington, DC.)

MC 1114632 (Sub-No. 165F), filed May 16, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: Michael L. Carter (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizing compounds, ice melting compounds, and vermiculite, from Kenosha, WI, to points in the United States (except AK and HI). (Hearing site: Milwaukee, WI or Chicago, IL.)

Note.—Applicant states the purpose of this filing is to substitute single-line service for existing joint-line service.

MC 1114632 (Sub-No. 165F), filed May 16, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Furnace pipe and fittings, and fibre glass duct board, from Indianapolis, IN, to points in CO. Condition: In view of the findings in No. MC 114273 (Sub-No. 252), the certificate is to be limited to a 2-year term at which time it will expire, unless 20 months after issuance of certificate, or removal of the term, showing that it has been in full compliance with applicable rules and regulations. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-No. 382F), filed May 23, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Mechanical refrigeration units, evaporators, compressors, and parts, materials, and accessories for the foregoing commodities from Louisville, LA, and ports of entry in TX and LA, to points in the United States and west of MN, IA, MO, AR, and LA (except AK and HI). (Hearing site: Denver, CO.)

MC 111457 (Sub-No. 34F), filed May 22, 1978. Applicant: GENERAL TRANSPORTATION CORP., 1804 South 27th Avenue, Phoenix, AZ 85005. Representative: D. Parker Crosby, P.O. Box 6484, Phoenix, AZ 85005. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Waste paper, waste cardboard, waste newsprint, and waste paper products, for reuse or recycling, (except commodities in bulk, in tank vehicles), (except commodities in bulk, in tank vehicles), (1) between points in AZ, CA, NV, UT, CO, NM, and OK, and (2) between ports of entry on the International Boundary line between the United States and Mexico, at ports in AZ, CA, NV, UT, CO, NM, TX, and OK. (Hearing site: Phoenix, AZ.)

MC 114567 (Sub-No. 36F), filed May 22, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Prefabricated exterior wall panels, from points in AZ to points in CA, NV, UT, CO, NM, and TX. (Hearing site: Phoenix, AZ.)

MC 116915 (Sub-No. 61F), filed May 30, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate street, Kokomo, IN 46901. Representative: Frank Miller, P.O. Box 773, Frankfort, KY 40602. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Composition board (1) from Alpena, MI, to Memphis, TN, and (2) from points in AZ to points in CA, NV, UT, CO, NM, and OK, from Phoenix, AZ, to Memphis, TN, restricted to traffic originating at and destined for reuse or recycling, (except commodities in bulk, in tank vehicles), (except commodities in bulk, in tank vehicles), (1) between points in AZ, CA, NV, UT, CO, NM, and OK, and (2) between ports of entry on the International Boundary line between the United States and Mexico, at ports in AZ, CA, NV, UT, CO, NM, TX, and OK. (Hearing site: Phoenix, AZ.)

MC 111719 (Sub-No. 892F), filed May 30, 1978. Applicant: WILLIS SHAW, FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: M. M. Geffen, P.O. Box 338, Willingboro, NJ 08046. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, paints, dyes, pigments, and personal safety devices, (except commodities in bulk), from the facilities of American Cyanamid Co., at Bound Brook, NJ, to Memphis, TN, restricted to traffic originating at and destined for reuse or recycling, (except commodities in bulk, in tank vehicles), (except commodities in bulk, in tank vehicles), (1) between points in AZ, CA, NV, UT, CO, NM, and OK, and (2) between ports of entry on the International Boundary line between the United States and Mexico, at ports in AZ, CA, NV, UT, CO, NM, TX, and OK. (Hearing site: Phoenix, AZ.)

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to the named points. (Hearing site: Washington, DC.)

MC 117344 (Sub-No. 275F), filed May 22, 1978. Applicant: THE MAXWELL CO., a corporation, 10303 Everal Drive, Cincinnati, OH 45216. Representative: James R. Stivers, 1390 West Fifth Avenue, Columbus, OH 43212. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron oxide, in bulk, in tank and hopper-type vehicles, from Ashland, KY to Norfolk, VA. (Hearing site: Washington, DC.)

MC 118159 (Sub-No. 268F), filed June 1, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51266, Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2400 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: 1) Air conditioning and heating equipment, (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above, from points in Davidson County, TN, to points in AZ, CA, CO, IA, MT, NE, NV, ND, OH, OK, OR, SD, TX, UT, and WA. (Hearing site: Chicago, IL.)

MC 118535 (Sub-No. 122F), filed May 22, 1978. Applicant: TIONA TRUCK LINE INC., 111 South Prospect, Butler, MO 64730. Representative: Wilburn L. Williamson, 200 National Foundation Life Center, 3255 NW, 58th Street, Oklahoma City, OK 73112. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry area, dry ammonium nitrate, dry fertilizers, and fertilizer ingredients, (1) from Kansas City, MO to points in IA, KS, MO, NE, and OK; and (2) from the facilities of Brunswick River Terminal, Inc., at or near Brunswick, MO to points in IA, KS, NE, and OK. (Hearing site: Kansas City, MO.)

MC 118959 (Sub-No. 170F), filed May 24, 1978. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63901. Representative: Robert M. Pearce, P.O. Box 169, Cape Girardeau, MO 63925. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Containers, from the facilities of Sonoco Products Co., at or near Henderson, KY, to points in the United States (except AK and HI). (Hearing site: Louisville, KY or Washington, DC.)

Note.—The carrier must satisfy the Commission that its operations will not result in objectionable exhaust, as determined because of its authority under MC 125664.

MC 119316 (Sub-No. 787F), filed May 23, 1978. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, MO 64801. Representative: Thomas F. Kilroy, Suite 406 Executive Building, P.O. Box 901, Springfield, IL 62701. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Plastic containers, glassware, and other forocessaries, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), from the facilities of Brockway Glass Co., Inc., in Washington County, PA, Muskingum County, OH, Harrison County, WV, and Madison County, IN, to points in AR, OK, TX, and KS. (Hearing site: Washington, DC.)

MC 119702 (Sub-No. 577F), filed May 16, 1978. Applicant: STAHLY CARRIAGE CO., a corporation, 119 South Main Street, P.O. Box 488, Edwardsville, IL 62023. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, DC 20001. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic containers, glassware, and other forocessaries, and (supplements, in bulk, in tank vehicles, from the facilities of Occidental Chemical Co., at Helton Station, MO (near Palmyra, MO), to points in IL and IA. (Hearing site: St. Louis, MO or Washington, DC.)

MC 119902 (Sub-No. 58F), filed May 19, 1978. Applicant: STAHLY CARRIAGE CO., a corporation, 119 South Main Street, P.O. Box 488, Edwardsville, IL 62023. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, DC 20001. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Aqua ammonia, in bulk, in tank vehicles, from Tuscola, IL to points in IL, IN, KS, MO, and MI. (Hearing site: St. Louis, MO.)

MC 119726 (Sub-No. 132F), filed June 21, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beatty, 130 East Washington Street, Suite 1008, Indianapolis, IN 46204. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, related advertising matter, and materials and supplies used in the manufacture and distribution of malt beverages, between points in the United States in and east of MN, IA, MO, OK, and TX, on the one hand, and, on the other, points in Houston County, TX. (Hearing site: Atlanta, GA or Jacksonville, FL.)

MC 119799 (Sub-No. 474F), filed May 30, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., F.O. Box 226188, Dallas, TX 75266. Representative: Lewis Coffey (Hearing site or address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, from the facilities of Richmond Hardware Co., and other Union City, GA, to points in AL, AR, FL, CA, IL, IN, MI, NJ, NC, KY, TN, MO, OH, OK, TX, and VA. (Hearing site: Atlanta, GA.)

MC 119917 (Sub-No. 50F), filed May 26, 1978. Applicant: DUDLEY TRUCKING Co. Inc., 136 North Washington Street, Suite 26, 724 Merchandise Drive SE., Atlanta, GA 30316. Representative: Theodore Polydoroff, Suite 301, 1307 Dolly Madison Boulevard, McLean, VA 22101. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, and materials, supplies, and equipment used in the manufacture of foodstuffs (except commodities in bulk), between the facilities of Keebler Company, at or near Grand Rapids, MI, Cincinnati, OH, and Chicago, IL, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, NE, ND, OH, and WI, to be used in the transportation of commodities originating at or destined to the named facilities. (Hearing site: Washington, DC.)

MC 119988 (Sub-No. 146F), filed May 22, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., Box 724, Fort Worth, TX 76101. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Charcoal, charcoal briquettes, hickory chips, vermiculite, charcoal lighter fluid, compressed sawdust-wax impregnated fireplace logs, and materials, equipment, and supplies used in the sale and distribution of the foregoing commodities (except commodities in bulk), between Jacksonville and Dallas, TX, on the one hand, and, on the other, the points in the United States in and west of MI, OH, KY, TN, and AL (except AK, HI, and TX). (Hearing site: Dallas, TX.)

MC 121108 (Sub-No. 3F), filed May 22, 1978. Applicant: MICHAEL L. GORDON, 136 North Washington, Dillon, MT 59725. Representative: W. B. Gilbert III, 15 South Idaho Street, Dillon, MT 59725. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, A and B ammunition, classes A and B fireworks, and ammunition), over the points in the United States, and such other commodities as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between the junction of U.S. Hwy 10 and MT Hwy 22, and (2) between the junction of...
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junction of MT Hwy 55 and MT Hwy
53, then over Twin Bridges and Mio-
lion J. Boyd, 600 Enterprise Drive,
Oak Brook, IL 60521. Authority grant-
ed to operate as a common carrier,
by motor vehicle, over irregular routes,
transporting: Foodstuffs (except in
bulk), in temperature controlled vehi-
cles, from the facilities of J. H. Pilber,
Inc., at or near Buffalo, NY, to the
points in Arnundel, Baltimore,
Howard, and Prince Georges Counties,
MD, to points in CT, DE, DC, IL, IN,
KY, ME, MA, MI, MO, NJ, NY, OH,
PA, RI, SC, SD, TN, VT, VA, WV, WI,
and WY. (Hearing site: Washington, DC.)

MC 1234813 (Sub-No. 186F), filed
TRUCKING CO., a corporation, 910
South Jackson Street, Eagle Grove,
IA 50533. Representative: Thomas E.
Leahy, Jr. 1980 Financial Center, Des
Moles, IA 50309. Authority granted to
transport: Foodstuffs (except in
bulk), in temperature controlled vehi-
cles, from the facilities of Heinz
Company, Inc., at or near Pittsburgh,
PA, to points in AL, AR, IN, IA, ID,
IL, IN, IA, IA, IA, IA, IA, IA, IA, IA,
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States in and east of ND, SD, WY, CO, and NM, to Hartford, WI, and (b) between Hartford, WI, and Old Forge, PA, under a continuing contract or contracts with Broan Commercial Co., Inc., of Hartford, WI. (Hearing site: Minneapolis or St. Paul, MN.) Authority granted to operate as a common carrier, by motor vehicle, over regular routes, transporting: Meat and bone meal, in bulk, (1) from points in KS, to points in IN, and (2) from points in IA, MO, and NE, to points in IL and IN. (Hearing site: Kansas City, MO.)

MC 128007 (Sub-No. 122F), filed May 11, 1978. Applicant: BRYNOW TRANSFER, INC., 175 Eighth Avenue SW, New Brighton, MN 55118. 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: Epoxy coated, reinforcing, iron or steel bars, from the facilities of Slocote, Inc., at St. Paul, MN, to points in WI, ND, SD, NE, IA, IL, KY, IN, and MO. (Hearing site: St. Paul, MN.)

MC 128040 (Sub-No. 11F), filed May 12, 1978. Applicant: BLACKWOOD CRANE & TRUCK SERVICE, INC., P.O. Box 3037, Knoxville, TN 37917. Representative: James N. Clay III, 2700 Sterick Building, Memphis, TN 38103. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Signs, and sign poles, and (2) parts and accessories for the commodities named in (1) above, from Knoxville, TN, on the one hand, and, on the other, points in the United States (except AK, HI, and TN). (Hearing site: Knoxville or Nashville, TN.)

MC 129032 (Sub-No. 50P), filed May 16, 1978. Applicant: TOM INMAN TRUCKING INC., 6015 South 49th West Avenue, Tulsa, OK 74107. Representative: David E. Worthington (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Animal feed, feed ingredients, additives, materials and supplies for the manufacture of feed (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, ID, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TN, TX, UT, WA, WI, and WY, restricted to the transportation of shipments originating at and destined to the indicated points. (Hearing site: Los Angeles or San Francisco, CA.)

MC 133099 (Sub-No. 10F), filed May 31, 1978. Applicant: THE GLASSOW & DAVIS CO., Inc., Corporation, Box 1717 South Division Street, Salisbury, MD 21801. Representative: Daniel B. Johnson, 4304 East-West Hwy, Washington, DC 20014. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, from Winston-Salem, NC, to points in those parts of MD and VA east of the Chesapeake Bay and south of the Delaware Canal. (Hearing site: Salisbury, MD.)

MC 133542 (Sub-No. 14F), filed May 18, 1978. Applicant: FLOYD WILD, INC., P.O. Box 91, Marshall, MN 56258. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, from Peoria, IL to Marshall, MN, under a continuing contract, or contracts, with Grong Sales Co., of Marshall, MN. (Hearing site: Minneapolis or St. Paul, MN.)

MC 133591 (Sub-No. 42), filed May 8, 1978. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 56 South Main Street, Winchester, KY 40391. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Electric motors, grinders, buffers, dental lathes, dust collectors, and pedestals, (2) parts and accessories, and attachments for the commodities described in (1) above, and (3) materials, equipment, and supplies used in manufacture and distribution of the commodities described in (1) above, except for commodities in bulk, between the facilities of Baldor Electric Co., at or near Fort Smith, AR on the one hand, and, on the other, points in the United States (except AK, HI, and AR). (Hearing site: Kansas City, MO.)

MC 133597 (Sub-No. 25F), filed May 26, 1978. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 Ten Main Street, Lincoln, NE 68511. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber for manufacturing furniture parts, from points in PA to Ft. Wayne, IN, and to Taylor and San Marcos, TX. (Hearing site: Omaha, NE or Kansas City, MO.)

NOTE.—The carrier must satisfy the Commission that it has the equipment and the ability to handle the commodities named in (1) above (except commodities in bulk), in quantity, in one transaction, and in size or weight requiring special handling or equipment, and that it has facilities and equipment to handle all or any part of the commodities named in (2) above (except commodities in bulk), in quantity, in one transaction, and in size or weight requiring special handling or equipment, and has the ability to handle the commodities named in (3) above. Authority granted under MC 129092.

MC 135078 (Sub-No. 25F), filed May 26, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant, 10 South LaSalle Street, Chicago, IL 60603. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials, and supplies, used in the distribution and repair of electrical and gas appliances, from Evansville, IN, and Clyde, Marion, and Findlay, OH, to the manufacturing of the commodities named in (1) above (except commodities in bulk or which because of size or weight require special handling or equipment), between Gastonia, NC on the one hand and, on the other, points in United States (except AR, CA, KY, LA, MD, MS, MO, MN, VA, WV, KS, OK, NC, MT, AK, and HI), under a continuing contract or contracts with Unroyal, Inc., of Middlebury, CT. (Hearing site: Lincoln, NE or Salt Lake City, UT.)

NOTE.—The carrier must satisfy the Commission that it will operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fresh meat and frozen foods (except in bulk), from Seattle and Spokane, WA, Caldwell and Heyburn, ID, Chicago, IL, Ft. Atkinson, Green Bay, and Milwaukee, WI, to St. Cloud, MN, restricted to traffic originating at the named origins and destined to the facilities of Appert's Frozen Foods, at St. Cloud, MN.

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 139906.

NOTE.—The carrier must satisfy the Commission that it has the ability to handle the commodities named in (1) above (except commodities in bulk), in quantity, in one transaction, and in size or weight requiring special handling or equipment, and that it has facilities and equipment to handle all or any part of the commodities named in (2) above (except commodities in bulk), in quantity, in one transaction, and in size or weight requiring special handling or equipment, and has the ability to handle the commodities named in (3) above. Authority granted under MC 134494 (Sub-No. 7).

MC 134599 (Sub-No. 160P), filed May 26, 1978. Applicant: INTERSTATE CONTRACT CARRIER CORP., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Plastic materials, liquids and pesticides, and (2) materials and supplies used in the manufacture of the commodities named in (1) above (except commodities in bulk or which because of size or weight require special handling or equipment), between Gastonia, NC on the one hand and, on the other, points in United States (except AR, CA, KY, LA, MD, MS, MO, MN, VA, WV, KS, OK, NC, MT, AK, and HI), under a continuing contract or contracts with Unroyal, Inc., of Middlebury, CT. (Hearing site: Lincoln, NE or Salt Lake City, UT.)
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points in AL, AR, GA, KS, LA, MO, NB, MS, OK, TN, and TX. (Hearing site: Chicago, IL.)

MC 136291 (Sub-No. 9F), filed May 5, 1978. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., 3800 N Sunset Blvd, Los Angeles, CA 90069. Representative: Francis W. Mohnley, 1000 Sixteenth St. NW., No. 502, Washington, DC 20006. Authority granted to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Plastic pipe, plastic pipe fittings, and accessories used in the installation of plastic pipe, in bulk, in tank vehicles, and plastic pipe and fittings used in or in connection with the discovery, development, distribution of natural gas and petroleum and their products and by-products, from the facilities of Crestline Plastic Pipe Co., Inc., at or near Council Bluffs, IA, to points in CO, ID, KS, MI, MN, MT, NE, ND, OK, SD, WI, WY, and UT. (Hearing site: Washington, DC.)

Note.—To the extent the authority granted in this decision authorizes the transportation of compressed gases, the certificate will expire 5 years from the date of issuance.

MC 138605 (Sub-No. 59F), filed May 22, 1978. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: W. E. Selisky, P.O. Box 8058, Missoula, MT 59807. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: rein forces, concrete, coal, coke, sand, gravel, salt, sulfur, lead, zinc, copper, iron, manganese, ceramic, except palladium, in tank vehicles, from Buffalo, NY, and UT. (Hearing site: Billings, MT)

MC 136681 (Sub-No. 8F), filed May 2, 1978. Applicant: BLAIR CARTAGE, INC., 13558 Auburn Road, P.O. Box 52, Newbury, OH 44065. Representative: Lewis S. Witherspoon, 88 East Broad Street, Columbus, OH 43215. Authority granted to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Plastic pipe, plastic pipe fittings, and accessories used in the installation of plastic pipe, in bulk, in tank vehicles, and plastic pipe and fittings used in or in connection with the discovery, development, distribution of natural gas and petroleum and their products and by-products, from the facilities of Crestline Plastic Pipe Co., Inc., at or near Council Bluffs, IA, to points in CO, ID, KS, MI, MN, MT, NE, ND, OK, SD, WI, WY, and UT. (Hearing site: Billings, MT)

MC 138681 (Sub-No. 9F), filed May 3, 1978. Applicant: BLAIR CARTAGE, INC., 13558 Auburn Road, P.O. Box 52, Newbury, OH 44065. Authority granted to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Liquid argon, liquid nitrogen, and liquid oxygen, in bulk, in tank vehicles, from Baltimore, MD, to points in DE, DC, NJ, PA, and VA, under a continuing contract, or contracts, with Union Carbide Corp. of New York, NY. (Hearing site: Washington, DC.)

Note.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 134798.

MC 136981 (Sub-No. 9F), filed May 3, 1978. Applicant: BLAIR CARTAGE, INC., 13558 Auburn Road, P.O. Box 52, Newbury, OH 44065. Authority granted to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Such commodities as are used by meatpackers in the conduct of their business, such as meats, meat products and by-products, and articles distributed in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), (a) from the facilities of John Morrell & Co., at Fort Wayne, IN, to points in AL (except Birmingham, Dothan, Mobile, and Montgomery), FL (except Jacksonville, Miami Plant City, Pompano Beach, and Tampa), GA (except Atlanta, KY, Lexington, Landover, Charlotte and Raleigh), SC (except Charleston and Fort Jackson), and TN (except Memphis and Whites Creek), and (b) from the facilities of John Morrell & Co., at Shreveport, LA, to points in AL (except Birmingham, Dothan, Mobile, and Montgomery), FL (except Hialeah, Jacksonville, Miami, Panama City, Pensacola, Plant City, Pompano Beach, and Tampa), GA (except Atlanta, Augusta, Fort McPherson, and Quitman), KY (except Louisville), MS (except Biloxi, Gulfport, Jackson, and Tupelo), NC (except Charlotte, Fort Bragg and Raleigh), SC (except Charleston), and TN (except Knoxville, Memphis, Nashville, and Whites Creek), and (2) such commodities as are used by meatpackers in the conduct of their business, between Buffalo, NY, points in AR, FL, GA, IN, IL, KY, MI, MN, MO, OH, TN, and WI, and those in that portion of PA north and west of a line beginning at the WV-PA State line and extending along Interstate Hwy 76 to the junction of Interstate Hwy 76 and PA-OH State line, and then along Interstate Hwy 76 to the PA-OH State line; under a continuing contract, or contracts in (1) and (2) above with General Electric Co., of Cleveland, OH. (Hearing site: Cleveland, OH.)

Note.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 134798.


Note.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 134798.

MC 138193 (Sub-No. 82P), filed May 23, 1978. Applicant: ROBERTS & OAKE, INC., P.O. Box 1356, Sioux Falls, SD 57101. Representative: Jacob P. Billig, 2033 K Street NW., Washington, DC 20006. Authority granted to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Meats, meat products and meat byproducts, and articles distributed by meatpackers, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), (a) from the facilities of John Morrell & Co., at Shreveport, LA, to points in AL (except Birmingham, Dothan, Mobile, and Montgomery), FL (except Jacksonville, Miami Plant City, Pompano Beach, and Tampa), GA (except Atlanta, KY, Lexington, Landover, Charlotte and Raleigh), SC (except Charleston and Fort Jackson), and TN (except Memphis and Whites Creek), and (b) from the facilities of John Morrell & Co., at Shreveport, LA, to points in AL (except Birmingham, Dothan, Mobile, and Montgomery), FL (except Hialeah, Jacksonville, Miami, Panama City, Pensacola, Plant City, Pompano Beach, and Tampa), GA (except Atlanta, Augusta, Fort McPherson, and Quitman), KY (except Louisville), MS (except Biloxi, Gulfport, Jackson, and Tupelo), NC (except Charlotte, Fort Bragg and Raleigh), SC (except Charleston), and TN (except Knoxville, Memphis, Nashville, and Whites Creek), and (2) such commodities as are used by meatpackers in the conduct of their business, between Buffalo, NY, points in AR, FL, GA, IN, IL, KY, MI, MN, MO, OH, TN, and WI, and those in that portion of PA north and west of a line beginning at the WV-PA State line and extending along Interstate Hwy 76 to the junction of Interstate Hwy 76 and PA-OH State line, and then along Interstate Hwy 76 to the PA-OH State line; under a continuing contract, or contracts, with John Morrell & Co., of Cleveland, OH. (Hearing site: Washington, DC, or Chicago, IL.)
ness, Descriptions case, supra (except hides and commodities in bulk), from the named destination points in (1) (a) and (b) above, to the facilities of John Morrell & Co., at Estherville and Sioux City, IA, to, those points in CA, and (2) such commodities as are used by meatpackers in the conduct of their business, descriptions case, supra (except hides and commodities in bulk), from the destination points in (1) (a) and (b) above, to the facilities of John Morrell & Co., at Estherville and Sioux City, IA, and Worthington, MN, under a continuing contract, or contracts with John Morrell & Co., of Chicago, IL. (Hearing site: Washington, DC or Chicago, IL.)

MC 139193 (Sub-No. 83F), filed May 23, 1978. Applicant: ROBERTS & OAR, P.O. Box 1356, Sioux Falls, SD 57101. Representative: Jacob P. Billig, 2033 K Street NW, Washington, DC 20006. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting (1) Meats, meat products and meat byproducts, and articles distributed by meatpacking houses, as described in sections A and C of appendix I to the report in Descriptions Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the destination points in (1) (a) and (b) above, to the facilities of John Morrell & Co., at Worthington, MN, to points in ND and SD. (Hearing site: Minneapolis or St. Paul, MN.)

Note.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 118739.

MC 140829 (Sub-No. 95F), filed May 15, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry fertilizer, in bulk, from Willmar, MN, to points in ND and SD. (Hearing site: Minneapolis or St. Paul, MN.)

Note.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 136408.

MC 140829 (Sub-No. 101F), filed May 30, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except frozen meats), from the facilities of Campbell Soup Co., at or near Omaha, NE, to Denver and Grand Junction, CO. (Hearing site: Washington, DC.)

Note.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 136408.

MC 140829 (Sub-No. 102F), filed May 30, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Television sets, radios, phonographs, stereo systems, recorders and players, speaker systems, and audio equipment, and (2) accessories, components, and parts for the commodities in (1) above, from Bloomington and Indianapolis, IN, to points in AZ, AR, CO, FL, IL, IA, KS, LA, MN, MO, NE, NM, ND, OK, SD, TX, and WI. (Hearing site: Washington, DC.)

Note.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 136408.

MC 142559 (Sub-No. 23F), filed May 30, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 B Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 58 Madison Avenue, Cleveland, OH 44114. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of the Charter Oaks Shippers Cooperative Association, Inc., at Berlin, CT, to points in CO, IL, and TX, restricted to the transportation of shipments originating at the named origin and destined to points in the indicated destinations. (Hearing site: Washington, DC.)

Note.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 136408.

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43215. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic articles and paper products, from points in AR, AL, FL, LA, NC, SC, WA, KY, TN, and MS, to the facilities of Callaway Insulation Co., in Clayton County, GA. (Hearing site: Atlanta, GA.)

Note.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 140883.

MC 144228 (Sub-No. 4F), filed May 26, 1978. Applicant: BAGLE TRANSPORT LINES, INC., 9832 Palo Pinto Road, Fort Worth, TX 76116. Representative: Harry F. Horak, Room 109, 5001 Brentwood Stair Road, Fort Worth, TX 76112. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Steel buildings, knocked down, fabricated metal products, and equipment, material, and supplies used in the manufacture of steel buildings and fabricated metal products (except commodities in bulk), between Washington Court House, OH, on the one hand, and, on the other, points in KY, TN, NC, SC, GA, and AL. (Hearing site: Columbus, OH.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 139294.

MC 134237 (Sub-No. 1F), filed May 25, 1978. Applicant: JRZ, INC., 101 Wheatley Road, Ashland, KY 41101. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Steel buildings, knocked down, fabricated metal products, and equipment, material, and supplies used in the manufacture of steel buildings and fabricated metal products (except commodities in bulk), between Washington Court House, OH, on the one hand, and, on the other, points in KY, TN, NC, SC, GA, and AL. (Hearing site: Columbus, OH.)

Note.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 139294.

MC 142559 (Sub-No. 24F), filed May 30, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motor vehicles, between the facilities of Baldor Electric Co., at or near Fort Smith, AR, and on the other, points in the United States (except AK, HI, and AR). (Hearing site: Columbus, OH or Dallas, TX.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 139294.

MC 142631 (Sub-No. 8F), filed May 5, 1978. Applicant: HAMRIC TRANSPORTATION, INC., 3318 East Jefferson, P.O. Box 1124, Grand Prairie, TX 75050. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45638, Dallas, TX 75245. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, (except in bulk), from the facilities of Callaway Insulation Co., in Clayton County, GA. (Hearing site: Columbus, OH or Atlanta, GA.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 139294.

MC 143687 (Sub-No. 2F), filed May 25, 1978. Applicant: DAVID DALE TRANSPORT INC., 2 Franklin Street, West Medway, MA 02053. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02106. Authority granted to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Refined oil products, (except gasoline), in containers, from Pocatello, ID, to points in UT. (Hearing site: Salt Lake City, UT.)

MC 143085 (Sub-No. 2F), filed May 11, 1978. Applicant: THE DANIEL CO., a corporation, 419 East Kearney, Springfield, MO 65803. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Electric motors, grinders, buffers, dental lathes, dust collectors, and pedestals, (2) parts, accessories, and attachments for the commodities in (1), and (3) materials, equipment, and supplies, used in the manufacture and distribution of the commodities named in (1) and (2) above (except commodities in bulk), between the facilities of Baldwin Electric Co., at or near Fort Smith, AR, on the other, points in the United States (except AK, HI, and AR). (Hearing site: Kansas City, MO.)
ate as a contract carrier, by motor vehicle, over irregular routes, transporting: Dry feed meals, feed ingredients, additives, and materials and supplies used in the manufacture and distribution of animal feed, (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near Navajo, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transport of shipments originating at or destined to the named facilities. (Hearing site: St. Louis, MO.)

Note.—The carrier must satisfy the Commission, that its operations, will not result in objectionable dual operations, because of its authority in MC 139206 and various subs.

MC 144740F, filed May 11, 1978. Applicant: L. G. DEWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Morton E. Kiel, Suite 6193, 5 Cornwall, ON, Canada. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Animal feed, feed ingredients, additives, and materials and supplies used in the manufacture and distribution of animal feed, (except commodities in bulk), between the facilities of Whitman's Chocolates Division, Pet Inc., at Philadelphia, PA and those in GA and TN on and west of Interstate Hwy 75. (Hearing site: Cincinnat, OH or Louisville, KY.)

Note.—Common Control may be involved.

MC 25799 (Sub-No. 311F), filed March 31, 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 sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the rate and service descriptions in Motor Carrier Certificates, 61 MCC 206 and 786 (except hides and commodities in bulk), from the facilities of John Morrell & Co., at Shreveport, LA, to points in AL, FL, GA, NC, and SC. Restricted to traffic originating at the facilities of John Morrell & Co. at the above-named origin and destined to the above-named destinations. (Hearing site: New Orleans, LA.)
Note.—Common control may be involved.

MC 26396 (Sub-No. 173F), filed March 31, 1978. Applicant: POPELKA TRUCKING CO. INC., d.b.a. The Waggoners, P.O. Box 990, Livingston, MT 59047. Representative: Bradley E. Kisler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Radioactive materials, from points in WY to Metropolis, IL and Gore, OK. (Hearing site: Casper, WY or Cheyenne, WY.)

MC 61264 (Sub-No. 30F), filed March 31, 1978. Applicant: MCLEAN TRUCKING CO., a corporation, 617 Waughtown Street, Winston-Salem, NC 27107. Representative: David F. Estelman, P.O. Box 213, Winston-Salem, NC 27102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Eastalco, at or near Buckeystown, MD, as an off-route point in conjunction with applicant's regular-route operations. (Hearing site: Washington, D.C.)

Note.—Common control may be involved.

MC 55596 (Sub-No. 72F), filed April 5, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: George E. Batty (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic bottles, from Port Clinton, OH, to Allegan, MI. (Hearing site: Detroit, MI.)

Note.—The purpose of this application is to substitute single line for joint line service.

MC 59150 (Sub-No. 123F), filed April 5, 1978. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Suck, Jr., 1754 Gulf Life Road, Alexandria, VA 22312. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic pipe, fittings, and accessories for plastic pipe, from Greensboro, GA to points in NC, SC, VA, TN, AL, MS, LA, and FL.

Note.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, GA.

MC 59056 (Sub-No. 70F), filed March 31, 1978. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 3333 West Yellowstone, Casper, WY 82009. Representative: John R. Davidson, Rm. 805, Midland Bank Building, Billings, MT 59101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Radioactive materials, from points in WY to Metropolis, IL and Gore, OK. (Hearing site: Casper, WY or Cheyenne, WY.)

MC 61264 (Sub-No. 30F), filed March 31, 1978. Applicant: MCLEAN TRUCKING CO., a corporation, 617 Waughtown Street, Winston-Salem, NC 27107. Representative: David F. Estelman, P.O. Box 213, Winston-Salem, NC 27102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General Commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) between West Point, GA and Richmond, VA, from West Point over U.S. Hwy 29 to junction U.S. Hwy 29 over alternate U.S. Hwy 29 to Lexington, NC, then over U.S. Hwy 52 to Winston-Salem, NC, then over U.S. Hwy 29 to Danville, VA, then over U.S. Hwy 58 to South Boston, VA, then over VA Hwy 304 to junction U.S. Hwy 58, then over U.S. Hwy 304 to Richmond, and return over the same route; (2) between West Point, GA and Reidsville, NC, from West Point as specified above to Lexington, NC, then over U.S. Hwy 70 to Greensboro, NC, then over U.S. Hwy 29 to Reidsville, and return over the same route; (3) between Savannah, GA and Charlotte, NC, from Savannah over U.S. Hwy 17 to Hardeeville, SC, then over U.S. Hwy 321 to Jucntion U.S. Hwy 21, then over U.S. Hwy 21 to Charlotte, and return over the same route; (4) between Columbia, SC and Twin Oaks, NC, from Columbia over U.S. Hwy 321 to junction U.S. Hwy 221 at or near Blowing Rock, NC, then over U.S. Hwy 221 to Twin Oaks, and return over the same route; (5) between Winston-Salem, NC and Roanoke, VA, from Winston-Salem over U.S. Hwy 311 to junction U.S. Hwy 220, then over U.S. Hwy 220 to Roanoke, and return over the same route; (6) between Savannah, GA and Junction U.S. Hwy 130 and Interstate Highway 75, then over U.S. Hwy 17 to junction U.S. Hwy 13, then over U.S. Hwy 19 to junction U.S. Hwy 40, then over U.S. Hwy 40 to junction Interstate Highway 295, then over Interstate Highway 295 to junction U.S. Hwy 130, then over U.S. Hwy 130 to junction Interstate Highway 75, and return over the same route; (7) between Columbus, GA and Chattanooga, TN, from Columbus over U.S. Hwy 85 (also from Columbus over alternate U.S. Hwy 27 to junction GA Hwy 85) to Atlanta, GA, then over GA Hwy 85 to Chattanooga, and return over the same route; (8) between Chattanooga, TN and Roanoke, VA, from Chattanooga over U.S. Hwy 11 to Knoxville, TN, then over U.S. Hwy 11W to Bristol, VA, then over U.S. Hwy 11 to Roanoke, and return over the same route; (9) between Winston, NC and Winchester, VA, from Winston over U.S. Hwy 17 to Fredericksburg, VA, then over U.S. Hwy 17 to Paris, VA, then over U.S. Hwy 50 to Winchester, and return over the same route; (10) between New Market, VA and Junction U.S. Hwy 11 and Interstate Highway 70 near Hagers­town, MD, from New Market over U.S. Hwy 211 to Washington, DC, then over Interstate Highway 270 to Junction Interstate Highway 70, near Frederick, MD, then over Interstate Highway 70 to Wilmington, NC, then over U.S. Hwy 49 to Winchester, and return over the same route; (11) between Wilmington, NC and Petersburg, VA, from Wilmington over U.S. Hwy 117 to junction U.S. Hwy 301, then over U.S. Hwy 301 to Petersburg, and return over the same route; (12) between Rockingham, NC and junction U.S. Hwy 52 and 11, near Graham's Forge, VA, from Rockingham over U.S. Hwy 220 to Junction U.S. Hwy 211, then over U.S. Hwy 411 to Winston-Salem, NC, then over U.S. Hwy 52 to junction U.S. Hwy 11, and return over the same route; (15) between Bristol, VA and Winston-Salem, NC, then over U.S. Hwy 58 to Norfolk, and return over the same route; (17) between Charlotte, NC and Spring Hope, NC from Charlotte over NC Hwy 49 to Asheboro, NC, then over U.S. Hwy 84 to Spring Hope, and return over the same route; (18) between Laurinburg, NC and Henderson, NC, from Laurinburg over NC Hwy 401 to Raleigh, NC, then over U.S. Hwy 1 to Henderson, and return over the same route (19) between Charlotte, NC and Hickory, NC, from Charlotte over NC Hwy 16 to Newton, NC, then over U.S. Hwy 321 to Hickory, and return over the same route; (20) between Charleston, SC and Statesville, NC, from Charleston over U.S. Hwy 52 to Salisbury, NC, then over U.S. Hwy 70 to Statesville, and return over the same route; (21) between Nags Head,
NC and Savannah, GA, from Nags
Head over U.S. Hwy 64 to junction NC
Hwy 42, then over NC Hwy 42 to
Wilson, NC, then over U.S. Hwy 301
to junction U.S. Hwy 15, then over
U.S. Hwy 15 to Walterboro, SC, then
over Alternate U.S. Hwy 17 to junc­tion
U.S. Hwy 17, then over U.S. Hwy 17 to Sa­vannah (also over U.S. Hwy 17 to junc­tion Alternate U.S. Hwy 17 and then
over Alternate U.S. Hwy 17 to Savan­nah) and, return over the same route;
(22) between Columbus, GA and
Thomson, GA, from Columbus over U.S.
Hwy 80 to Macon, GA, then over GA Hwy 49 to Milledgeville, GA, then
over GA Hwy 22 to Sparta, GA, then
over GA Hwy 18 to Warrenton, GA,
then over U.S. Hwy 278 to Thomson,
and, return over the same route; (23)
Between Junction U.S. Hwy 378 and 78 and Myrtle Beach, SC, from junc­tion U.S. Hwy 378 and 78 over U.S.
Hwy 378 to Conway, SC, then over
U.S. Hwy 501 to Myrtle Beach, and
return over the same route.
(24) Between Swainsboro, GA and
Greenville, SC, from Swainsboro over U.S.
Hwy 1 to Augusta, GA, then over
U.S. Hwy 25 to Greenville, and return
over the same route; (25) between
Macon, GA and Athens, GA; from Mcon­hall, GA and Calhoun, SC, from Calhou­n GA and Charleston, SC, from Calhou­n over GA Hwy 53 to Gainesville, GA, then over U.S. Hwy 129 to Athens, GA, then over U.S.
Hwy 78 to Charleston, and, return over the
same route; (27) between Winston­ Salem, NC and Cleveland, TN, from Win­ston-Salem over U.S. Hwy 158 to
Mocksvill,e NC, then over U.S. Hwy 64 to Statesville, NC, then over U.S.
Hwy 70 to Ashe ville, NC, then over U.S.
Hwy 19 to Lake Junaluska, NC, then
over U.S. Hwy 19A to junction U.S.
Hwy 19, then over U.S. Hwy 19 to
Murphy, NC, then over U.S. Hwy 64 to Clingmans Dome over the same route;
(28) between Winston-Salem, NC and
junction U.S. Hwy 70 and 11W near Knobletown, NC, from Winston­Salem over U.S. Hwy 11W near Knox­ville, TN, from Winston-Salem as specified above to Asheville, NC, then over U.S.
Hwy 70 to Asheville, NC, then over U.S.
Hwy 23 to Atlanta, and return over the
same route; (30) between Winston­ Salem, NC and Baltimore, MD, from Winston­Salem over U.S. Hwy 158 to junction U.S. Hwy 131 over U.S. Hwy 70 to Durham, NC, then over U.S. Hwy 15 to Oxford, NC, then over U.S. Hwy 158 to Henderson, NC (also from junc­tion U.S. Hwy 15 and BYP 158 over BYP 158 to junction U.S. Hwy 1), then
over U.S. Hwy 1 to Baltimore, and
return over the same route; (31) be­tween Philadelphia, PA and Winston­ Salem, NC, from Philadelphia over U.S.
Hwy 13 to Wilmington, DE, then
over U.S. Hwy 40 to Baltimore, MD, then
over Alternate U.S. Hwy 40 over NC, then over U.S. Hwy 158 to Oxford, NC (also from junction U.S. Hwy 1 and BYP 158 over BYP 158 to junction U.S. Hwy 15), then over U.S. Hwy 15 to Durham, NC, then over U.S. Hwy 70 to Winston-Salem, NC, then over U.S.
Hwy 241 to Winston-Salem, and, return
over the same route; (32) between Lincoln, NE and Baltimore, SC, from Lincoln over U.S. Hwy 15, then over U.S.
Hwy 70 to Winston-Salem, NC and Baltimore, SC, then over Alternate U.S. Hwy 241 to Winston-Salem, and, return
over the same route; (33) between Waverly, NY and Port Jervis, NJ, from Waverly over U.S.
Hwy 220 to junction U.S. Hwy 6, then
over U.S. Hwy 6 to Port Jervis, and
return over the same route; (34) be­tween Binghamton, NY and Columbus,
GA, from Binghamton over U.S. Hwy
11 to junction U.S. Hwys 11W and 11E, then over U.S. Hwy 11W (also U.S. Hwy 11E) to junction U.S.
Hwy 27 to Columbus, TN, then over U.S.
Hwy 27 to Columbus (also from junction U.S. Hwys 27 and Alternate 27 over Alter­native U.S. Hwy 27 and return over the
same route); (35) between Scranton, PA, and Port Jervis, NJ, from Scranton
over U.S. Hwy 11 and PA Hwy 61 near Northumber­land, PA and Port Jervis, NJ; from Millers­ burg over PA Hwy 233 and Easton, PA; from junction Interstate Hwy 80 over PA Hwy 33 to junction U.S. Hwy
22, then over U.S. Hwy 22 to Easton
and return over the same route; (46) be­tween Scranton, PA and Interstate Hwy
80 near Pittsburgh, PA; from Flor­mont near Pittsburgh, PA; from junction Interstate Hwy 80 near Pittsburgh, PA; from junction Interstate Hwy 80 over PA Hwy 61 near Port Jervis, NJ; from Millers­ burg over PA Hwy 233 and Easton, PA; from junction Interstate Hwy 80 over PA Hwy 33 to junction U.S. Hwy
22, then over U.S. Hwy 22 to Easton
and return over the same route; (47) between Scranton, PA and Interstate Hwy
80 near Pittsburgh, PA; from Honduras over PA Hwy 233 to College­ ville, and return over the same route;
(49) between Scranton, PA and Interstate Hwy 80 near Pittsburgh, PA; from Honduras over PA Hwy 233 to Col­legeville, and return over the same route; (51) between Scranton, PA and College­ ville, PA; from Scranton over U.S. Hwy 422 to junction U.S. Hwys 222/422, then over U.S. Hwy 422 to inter­state U.S. Hwys 222 and 422, then over U.S. Hwy 422 to Philadel­phia, and return over the same route; (52) between Scranton, PA and College­ ville, PA; from Scranton over U.S. Hwy 422 to junction U.S. Hwys 222/422, then over U.S. Hwy 422 to Philadel­phia, and return over the same route; (53) between Scranton, PA and Philadelphia, PA; from Scranton over U.S. Hwy 422 to junction U.S. Hwys 222 and 422, then over U.S. Hwy 422 to Philadel­phia, and return over the same route;
(54) between Scranton, PA and Philadel­phia, PA; from Scranton over U.S. Hwy 422 to junction U.S. Hwys 222 and 422, then over U.S. Hwy 422 to Philadel­phia, and return over the same route; (55) between Scranton, PA and Philadel­phia, PA; from Scranton over U.S. Hwy 422 to junction U.S. Hwys 222 and 422, then over U.S. Hwy 422 to Philadel­phia, and return over the same route; (56) between Scranton, PA and Philadelphia, PA; from Scranton over U.S. Hwy 422 to junction U.S. Hwys 222 and 422, then over U.S. Hwy 422 to Philadel­phia, and return over the same route.
from junction Interstate Hwy 81 over Interstate Hwy 83 to Junction Interstate Hwy 283, then over Interstate Hwy 283 to junction Interstate Hwy 76 and return over the same route; (53) between junction Interstate Hwys 82 and 11 near Oxford, PA; from junction U.S. Hwys 22/322 over unnumbered Hwy to junction U.S. Hwys 11/15 and return over the same route; (54) between junction U.S. Hwys 22 and 40 near Havre De Grace, MD; from junction PA Hwy 309 over U.S. Hwy 222 to junction U.S. Hwy 40 and Return over the same route; (55) between junction Interstate Hwys 283 and PA Hwy 223 over PA Hwy 611 to junction Hamburg, PA and Lancaster, PA; from junction Interstate Hwy 283 over PA Hwy 283 to Lancaster, and return over the same route; (56) between junction PA Hwy 309 and U.S. Hwy 40 near U.S. Hwy 611, and return over the same route; (57) between junction PA Hwys 22 and 40 near Havre De Grace, MD; from junction PA Hwy 309 over U.S. Hwy 222 to junction U.S. Hwy 40 and Return over the same route; (58) between junction Interstate Hwys 283 and PA Hwy 223 over PA Hwy 611 to junction Hamburg, PA and Lancaster, PA; from junction Interstate Hwy 283 over PA Hwy 283 to Lancaster, and return over the same route; (59) between junction Interstate Hwys 80 and NJ Hwy 94 over PA Hwy 435, then over PA Hwy 435 to junction Interstate Hwy 280, and return over the same route; (60) between junction Interstate Hwys 80 and 15 over PA Hwy 435, then over PA Hwy 435 to junction Interstate Hwy 280, and return over the same route; (61) between junction Interstate Hwys 80 and 15 over PA Hwy 435, then over PA Hwy 435 to junction Interstate Hwy 280, and return over the same route; (62) between junction PA Hwys 229 and PA Hwy 228 near Weisport, PA and Allentown, PA; from junction U.S. Hwy 209 over PA Hwy 248 to junction PA Hwy 145, then over PA Hwy 145 to Allentown, and return over the same route; (63) between junction PA Hwys 611 and 11 over PA Hwy 214 and PA Hwy 611 over PA Hwy 612 to junction U.S. Hwy 22, then over U.S. Hwy 22 to junction PA Hwy 378, then over PA Hwy 378 to PA Hwy 340 near Jefferson, MD and junction PA Hwys 309 and 93 and junction PA Hwy 309 and Interstate Hwy 81; from junction PA Hwy 309 over PA Hwy 93 to junction Interstate Hwy 81, and return over the same route; (65) between junction Interstate Hwys 76 and 285 and junction Interstate Hwys 76 and 81; from junction Interstate Hwy 285 over Interstate Hwy 76 to junction Interstate Hwy 81, and return over the same route; (66) between junction U.S. Hwy 202 and 1 from junction U.S. Hwy 202 and Interstate Hwy 98; from junction U.S. Hwy 1 over U.S. Hwy 202 to junction Interstate Hwy 95, and return over the same route. (67) Between junction PA Hwys 611 and 291 and junction PA unnumbered Hwy and U.S. Hwy 13, from junction PA Hwy 611 over PA Hwy 291 to junction unnumbered Hwy , then over unnumbered Hwy to U.S. Hwy 13, and return over the same route; (68) between junction Interstate Hwys 85 and U.S. Hwy 1 in PA and Savannah, GA, from junction U.S. Hwy 1 over Interstate Hwy 95 to Junction Interstate Hwys 85 and U.S. Hwy 1 in PA and Savannah, GA, and return over the same route; (69) between junction PA Hwy 22 and U.S. Hwy 202 near New Hope, PA and junction U.S. Hwys 202 and 30, from junction PA Hwy 22 over U.S. Hwy 202 to U.S. Hwy 3, and return over the same route; (70) between junction Interstate Hwys 76 and 276 and junction Interstate Hwys 76 and U.S. Hwy 130, from junction Interstate Hwys 76 over Interstate Hwy 130, and return over the same route; (71) between Buckingham, PA and Philadelphia, PA, from Buckingham, PA over PA Hwy 22 near New Hope, PA and junction U.S. Hwys 202 and 30, from junction PA Hwy 22 over U.S. Hwy 202 to U.S. Hwy 3, and return over the same route; (72) between Hillsville, VA and junction VA Hwy 100 and U.S. Hwy 11, from junction VA Hwy 100 over Interstate Hwys 95 and 95 south of Washington, DC, and return over the same route; (73) between junction U.S. Hwy 40 and U.S. Hwy 11, from junction U.S. Hwy 40 over Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwys 95 and 395 and junction VA Hwy 27 and U.S. Hwy 50, from junction Interstate Hwys 95 over Interstate Hwys 95 to junction VA Hwy 27, then over VA Hwy 27 to Junction U.S. Hwy 50, and return over the same route. (74) between Bristol, VA and U.S. Hwy 80, from Bristol, VA over U.S. Hwy 19 to junction VA Hwy 50 over U.S. Hwy 19W, then over U.S. Hwy 19W to junction VA Hwy 23, then over U.S. Hwy 23 to junction U.S. Hwy 19, then over U.S. Hwy 19 to junction U.S. Hwy 80, and return over the same route; (75) between junction U.S. Hwy 40 and Interstate Hwy 93, from Columbia, SC and junction Interstate Hwys 28 and 285, then over Interstate Hwy 28 to junction Interstate Hwy 95, and return over the same route; (76) between Columbia, SC and junction Interstate Hwys 28 and 285, then over Interstate Hwy 28 to junction Interstate Hwy 95, and return over the same route; (77) between junction Interstate Hwys 270 and 495 to junction Interstate Hwys 495 and 95 south of Washington, DC, from junction Interstate Hwy 270 over Interstate Hwy 495 to junction Interstate Hwys 270 and 495 south of Washington, DC, and return over the same route; (78) between junction Interstate Hwys 395 and 495 (Washington, DC) and junction Interstate Hwys 395/95, from junction Interstate Hwys 95, then over Interstate Hwy 95 to junction Interstate Hwys 95, and return over the same route; (79) between junction Interstate Hwys 95 and 659 (Baltimore, MD) and junction Interstate Hwys 695 and Baltimore-Washington Parkway, from junction Interstate Hwys 95 over Interstate Hwys 695 to junction Baltimore-Washington Parkway, and return over the same route; (80) between Baltimore-Washington Parkway and junction Interstate Hwys 695 and Baltimore-Washington Parkway, from junction Interstate Hwys 695 over Interstate Hwys 695 to junction Baltimore-Washington Parkway, and return over the same route; (81) between Baltimore, MD and Culpeper, VA, from Baltimore, over U.S. Hwy 29 to Culpeper, and return over the same route; (82) between junction U.S. Hwy 13 and VA Hwy 32, and return over the same route; (83) between junction U.S. Hwy 50 and George Washington Memorial Parkway and junction U.S. Hwys 29/211, from junction U.S. Hwy 50 over the George Washington Memorial Parkway to junction U.S. Hwys 29/211, and return over the same route; (84) between junction U.S. Hwy 221 and U.S. Hwy 58 near Hillsville, VA and Norfolk, VA, from junction U.S. Hwy 221 over U.S. Hwy 58 to Norfolk, and return over the same route; (85) between Winchester, VA and Washington, DC, from Washington over Interstate Washington, and return over the same route; (86) between junction Interstate Hwys 95 and 395 and junction VA Hwy 27 and U.S. Hwy 50, from junction Interstate Hwys 95 over Interstate Hwys 95 to junction VA Hwy 27, then over VA Hwy 27 to Junction U.S. Hwy 50, and return over the same route. (87) Between Interstate Hwys 66 and 495 and Strasburg, VA, from junction VA Hwy 55 over Interstate Hwys 66 to junction U.S. Hwy 15, then over U.S. Hwy 15 to junction VA Hwy 55, then over VA Hwy 55 to junction Interstate Hwys 66, then over Interstate Hwys 66 to junction VA Hwy 55, then over Interstate Hwys 66 over U.S. Hwy 95, then over Interstate Hwys 66 to junction U.S. Hwy 522, then over U.S. Hwy 522 to junction Interstate Hwys 66, then over Interstate Hwys 66 to Strasburg, and return over the same route; (88) between junction U.S. Hwy 15 and U.S. Hwy 248 over VA Hwy 55 and Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and junction Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and junction Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and junction Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and junction Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and junction Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and junction Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and junction Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and junction Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and junction Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and junction Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and junction Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and junction Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and junction Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and junction Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and junction Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and junction Interstate Hwys 66 to junction U.S. Hwy 340 near Jefferson, MD and
from Greenville over U.S. Hwy 25 to
and junction U.S. Hwys 25E and 11W,
Mount Airy, and return over the same
route; (90) between Harrisonburg,
and Richmond, VA, from Harrisonburg over U.S. Hwy 33 to
Richmond, and return over the same
route; (91) between Staunton, VA and
U.S. Hwy 250 to Richmond, and return
over the same route; (92) between junction
VA Hwy 3 and U.S. Hwy 1 and
junction VA Hwy 28 and U.S. Hwy 15,
from junction U.S. Hwy 1 over VA
Hwy 3 to junction VA Hwy 20, then
over VA Hwy 20 to junction U.S. Hwy
15, and return over the same route;
(93) between junction U.S. Hwy 460
and 11 near Roanoke, VA and Suffolk,
VA, from junction U.S. Hwy 11 over
U.S. Hwy 460 to Suffolk, and return
over the same route; (94) between junction
U.S. Hwy 17 and 258 and Franklin,
VA, from junction U.S. Hwy 17 over
U.S. Hwy 258 to Franklin, and return
over the same route; (95) between junction
U.S. Hwy 220 and VA Hwy 667 and
junction VA Hwy 667 and U.S. Hwy
58 near Martinsville, VA, from junction
U.S. Hwy 220 over VA
Hwy 667 to VA Hwy 58, and return
over the same route; (96) between
junction U.S. Hwy 209 and PA
Hwy 147 and junction PA Hwy 147 and
U.S. Hwys 22/322, from junction U.S.
Hwy 209 over PA Hwy 147 to junction
U.S. Hwys 22/322, and return over the
same route; (97) between junction U.S.
Hwys 301 and 13 near Wilmington, DE
and Petersburg, VA, from junction
U.S. Hwy 13 over U.S. Hwy 301 (and
301N and 301S) to Petersburg, and
return over the same route; (98) be-
tween Esom Hill, GA and Warrenton,
VA, from Esom Hill over U.S. Hwy 278
to Warrenton, and return over the same
route; (99) between junction U.S. Hwy
158 and NC Hwy 158, and return over
the same route; (100) between Charlotte,
NC and Roanoke, VA, from Roanoke over
U.S. Hwy 211 to junction U.S. Hwy
80, and return over the same route; (101)
between Roanoke, VA and junction U.S.
Hwy 80 and 221, from Roanoke over
U.S. Hwy 221 to junction U.S. Hwy
80, and return over the same route; (102)
between Roanoke, VA and junction U.S.
Hwy 80 and 221, from Roanoke over
U.S. Hwy 221 to junction U.S. Hwy
80, and return over the same route; (103)
between Roanoke, VA and junction U.S.
Hwy 80 and 221, from Roanoke over
U.S. Hwy 221 to junction U.S. Hwy
80, and return over the same route; (104)
between Greenville, SC and
junction U.S. Hwys 25E and 11W, from
Greenville over U.S. Hwy 25 to
Newport, TN, then over U.S. Hwy 25E
to junction U.S. Hwy 11W, and return
over the same route; (105) between
Durham, NC and Atlantic, NC, from
Durham over U.S. Hwy 70 to Atlantic,
and return over the same route; (106) between Rich mond, NC and Raleigh, NC, from
Augusta over U.S. Hwy 1 to Raleigh, and return over the
same route; (107) between Statesboro, GA
and junction U.S. Hwys 15 and 301, from
Statesboro over U.S. Hwy 301 to
junction U.S. Hwy 15, and return over
the same route; (108) between Geo rge-
town, SC and Smithfield, NC, from
Georgetown over U.S. Hwy 701 to
Smithfield, and return over the same
route; (109) between Reidsville, NC
and Nags Head, NC, from Reidsville
over U.S. Hwy 158 to Nags Head, and
return over the same route; (110) be-
tween Roanoke, VA and junction U.S.
Hwy 80 and 221, from Roanoke over
U.S. Hwy 221 to junction U.S. Hwy
80, and return over the same route; (111)
between Lexington, VA and junction U.S.
Hwy 158 and NC Hwy 168, from lexington
over U.S. Hwy 168 to junc tion
VA Hwy 168, then over VA Hwy
168 to the VA-NC State Line, then
over NC Hwy 168 to junction U.S. Hwy
158, and return over the same route;
(112) between Asheville, NC and Athens,
GA, from Athens over U.S. Hwy
441 to Athens, and return over the
same route.

(113) Between Dalton, GA and Wil-
mington, NC, from Dalton over GA
Hwy 52 to junction U.S. Hwy 75, then
over U.S. Hwy 75 to Wilmington, and
return over the same route; (114) be-
tween Savannah, GA and Jacksonville,
FL, from Savannah over Interstate
Hwy 16 to junction Interstate 95, then
over Interstate Hwy 95 to junction U.S.
Hwy 17 to Jacksonville, and return over
the same route; (115) between Statesboro,
GA and Jacksonville, FL, from Statesboro over
U.S. Hwy 301 to junction U.S. Hwy
1 near Statesboro, then over U.S. Hwy
301 to Jacksonville, and return over
the same route; (116) between Jackson-
ville, FL and St. Petersburg, FL, from
Jacksonville over U.S. Hwy 17 to junc-
tion Interstate Hwy 4 (also from Jack-
sville over Interstate Hwy 55 to
junction Interstate Hwy 4), then over
Interstate Hwy 4 to St. Petersburg,
and return over the same route; (117)
between junction U.S. Hwys 1 and 301 near
Lexington, VA, from Lexington over U.S.
Hwy 301 and Interstate Hwy 4, about 2
miles east of Tampa, from junction
U.S. Hwy 1 over U.S. Hwy 301 to junc-
tion U.S. Hwy 301 and Interstate Hwy
4, and return over the same route;
(118) between over U.S. Hwy 301, from
Galves-
ville, FL, from Palatka over FL Hwy 20
to Gainesville, and return over the
same route; (119) between Orlando, FL
and Junction FL Hwy 24 and Inter-
state Hwy 75, at or near Gainesville,
FL, from Waldro over FL Hwy 24 to
junction Interstate Hwy 75, near
Gainesville, and return over the same
route; (120) between Miami, FL and
junction of Interstate Hwys 95 and 4,
near Daytona Beach, FL, from Miami
over Interstate Hwy 95 to junction In-
terstate Hwy 75, and return over the
same route; (121) between Rome, GA and junction U.S. Hwy
411 and Interstate Hwy 75, from Rome
over U.S. Hwy 411 to junction Inter-
state Hwy 75, and return over the
same route; (122) between Monroe of
Interstate Hwy 75 and FL Turnpike
(Sunshine State Parkway), at or near
Wildwood, FL and junction FL Turn-
pike (Sunshine State Parkway) and In-
terstate Hwy 95 at or near North Miami
Beach, FL, from junction of In-
terstate Hwy 75 over FL Turnpike
(Sunshine State Parkway) to the junc-
tion of Interstate Hwy 95, at or near
North Miami Beach, FL, and return
over the same route; (123) between junction
FL Turnpike (Sunshine State Park-
way) and U.S. Hwy 17, near Taft, FL
and Kissimmee, FL, from junction FL
Turnpike (Sunshine State Parkway)
over U.S. Hwy 17 to Kissimmee, and
return over the same route; (124) Be-
tween Charlotte, NC and Atlanta, GA,
from Atlanta over Interstate 85 to
Atlanta, and return over the same
route; (125) between Atlanta, GA and
junction U.S. Hwy 41, Interstate Hwy
75 near Bolingbroke, GA, from
Atlanta over U.S. Hwy 41 to junction
Interstate Hwy 75, near Bolingbroke,
and return over the same route; (126) between
Atlanta, GA and junction U.S.
Hwy 41, Interstate Hwy 75 near Bolingbroke,
and return over the same route; (127) between Macon, GA and
junction U.S. Hwy 41 and Interstate Hwy 75,
near Tifton, GA, from Tifton over
U.S. Hwys 319 and 441 to McRae, GA,
then over U.S. Hwy 441 to junction
U.S. Hwy 318, then over U.S. Hwy 319
to Interstate Hwy 75 and return over
the same route; (128) between Macon, GA and FL Turnpike (Sunshine State Parkway), near
Daytona Beach, FL, from Miami
over Interstate Hwy 95 to junction In-
terstate Hwy 75, and return over the
same route; (129) between Belle-
view, FL and Miami, FL, from Belle-
view over U.S. Hwy 27 to Miami, and
return over the same route; (130) be-
tween junction U.S. Hwy 17 and Inter-
state Hwy 4 and Punta Gorda, FL,
from junction Interstate Hwy 4 over
U.S. Hwy 17 to Punta Gorda, and
return over the same route; (131) be-
tween Alachua, FL and junction U.S.
Hwy 301, from Alachua over U.S.
Hwy 411 to junction U.S. Hwy 411/ 301,
and return over the same route; (132) between Fort Myers, FL and junction U.S.
Hwy 411 over U.S. Hwy 27, then over U.S. Hwy 27 to junction U.S. Hwy 411, then over U.S.
Hwy 411 to junction U.S. Hwy 1 and
return over the same route; (133) be-
tween Towanda, PA and Mansfield, PA, from Towanda over U.S. Hwy 6 to Mansfield, and return over the same route; (134) between Tampa, FL, and Jacksonville, FL, by motor vehicle, over irregular routes, transporting: Foodstuffs from the facilities of Friday Canning Corp. located at or near New Richmond, Gillett, Coleman, Eden, and Oakfield, WI, to points in DE, KY, MD, NJ, NC, OH, PA, SC, TN, VA and WV. (Hearing site: Washington, DC, Pittsburgh, PA, or Milwaukee, WI.)

MC 78228 (Sub-No. 76F), filed March 31, 1978. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coke and pig iron, in bulk, in dump vehicles, between Toledo, OH, on the one hand, and, on the other, points in KY, MI, OH, and WI. (Hearing site: Washington, DC or Pittsburgh, PA.)

MC 78228 (Sub-No. 77F), filed March 31, 1978. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Ferro alloys, refractory products, zinc and zinc alloys, nickel and nickel articles (except commodities in bulk, in dump vehicles) from the facilities of S. H. Bell Co., at Hyde Park Township, Cook County, IL to points in IL, IA, MI, MN, MO, OH, and WI. (Hearing site: Washington, DC or Chicago, IL.)

MC 70887 (Sub-No. 13F), filed March 31, 1978. Applicant: WARREN C. SAUERS CO., INC., 200 Rochester Road, Zeeland, MI 49464. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New and used structural steel, beams, angles, channels, plate, pipe, shapes and casing and new and used construction and equipment mats, between Keasbey, NJ, Baltimore, MD, Washington, DC, and Atlanta, GA over nonradial movements. (Hearing site: Orlando, FL, Atlanta, GA, Charlotte, NC, Washington, DC, and Allentown, PA.)


MC 64808 (Sub-No. 35F), filed March 31, 1978. Applicant: W. S. THOMAS TRANSFER, INC., 1954 Morgantown Avenue, P.O. Box 507, Fairmont, WV 26554. Representative: Stanley Thomas, 203 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coke and pig iron, in bulk, in dump vehicles, between Toledo, OH, on the one hand, and, on the other, points in KY, MI, OH, and WI. (Hearing site: Washington, DC or Pittsburgh, PA.)

MC 90870 (Sub-No. 5F), filed March 31, 1978. Applicant: GLEN R. RIECHMANN, d.b.a. RIECHMANN TRUCK SERVICE, Route 2, Box 137, Alhambra, IL 62001. Representative: Celi L. Goetchts, 1100 Des Moines Building, Des Moines, IA 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coke and pig iron, in bulk, in dump vehicles, from Chicago, IL, to points in IL and MO. (Hearing site: Chicago, IL, St. Louis, MO, or Washington, DC.)

MC 95876 (Sub-No. 235F), filed April 5, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue, North St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Building, St. Joseph, MN 56374. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Steel tanks, knocked down or assembled, and equipment, materials and supplies used in the assembly and erection of steel tanks, between St. Paul, MN, on the one hand, and, on the other, points in the United States including AK (except HI); (2) Materials and supplies used in the assembly and erection of steel tanks, between points in the United States (except AK and HI), to St. Paul, MN; and (3) Equipment, materials and supplies used in the assembly, installation and erection of steel tanks, between points in the United States including AK (except HI). (Hearing site: Minneapolis, MN or Washington, DC.)

MC 100668 (Sub-No. 394F), filed March 31, 1978. Applicant: WILBURN L WILLIAMSON, 280 National Foundation Life Building, 3535 North-west 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by retail home improvement and home furnishing and lumber stores (except commodities in bulk, in dump vehicles) in AR, CO, IL, IA, KS, KY, LA, MS, MO, NE, OH, OK, TN and TX, in non radial movement. Restricted to shipments destined to the retail facilities of the Wickes Corp. in the above indicated States. (Hearing site: Chicago, IL.)

MC 100668 (Sub-No. 394F), filed March 31, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 North-west 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: lumber and lumber products, between the facilities of Walnut Products, Inc., and C & D Sales at St. Joseph, MO., on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Kansas City, MO.)

MC 106674 (Sub-No. 303F), filed April 3, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IA 50177. Representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, from the facilities of Jones & Laughlin Steel Corp.,
at Aliquippa and Pittsburgh, PA, to points in AR, IN, KY, MO, and TN, restricted to the transportation of shipments originating at the named facilities and destined to the indicated destinations. (Hearing site: Chicago, IL or Indianapolis, IN.)

MC 107107 (Sub-No. 467F), filed March 31, 1978. Applicant: ALTERN-MAN TRANSPORT LINES, INC., 13800 NW 34th Street, Suite 420, Aventura, Fla. 33180. Representative: Fred W. Sewell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except foods and foodstuffs, those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in FL: (1) From Jacksonville, FL over U.S. Hwy 1 to Key West and return over the same route, (2) from Miami over Interstate Hwy 95 to Jacksonville and return over the same route, (3) from Miami over U.S. Hwy 27 to Tallahassee and return over the same route, (4) from Miami over U.S. Hwy 41 to Brooksville and return over same route, (5) from Miami over FL Turnpike or1-10 near Lake City and return over the same route, (6) from West Palm Beach over U.S. Hwy 98 to Perry and return over same route, (7) from Tampa, FL over Interstate Hwy 4 to Daytona Beach and return over same route, (8) from Tampa over Interstate Hwy 75 to junction I-10 near Lake City and return over same route, (9) from Ocala over U.S. Hwy 301 to Jacksonville and return over same route, (10) from Jacksonville over Interstate Hwy 10 and/or U.S. Hwy 90 to Pensacola and return over same route, (11) from Orlando over U.S. Hwy 17 to Punta Gorda and return over same route serving all intermediate points on routes 1 through 11 and all other points in Florida as off-route points. (Hearing site: Miami, FL.)

MC 107478 (Sub-No. 33F), filed April 4, 1978. Applicant: OLD DOMINION FREIGHT LINE, a Corporation, 1791 Westchester Drive, P.O. Box 2006, High Point, NC 27261. Representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, landscape timbers, and pallets, from Kansas, VA, to points in CT, DE, FL, GA, IL, ID, IA, MA, ME, MD, MI, MO, NC, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, and DC. (Hearing site: Washington, DC.)

MC 108341 (Sub-No. 100F), filed April 3, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon Street, P.O. Box 8409, Charlotte, NC 28208. Representative: Morton E, Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Agriculture, forestry and nursery machinery, equipment and implements, other than hand, from the facilities of A. M. Shaner (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, in bulk, in tank vehicles, from Chattanooga, TN, to points in FL, GA, MS, NC, and SC. Restricted against the transportation of commodities in bulk, from the facilities of Bulk Distribution Center in Chattanooga, TN. (Hearing site: Atlanta, GA.)

MC 112304 (Sub-No. 146F), filed March 31, 1978. Applicant: ACE DORAN HAULING & RIGGING CO, a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Tractor and agricultural machinery parts and attachments, from Louisville, KY, to Rock Island and East Moline, IL. Restricted: To traffic originating at and destined to the plant sites or warehouse facilities used by IHCA at the above named points. (Hearing site: Chicago, IL or Louisville, KY.)

MC 113539 (Sub-No. 369F), filed March 31, 1978. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 AMF, Memphis, TN 38130. Representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: Foodstuffs (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration, from the facilities of Kraft, Inc., Champaign, IL, to points in FL and GA, restricted to the transportation of traffic originating at the named facilities and destined to the named destinations (Hearing site: Chicago, IL.)

MC 111434 (Sub-No. 98F), filed March 31, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 Avenue, Holland, MI 49423. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass containers and glass container accessories, caps, covers and accessories thereof, and cartons when mixed with metal or glass containers, from points in MI, to points in MI and Lucas County, OH, and (2) fiberboard boxes and sheets, from Gas City, IN, to Charlotte, MI. (Hearing site: Washington, DC or Chicago, IL.)

MC 113678 (Sub-No. 739F), filed March 30, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chemicals, in bulk, in tank vehicles, from Chattanooga, TN, to points in AL, FL, GA, MS, NC, and SC. Restricted against the transportation of commodities in bulk, from the facilities of Bulk Distribution Center in Chattanooga, TN. (Hearing site: Atlanta, GA.)
a common carrier, by motor vehicle, over irregular routes, transporting: "Ruey's carpet, cotton, wool, rayon, velvet, padding, and articles used or useful in the installation thereof (except commodities in bulk), from points in GA to points in OR and WA, restricted to traffic originating at and destined to the named points, or destined to points located on the United States/Canada International Border for interchange to final destinations located outside the boundaries of the 48 contiguous United States. (Hearing site: Seattle, WA.)

MC 113678 (Sub-No. 745F), filed March 31, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Beverages and desert ingredients and prepared preparations (except commodities in bulk), between Bridgeton, MO, and City of Industry, CA, on the one hand, and, on the other, points in the United States (except AK and HI). Restricted to traffic originating at and destined to the facilities of or utilized by Consolidated Flavor Corp. at or near Bridgeton, MO, and City of Industry, CA. (Hearing site: St. Louis, MO.)

MC 114045 (Sub-No. 494F), filed March 31, 1978. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 61228, Dallas/Fort Worth Airport, TX 75261. Representative: J. B. Stuart (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Frozen Foods, from the facilities used by Ore-Ida Foods, Inc., at or near Plover, WI, to points in AR, LA, NM, OK, and TX, restricted against the transportation of commodities in bulk, and (2) Frozen foods, (except commodities in bulk), from the facilities of Terminal Ice and Cold Storage Co., at or near Plover, WI, to points in AR, LA, NM, OK, and TX, and returned, refused and rejected merchandise in the reverse direction. (Hearing site: Chicago, IL or Dallas, TX.)

Note.—Common control may be involved.

MC 114211 (Sub-No. 357F), filed April 5, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 210 Beck Street, Waterloo, IA 50704. Representative: Adelor J. Warrem (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel, conduit, pipe and tubing, from the facilities of Wheatland Tube Co., located at or near Wheatland, PA, to points in AR, MO, TX, OK, CO, WI, IA, NE, LA, KS, ND, and SD. (Hearing site: Pittsburgh, PA, Cleveland, OH, or Washington, DC.)

MC 114457 (Sub-No. 307F), filed March 30, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in by wholesale and retail department stores (except those of unusual value, classes A and B explosives, and commodities in bulk), from points in the United States, in and east of MT, WY, CO, OK, and TX, to Minneapolis, MN. (Hearing site: St. Paul, MN or Chicago, IL.)

MC 115854 (Sub-No. 87F), filed March 31, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue NW, Washington, DC 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bags and bagging, from Nashville, TN, to points in OH, IN, IL, and points in MI on and south of MI Highway 21. (Hearing site: Nashville TN or Washington, DC.)

MC 115854 (Sub-No. 89F), filed March 31, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 915 Pennsylvania Building, 13th & Pennsylvania Avenue NW, Washington, DC 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Medical, dental, and consumer care products, from Chattanooga, TN, Nashville, TN, and Cincinnati, OH, to points in KY and WV. (Hearing site: San Francisco, CA or Nashville, TN.)

MC 116763 (Sub-No. 411F), filed April 5, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters, North West Street, Versailles, OH 45380. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Flour, corn meal, grits, and flour and meal based baking mixes (except in bulk), from Memphis, TN, to points in AL, AR, FL, GA, IL, IN, KY, IA, MS, MO, NC, OK, SC, TX, VA and WV. (Hearing site: St. Louis, MO.)

MC 117344 (Sub-No. 270F), filed March 31, 1978. Applicant: THE MAX-WELL L AND REFRIGERATING CO., 550 Even­dale Drive, Cincinnati, OH 45215. Representative: James R. Silverson, 1396 West Fifth Avenue, Columbus, OH 43212. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron Oxide, in bulk, in tank vehicles, from Toledo, OH to Washington, IN. (Hearing site: Columbus, OH.)

MC 117574 (Sub-No. 309F), filed March 31, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Water filtering and water treatment equipment, and (2) munici­pal and industrial waste treatment equipment (except commodities in bulk), between the facilities of General Filter Co., at or near Ames, IA, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, IN, KS, KY, IA, MI, MN, MO, MS, MT, ND, NE, NM, NC, OK, SC, SD, TN, TX, WI, and WY. (Hearing site: Des Moines, IA or Chicago, IL.)

Note.—Common control may be involved.

MC 117574 (Sub-No. 310F), filed March 31, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, from Georgetown, SC, and Savannah, GA, to points in AL, FL, GA, LA, MS, NC, SC, and TN. (Hearing site: Atlanta or Savannah, GA or Georgetown, SC.)

Note.—Common control may be involved.

MC 117574 (Sub-No. 311F), filed March 31, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, Harrisburg, PA 17108. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Grain, garbage, refuse, trash and other material handling trucks, truck bodies, and equipment, and (2) attachments, accessories, and parts used in connection with the commodities in (1) above, from the facilities of Kaffenburg Welding Service, New Carlisle, OH; Manning Equipment Co., Louisville, KY; and Wayne Engineering Corp., Cedar Falls, IA, to points in the United States in and east of CO, NE, NM, ND, and SD. Restriction: Restricted to the transportation of shipments originating at the above-named facilities and destined to points in the above-named destination territory. (Hearing site: Des Moines, IA or Chicago, IL.)

Note.—Common control may be involved.

Regular routes, transporting:

**Authority sought to operate as a
carrier, by motor vehicle, over irregu­
lar routes, transporting:** General
commodities (except classes A and B
except for household goods as defined
by the Commission, and commodities in
bulk), between Marysville, OH, on the
one hand, and on the other, points in
the United States (except AK and HI), under a continuing contract or
contracts with Ray Lewis & Son, Inc.,
of Marysville, OH. (Hearing site: COLUMBUS, OH.)

**MC 118899 (Sub-No. 187F), filed**
March 31, 1978. Applicant: CONTAIN­
ER TRANSIT, INC., 5223 South 9th
Street, Milwaukee, WI 53221. Repre­
sentative: Albert A. Andrin, 180 North
La Salle Street, Chicago, IL 60601. Au­
thority sought to operate as a common
carrier, by motor vehicle, over irregular
routes, transporting: Containers,
container ends, accessories, materials,
and supplies used in connection with
the manufacture and distribution of
containers (except commodities in
bulk and those which, because of size
or weight, require use of special equip­
ment), from the plant and warehouse
facilities of Crown Cork & Seal Co.,
Inc., located at or near Bradley and
Chrysler, Parnall and Lakeville, MN; St.
Louis, MO; Perryburg, OH; and Milwau­
kee, WI, to points in the United States
in and east of ND, SD, NE, KS, OK, and
TX. (Hearing site: Washington, DC or Philadelphia, PA.)

**MC 118899 (Sub-No. 138F), filed**
March 31, 1978. Applicant: CONTAIN­
ER TRANSIT INC., 5223 South 9th
Street, Milwaukee, WI 53221. Repre­
sentative: Albert A. Andrin, 180 North
La Salle Street, Chicago, IL 60601. Au­
thority sought to operate as a common
carrier, by motor vehicle, over irregular
routes, transporting: Containers,
container ends, accessories, materials,
and supplies used in connection with
the manufacture and distribution of
containers (except commodities in
bulk and those which, because of size
or weight, require use of special equip­
ment), from Addison and West Chica­
go, IL, to points in the United States
in and east of ND, SD, NE, KS, OK, and
TX. (Hearing site: Chicago, IL.)

**MC 119777 (Sub-No. 348F), filed**
March 31, 1978. Applicant: LIGON SPECIALIZED
TRANSPORT, INC., 4601 East 15th Avenue,
Gary, IN 46403. Authority sought to operate as a common
carrier, by motor vehicle, over irregular
routes, transporting: Frozen foods, from the facilities of Chef Pierre, Inc., located at or near Forest, MS, to points in the United
States (except AZ, CA, ID, OR, WA,
WY, MS, MT, NV, AK, and HI). (Hearing
site: Traverse City, MI or Harris­
burg, PA.)

**MC 122676 (Sub-No. 190F), filed**
April 5, 1978. Applicant: FAST
MOTOR SERVICE, INC., 9100 Plain­
dale Road, Brookfield, IL 60513. Rep­
resentative: Albert A. Andrin, 180 North
La Salle Street, Chicago, IL 60601. Au­
thority sought to operate as a con­
tract carrier, by motor vehicle, over
irregular routes, transporting:
Containers, container closures, glass­
ware, packaging products, container
components, and scrap materials, and
material, equipment, and supplies
used in the manufacture, sale, and dis­
tribution of the foregoing commodities
(except commodities in bulk in tank
vehicles and those which because of
size and weight require the use of spe­
cial equipment), between points in the
United States (except AK, HI, WA,
OR, ID, CA, NV, and UT), in nonradial
movements, under a continuing con­
tract or contracts with Owens-Illinois,
Inc., of Toledo, OH. (Hearing site: Chi­
cago, IL.)

**MC 123819 (Sub-No. 57F), filed**
March 31, 1978. Applicant: ACE
PREIGHT LINE, INC., P.O. Box
16589, Memphis, TN 38118. Repre­
sentative: Bill R. Davis, Suite 101,
Emerson Center, 2814 New Spring Road,
Atlanta, GA 30339. Authority sought to operate as a common
carrier, by motor vehicle, over irregular
routes, transporting: Clay and clay
products, animal and poultry feed and
fish feed, and ingredients thereof, from
Ochlocknee, GA; Red Bay AL; and Tupelo,
MS, to points in AL, AR, LA, MS, MO,
OK, TN, IL, IN, WI, MI, KY, and TX,
restricted against the transportation of
animal and poultry feed and meals
from Red Bay, AL, and Tupelo, MS, to
points in AL, AR, LA, MS, and TN. (Hearing site: Mobile, AL.)

**MC 123819 (Sub-No. 58F), filed**
March 31, 1978. Applicant: ACE
PREIGHT LINE, INC., P.O. Box
16589, Memphis, TN 38118. Represent­
ative: Bill R. Davis, Suite 101, Emer­
son Center, 2814 New Spring Road,
Atlanta, GA 30339. Authority sought to operate as a common
carrier, by motor vehicle, over irregular
routes, transporting: (1) Bags, from
Jacksonville, AR, to points in AL, AR, LA, MS, GA, TN, IL, IN, IA, NY, PA, MO, WI, KY, MN, and the Lower Peninsula of MI, and (2) materials and supplies used in the manufacture, sale, and distribution of bags, from the destination States named in (1) above, to Jackson­
ville, AR. The Authority is re­
stricted against the transportation of
bags used in the transportation of
animal and poultry feed, meals, and
fertilizer and fertilizer ingredients,
from Jacksonville, AR, to points in AL,
AR, LA, MS, and TN. (Hearing site:
Memphis, TN or Little Rock, AR.)

**Note:** The purpose of this republication is to correct the commodity description which was incorrectly published in the FEDERAL REGISTER. Applicant holds contract car­
ier authority as a common carrier and other subs thereunder, therefore dual oper­
ations may be involved. Common control may also be involved.

**MC 123255 (Sub-No. 154F), filed**
April 3, 1978. Applicant: B & L
MOTOR FREIGHT, INC., 140 Everett
Avenue, Newark, OH 43055. Repre­
sentative: C. F. Schnee, Jr. (same ad­
dress as applicant). Authority sought to operate as a common
carrier, by motor vehicle, over irregular
routes, transporting: Appliances, gas and elec­
tric, and parts, materials, supplies, and
equipment used in the manufactu­
re, distribution, or repair of appli­
ances, from the facilities of Whirlpool
Corp., at Clyde, Marion, and Findlay,
OH, and Evansville, IN, to points in
the United States on and east of U.S.
Highway 85. (Hearing site: Columbus, OH.)

**Note:** Common control may be involved.

**MC 125335 (Sub-No. 12F), filed**
March 31, 1978. Applicant: GOOD­
WAY, INC., P.O. Box 2283, York, PA
17405. Representative: Gaylin L.
Larsen, 521 South 14th Street, P.O.
Box 81849, Lincoln, NE 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular
routes, transporting: Tree or used killing compounds and
chemicals (except in bulk), from points in Lowndes County, MS, to points in AZ, CA, ID, OR, and WA. (Hearing site: San Francisco, CA.)

**Note:** Common control may be involved.

**MC 125777 (Sub-No. 214F), filed**
April 3, 1978. Applicant: JAC JAY
TRANSPORT, INC., 4601 East 15th Avenue,
Gary, IN 46403. Authority sought to operate as a common
carrier, by motor vehicle, over irregular
routes, transporting: Coke, in dump
vehicles, from Fairport Harbor, OH, to
points in IN, MI, NY, PA, and WV. (Hearing site: Chicago, IL.)

**Note:** Common control may be involved.
M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Veneer, from Hawkinsville, GA, to points in AL, NC, SC, TN, TX, VA, and WI; and (2) lumber (except plywood and veneer), from Hawkinsville, GA, to points in AL, NC, SC, TN, TX, VA, and WI. (Hearing site: Jacksonville, FL.)

Note.—Common control may be involved.

MC 129397 (Sub-No. 53F), filed March 31, 1978. Applicant: PAYNE TRANSWORSTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Edible flour, dessert preparations, preserves, and corn sugar (except frozen commodities and commodities in bulk), from the facilities of International Multifoods located at or near Youngstown, OH, to points in FL, GA, KS, KY, LA, MA, MI, MO, NE, NJ, NY, ND, OH, PA, SD, and TX. Restriction: Restricted to traffic originating at the named origin and destined to the named destination States. (Hearing site: Chicago, IL.)

MC 133175 (Sub-No. 7P), filed April 4, 1978. Applicant: METALS TRANSWORSTATION CO., a corporation, 1140 Poland Avenue, Youngstown, OH 44502. Representative: James Duvall, P.O. Box 97, 248 Worbridge Street, Dublin, OH 43017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pallet racks and parts of pallet racks, from the facilities of Republic Steel Corp., Manufacturing Division, 123, Huron, SD 57350, to or near Youngstown, OH, to points in AL, FL, GA, MS, NC, SC, and TN, under a continuing contract, or contracts, with Republic Steel Corp., of Cleveland, OH. (Hearing site: Columbus, OH.)

MC 134477 (Sub-No. 226F), filed March 31, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Paper, paper products, wood pulp, wood cellulose flour and cabinets, dispensers, or holders for paper products (except commodities in bulk), from Old Town, ME and Berlin, Gorham, and Groveton, NH, to points in AL, AR, CO, DC, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MO, MS, NE, NJ, NY, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, and WI. (Hearing site: Minneapolis, MN.)

MC 134477 (Sub-No. 232F), filed March 31, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, canned or bottled (except in bulk), from the facilities of William Underwood & Co. at or near Portland, ME, to or near Hannibal, MO, Cleveland and Columbus, OH, Oklahoma City, OK, Dallas and Houston, TX, and Milwaukee, WI; and (2) from the facilities of William Underwood & Co. at or near Hannibal, MO, to Chicago, IL, St. Paul, MN, and Milwaukee, WI, restricted in (1) and (2) above to the traffic originating at the above named origins and destined to the above named destinations. (Hearing site: Minneapolis, MN.)

MC 134838 (Sub-No. 18F), filed March 31, 1978. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., P.O. Box 39236, Bolton Station, Atlanta, GA 30318. Representative: Archie B. Culbreth, Suite 202, 132 Old Croton Road, Flemington, NJ 08822. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cross ties, between points in AL and FL, GA, MS, NC, and SC, in nonradial movement. (Hearing site: Atlanta, GA.)

MC 135684 (Sub-No. 68F), (correction), filed March 13, 1978, published in the Federal Register issue of April 27, 1978, and republished, as corrected, this issue. Applicant: BASS TRANSWORSTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Confectionery, chewing gum, and novelties, from Duryea and Scranton, PA, to points in AZ, CA, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Washington, DC or Newark, NJ.)

Note.—The purpose of this republication is to show the destination of AZ in lieu of AR as previously published.

MC 138788 (Sub-No. 212F), filed March 31, 1978. Applicant: F.M.S. TRANSPORTATION, INC., West St. Paul, MN 55118. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07874. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except frozen and commodities in bulk), (1) from the facilities of Vlasic Foods, Inc., located at Bridgeport, Imlay City, and Memphis, MI, to the facility of Vlasic Foods, Inc., located at Greenville, MS, and (2) from facilities of Vlasic Foods, Inc., located at Greenville, MS, to points in AL, AR, CO, FL, GA, KS, KY, LA, MO, NM, OK, TN, TX, UT, and IN. (Hearing site: Montgomery or Birmingham, AL.)

MC 138926 (Sub-No. 38F), filed March 31, 1978. Applicant: F.M.S. TRANSPORTATION, INC., P.O. Box 1597, 2564 Harley Drive, Maryland Heights, MO 63043. Representative: E. Stephen Hesley, 805 McLachlan Bank Bldg., 872 Central Ave., South St. Louis, MO 63103. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Radiators, radiator cores, coolers, heat exchangers, heaters, copper articles, motor, tubes, and copper sheets, and parts and accessories therefor, and (2) materials, equipment, and supplies used in the manufacture, sale, assembly, transport, processing, repair, coating, and distribution of the commodities in (1) above (except commodities in bulk), between Sacramento, CA on the one hand and, on the other, points in the United States (except AK and HI), under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

Note.—(1) Applicant is a commonly controlled contract carrier for and on behalf of Chromalloy American Corp. and the purpose of this application is to enable the shipper to replace its private carriage with...
the contract carrier services of applicant. Applicant already holds similar authority for the shipper between thirteen (13) other locations of the shipper on the one hand and, and, on the other, points in the United States, commonly controlled under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

MC 139206 (Sub-No. 42F), filed March 31, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 63043. Representative: E. Stephen Heisley, 805 Mclachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Radiator cores; radiators; intercoolers; radiator fans; radiator parts; automotive heaters; and parts and accessories therefor; and (2) materials, equipment, and supplies used in the manufacture, assembly, sale, installation, repair, cleaning, distribution, packing, and transportation of the commodities in (1) above (except in bulk), between California, CA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of foodstuffs between the ports of entry on the International Boundary line between the United States and Canada located on the Niagara River in NY, and destined to named destinations. (Hearing site: Denver, CO.)

Note.—Common control may be involved.

MC 140820 (Sub-No. 3F), filed March 31, 1978. Applicant: A & R TRANSPORT, INC., 2996 North Illinois 71, Rural Route No. 3, Ottawa, IL 61350. Representative: James R. Madler, 120 West Madison Street, Suite 718, Chicago, IL 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) New furniture, toys, and parts for new furniture and toys, between the ports of entry on the International Boundary line between the United States and Canada located on the Niagara River in NY, and destined to named destinations. (Hearing site: Chicago, IL.)

Note.—Common control may be involved.

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proofs, lay-outs, press plate moulds

Salem, IL, restricted to traffic having

plates, art and design work, press lay-outs, press and installation thereof (except in bulk, in tank vehicles), from Henderson, KY and Mechanicsburg, PA, to points in the United States (except AK and HI). (Hearing site: Louisville, KY or Washington, DC.)

MC 143095 (Sub-No. 4F), filed March 31, 1978. Applicant: NEW ENGLAND TRANSPORT, INC., LTD., P.O. Box 441, Springfield, VT 05156. Representative: William C. Dineen, Suite 412, Empire Building, 710 North Main Street, Northville, MI 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic pipe, tubing, fittings, connections and materials, supplies and accessories used in the manufacture and installation thereof (except in bulk, in tank vehicles), from Henderson, KY and Mechanicsburg, PA, to points in the United States (except AK and HI). (Hearing site: Rutland, VT or Washington, DC.)

Note.—Common control may be involved.

MC 144201. Applicant: V. M. P. ENTERPRISES, INC., 3006 South 40th Street, Milwaukee, WI 53215. Representative: William C. Dineen, Suite 412, Empire Building, 710 North Main Street, Milwaukee, WI 53203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Buses, in initial movements, in dri­

way service, from Loupdonville and Delaware, IA, to points in the United States (including AK but excluding HI), restricted to traffic originating at the facilities of Grumman—Flexible Corp. (Hearing site: Columbus, OH or Washington, DC.)

MC 144257 (Sub-No. 1P), filed April 3, 1978. Applicant: ALAN L. SAMS & VERNITH Y. LAMB, d.b.a. L&S COURIER SERVICE, P.O. Box 371, Rural Route No. 1, Effingham, IL 62401. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Printers plates, art and design work, press proofs, lay-outs, press plate moulds and press layout materials used in the printing of magazines, papers and periodicals, and sample copies, between Lambert Field International Airport at St. Louis, MO, on the one hand, and, on the other, Effingham and Salem, IL, restricted to traffic having a prior or subsequent movement by air, under a continuing contract, or contracts, with World Color Press, Inc., at Effingham, IL. (Hearing site: St. Louis, MO or Springfield, IL.)

MC 144507F, filed March 31, 1978. Applicant: MARYLAND—D.C. TRANSPORT, INC., 2669 Merchant Drive, Baltimore, MD 21230. Representative: Ronald A. Smith, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classified A, B, and C), household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Baltimore, MD on the one hand, and, on the other, DC, restricted to traffic which has a prior or subsequent move­

ment by ral. (Hearing site: Baltimore, MD or Washington, DC.)

MC 144512F, filed March 31, 1978. Applicant: BUD'S SERVICE, INC., 1312 Fort Street, Lincoln Park, MI 48146. Representative: David E. Jerome 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregu­lar routes, transporting: Wrecked, dis­
abled, and repossessed motor vehicles, replacement vehicles, for the afore­
mentioned commodities, and trailers (except mobile homes) between points in Monroe, Oakland, and Wayne Counties, MI, on the one hand, and, on the other, points in the United States in and east of WI, IL, MO, AR, and LA. (Hearing site: Detroit or Lansing, MI or Chicago, IL.)

MC 144526F, filed March 31, 1978. Applicant: METCOR, INC., 1400 Re­
naissance Drive, Park Ridge, IL 60068. Representative: Albert A. Andrín, 101 State Street, Suite 304, Springfield, MA 01103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wall coverings, wall papers, fabrics, draperies, records, cassettes, and tapes, from points in Pittsville, MD, over irregular routes, transporting: Stonepipe, chim­
neys, sheet metal products, from Red­
wood City, CA, to points in the United States (except AK and HI). Under continua­tion contract for contracts with Dura-Vent Corp. (Hearing site: San Francisco, CA or Washington, DC.)
erating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g., M1 F, M2 F) numbers where the docket is so identified.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(e) of the Commission’s General Rules of Practice (49 CFR 1100.247) and shall include a concise statement of protestant’s interest in the proceeding and copies of its conflicting authority. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner’s representative, or petitioner if no representative is named.

MC 27063 (Sub-No. 15) (MIF) (Notice of filing of petition to modify restriction) filed April 21, 1978. Petitioner: LIBERTY TRANSFER CO., INC., 1601 Cuba Street, Baltimore, MD 21230. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Petitioner holds a motor contract carrier permit in NO, NC, and SC. Authorization is restricted to a transportation of commodities indicated and in the manner specified next above. The instant petition, petitioner seeks to modify that portion of the two restrictions which read: “who operate retail stores, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified next above.”

The modification of the portion of the two restrictions will read “who are engaged in the business of the sale of food, for the transportation of the commodities indicated and in the manner specified next above.”

MC 85718 (Sub-No. 6) (MIF) (notice of filing of petition to modify commodity description) filed April 27, 1978. Petitioner: SEWARD MOTOR FREIGHT, INC., P.O. Box 126, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Petitioner holds a motor common carrier certificate in NO, NC, and SC. Authorization is restricted to (a) transportation, over irregular routes, of: (1) Transportation of butterfield and Madelia, MN, to points in AZ, CA, CO, ID, MT, NE, NV, OR, UT, WA, and WY; (3) from the plant sites and storage facilities of King Foods, Inc., and Feinberg Distributing Co. in the Minneapolis, MN commercial zone, as defined by the Commission, and from the plant sites and storage facilities of Tony Downs Foods Co., located in Ashtabula, OH, to points in MN, to points in AZ, CA, CO, ID, MT, NE, NV, OR, UT, WA, and WY.

MC 114115 (Sub-No. 12) (MIF) (notice of filing of a petition to modify permit) filed April 19, 1978. Petitioner: TRUCKAWAY SERVICE, INC., 140 Oakwood Boulevard, Detroit, MI 48217. Representative: James R. Stil­erson, 1396 West Fifth Avenue, Columbus, OH 43212. Petitioner holds a motor contract carrier permit in NO, NC, and SC. Authorization is restricted to (a) transportation, over irregular routes, of: Rock salt, in bulk, between points in IL, IN, KY, OH, PA, and the Lower Peninsula of MI. Restriction: The service authorized herein is subject to the following conditions: The service authorized herein is restricted against the following: (1) Traffic moving between points in IN and IN, and (2) traffic moving between points within 40 miles of Monroe, MI; (3) traffic moving from Lucas County, OH, to points in MI and IN, and (4) traffic moving between points in Ashtabula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit, and Wayne Counties, OH, on the one hand, and, on the other, points in IN, KY, MI, and PA. Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: (1) Diamond Crystal Salt Co.; (2) International Salt Co.; (3) Morton Salt Co., Division of Morton International, Inc.; (4) Cargill, Inc. Service to Cargill, Inc., is restricted against traffic moving from points in the St. Louis, MO-East St. Louis, IL, commercial zone, as defined by the Commission, to points in IL and that part of IN on and south of U.S. Hwy 136 and on and west of IN Hwy 37. By the instant petition, petitioner seeks

* Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washing­ton, D.C. 20423.
to modify the above authority by adding Domtar, Inc., Sifton Salt Division, as an additional shipper.

MC 115311 (Sub-No. 49) (M1P) (notice of filing of petition to add or delete a commodity or contract carrier) filed March 27, 1977, authorizing transportation, over irregular routes, of Sugar (except in bulk, in tank vehicles), between points in FL, GA, and TN, and by adding a fourth common carrier certificate in No. MC 115311 (Sub-No. 49), issued March 2, 1967, authorizing transportation, over irregular routes of: Sugar (except in bulk, in tank vehicles), between points in AL, and MS, to points in MO, TN, and SC, and TN, (2) from Houma, LA to points in AI, and MS, (3) from Reserve, Houma, Mathews, and Supreme, LA, to points in FL, GA, and TN, and (4) from Reserve, LA, to points in NC and SC. By the instant petition, petitioner seeks to modify the above authority by adding flyash as an additional commodity in (3) above, and by adding a fourth common carrier certificate in No. MC 115311 (Sub-No. 49), issued March 2, 1967, authorizing transportation, over irregular routes, of: (1) Dry fertilizer and dry fertilizer materials, (2) farm seed and animal feed, in containers, and (3) crop-protection chemicals in mixed loads with fertilizer and fertilizer materials, between points in AI, AL, and MO, on to points in AI, LA, to points in CA, TX, and on to points in the United States, (except Minneapolis), to points in ND, and Valley City, ND; (3) to a transportation service to be performed under a continuing contract, or contracts, with Gardinier Big River, Inc., of Helena, AR. By the instant petition, petitioner seeks to add Internationals Minerals & Chemical Corp. as an additional contracting shipper.

REPRESENTATION OF AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

AN original and one copy of a pleading shall be served concurrently upon the carrier's representative, or carrier if no representative.

MC 1931 (Sub-No. 16) (republication), filed February 23, 1976, published in the Federal Register issue of April 1, 1976, and republished this issue. Applicant: VONDER AHE VAN LINES, INC., 600 Rudder Avenue, Houston, MO 60270. Representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, DC 20036. An Order of the Commission, Division 1, decided March 30, 1978, and served May 8, 1978, finds that the present and future public convenience and necessity require operations by applicant to interstate or foreign commerce as a common carrier over irregular routes, in the transportation of Furniture, furnishings, appliances, store and office fixtures, kitchen fixtures and equipment, and institutional fixtures and equipment, all new and uncrated, between points in CA, OR, and WA, and by adding a restriction, and to indicate the commodity and territorial description; add a restriction, and to indicate the

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grant of common carrier authority in lieu of contract carrier authority in applicant’s grant of authority.

**Motor Carrier, Broker, Water Carrier and Freight Forwarder Operating Rights Applications**

**NOTICE**

The following applications are governed by Special Rule 247 of the Commission’s General Rules of Practice (49 CFR §1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice. The protest must specifically identify the facts, matters, and things relied upon, but shall not include prior protests. Further processing steps will be by special rules, and shall include the certifying officer, or applicant if no representative is named. All pleadings and documents must clearly specify the “F” suffix where the docket is utilized by the applicant for its proceedings.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission decision which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

- **MC 20798** (Sub-No. 3135P) (correction), filed April 3, 1978, published in the Federal Register issue of June 1, 1978, and republished this issue. Applicant: STANSFIELD TRANSPORTATION CORP., 111th Street, New York, NY 10028. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from (1) New York, NY, to points in TX, and (2) from Forest, MS, to points in AL, AR, AZ, CO, FL, GA, KS, LA, MO, NV, NM, NC, OK, SC, and TX. (Hearing site: Jackson, MS.)

- **MC 20799** (Sub-No. 19F), filed April 4, 1978. Applicant: EVANS DELIVERY CO., INC., P.O. Box 268, Pottsville, PA 17901. Representative: Joseph F. Hoyt, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, from (1) New York, NY, to points in PA, and (2) the facilities utilized by Terminal Ice & Cold Storage, Inc., at Indianapolis, IN 46225. Representative: Mr. K. B. Jorgensen, 940 West Troy Avenue, Indianapolis, IN 46202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except in bulk), from (1) the facilities utilized by Terminal Ice & Cold Storage Co., located at or near Plover, WI, to points in AL, AR, AZ, CA, CO, FL, GA, LA, MS, NC, SC, TN, TX, and other counties thereof (except commodities in bulk), and (2) the facilities utilized by Oregon Iron Works, Inc., at Indianapolis, IN, to points in the United States, in- excluding commodities in bulk), and (3) the facilities utilized by Forest, MS, to Forest, NS. Common control may be involved. (Hearing site: Atlantic, GA or Washington, DC.)

- **MC 20800** (Sub-No. 100F), (amendment), filed March 20, 1978, previously noticed in the Federal Register issue of May 11, 1978, and republished this issue. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, with no exceptions, serving the off-route points of Fairfield and Chaplin, KY in conjunction with applicant’s authorized regular-route operations. (Hearing site: Louisville or Taylorsville, KY.)

**NOTE.**—Common control may be involved.

- **MC 20801** (Sub-No. 21P), filed March 1, 1978. Applicant: RICHARD L. SIMON, 1636, Lakeland, FL 33802. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of foodstuffs in specialty containers and food-handling equipment and supplies when moving with foodstuffs, but excluding commodities in bulk), in mechanically refrigerated equipment, from Chicago, IL, to points in the Lower Peninsula of MI, located on and east of U.S. Hwy 27 from the MI-IN State line to Mount Pleasant, MI, and on and south of MI Hwy 20 from Mount Pleasant to Bay City, MI. (Hearing site: Chicago, IL.)

- **MC 20802** (Sub-No. 37P), filed March 31, 1978. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Representative: Wilmer B. Hill, 803 Mclachlan Bk Build 11th St NW, Washington, DC 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: plywood and composition board, between Philadelphia, PA, on the one hand, and, on the other, York, Williamsport, and Scanton, PA. (Hearing site: Philadelphia, PA.)

**NOTE.**—Common control may be involved.

- **MC 20803** (Sub-No. 100F), filed March 1, 1978. Applicant: CHARLES SPEARS AND DEWEY HARRIS, d.b.a. TAYLORSVILLE TRANSFER LINE, Main Cross Street, Taylorsville, KY. Representative: A. J. Maggiolo, 2550 First National Tower, Louisville, KY 40202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, with no exceptions, serving the off-route points of Fairfield and Chaplin, KY in conjunction with applicant’s authorized regular-route operations. (Hearing site: Louisville or Taylorsville, KY.)

- **MC 20804** (Sub-No. 100F), (amendment), filed March 31, 1978, previously noticed in the Federal Register issue of May 11, 1978, and republished this issue. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except in bulk), from (1) the facilities utilized by Terminal Ice & Cold Storage Co., located at or near Plover, WI, to points in AL, AR, AZ, CA, CO, FL, GA, LA, MS, NC, SC, TN, TX, and other counties thereof (except commodities in bulk), and (2) the facilities utilized by Oregon Iron Works, Inc., at Indianapolis, IN, to points in the United States, in- excluding commodities in bulk), and (3) the facilities utilized by Forest, MS, to Forest, NS. Common control may be involved. (Hearing site: San Francisco, CA or Washington, DC.)

**NOTE.**—The purpose of this republication is to name the common carrier, WI. Common control may be involved.

- **MC 20805** (Sub-No. 16P), filed March 31, 1978. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 West Troy Avenue, Indianapolis, IN 46225. Representative: Mr. K. Clay Smith, P.O. Box 33051, Indianapolis, IN 46203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fabricated steel water tanks, and materials, equipment, supplies, and accessories, Class A and B, structure, distribution, and installation thereof (except commodities in bulk), from the facilities of Universal Tank & Iron Works, Inc., at Indianapolis, IN, to points in the United States, in-
including AK, but excluding HI. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 113678 (Sub-No. 712) (amendment), filed January 24, 1978, and previously noticed in the Federal Register, March 27, 1978, published this issue. Applicant: CURTIS, M. Shaner (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Confectionery and confectionery products (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars at Hackettsburg, NJ, and Elizabethtown, PA, to points in AZ, CA, NV, OR, UT, and WA, restricted to shipments originating at the above-named origin and destined to the indicated destinations. (Hearing site: New York, NY or Philadelphia, PA.)

Note.—The purpose of this republication is to indicate NV as a destination State.

MC 119789 (Sub-No. 448P), filed April 3, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Radiators, radiator cores, coolers, heat exchangers, heaters, copper articles, solder, tubes, and copper sheets, and parts and accessories thereof, and (2) materials, equipment, and supplies used in the manufacture, sale, assembly, transportation, processing, repair, coating, and distribution of the commodities in (1) above (except commodities in bulk), between Denver, CO, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

Note.—Common control may be involved.

MC 132355 (Sub-No. 161P), filed April 3, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Street, Cambridge, MA 02138. Representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Spring assemblies, davenport or sofa bed, from Ennis, TX, to Atlanta, GA, (2) steel assemblies and steel articles, from Simpsonville, KY, to points in TX. (Hearing site: Dallas, TX.)

Note.—Common control may be involved.

MC 138385 (Sub-No. 27P), filed April 4, 1978. Applicant: EASTERN REFRIGERATED TRANSPORT, INC., P.O. Box 113, Crozet, VA 22932. Representative: Harry J. Jordan, 1000 16th Street NW, Washington, DC 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods and exempt commodities, when moving in the same vehicle with frozen food, from the facilities of Eastern Refrigerated Transport Co., Inc., to points in NH, ME, MA, RI, CT, NY, NJ, PA, DE, VT, MD, VA, and DC. (Hearing site: Washington, DC.)

MC 139208 (Sub-No. 37P), filed March 31, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1987, 2564 Harley Drive, Maryland Heights, MO 63043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 656 Eleventh Street NW, Washington, DC 20001. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Radiators, radiator cores, coolers, heat exchangers, heaters, copper articles, solder, tubes, and copper sheets, and parts and accessories thereof, and (2) materials, equipment, and supplies used in the manufacture, sale, assembly, transportation, processing, repair, coating, and distribution of the commodities in (1) above (except commodities in bulk), between Denver, CO, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

Note.—The purpose of this republication is to clarify the request for authority.

MC 143290 (Sub-No. 1P), filed March 27, 1978. Applicant: ROBERT LEE THOMPSON and his wife, 168 Poydras Avenue, Mobile, AL 36606. Representative: Howard M. Johnson, Jr., 168 Poydras Avenue, Mobile, AL 36606. Authority sought to operate as a common carrier, by motor vehicle, between Mobile, and Theordore, AL, and Pascagoula, MS, from Mobile, AL to Interstate Hwy 65, then to Canal Street to Interstate Hwy 65, then to Interstate Hwy 10 to U.S. Hwy 90 to Pascagoula, MS. (Hearing site: Mobile, AL or Pascagoula, MS.)

FINANCE APPLICATIONS notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers of motor carriers pursuant to sections 5(2) or 210(a)(1) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protests shall comply with special rules 240(c) or 240(d) of the Commission's general rules of practice (49 CFR 1100-240) and shall include a concise statement of protest, sufficient to show that the applicant is not entitled to the grant of the requested authority. A copy of the protest shall be served concurrently upon a representative, or applicant, if no representative is named.

MC-F 13548. Authority sought for purchase by ALVAN MOTOR FREIGHT, INC., 885 Joliet Road, Joliet, IL 60431, McF 13548, a portion of the operating rights of Key Line Freight, Inc., 15 Andre Street SE, Grand Rapids, MI 49507, and for acquisition by Charles A. Van Zeeen of control of the operating rights of Key Line Freight, Inc. The applicant's attorney: Robert A. Sullivan, Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48176. Operating rights sought to be purchased. General commodities, with exceptions, as a common carrier, over regular routes, between Grand Rapids, MI, and Big Rapids, MI, serving all intermediate points: Between Grand Rapids, MI, and Fremont, MI, serving all intermediate points; between Grand Rapids, MI, and Lansing, MI, serving all intermediate points and the off-route points of Woodland, MI; between Grand Rapids, MI, and Ludwigton, MI, serving all intermediate points and the off-route points of Michigan, MI; between Grand Rapids, MI, and Frankfort, MI, and Arcadia, and Onekama (restricted against service to Manistee and Cadillac, MI); between Scottville,
NOTICES

MI, and Junction U.S. 131 and MI Hwy 63, serving all intermediate points. All of the above authority is subject to the following restrictions: (1) No service is authorized at Manistee, MI, and Cadillac, MI, and points within their respective commercial zones; (2) to the extent that the above authority authorizes service at points (a) within the area in MI bounded by a line beginning at Muskegon, extending along I-96 to the junction of U.S. 131, then over U.S. 131 to junction with unnumbered highway north of Cadillac, then over unnumbered highway via Boon and Harrietta to Mesick, then over MI Hwy 42 to junction MI Hwy 37, then over MI Hwy 37 to junction U.S. 10, then over U.S. 10 to Ludington, then along the eastern shore of Lake Michigan to Muskegon including points on the designated highways, except Muskegon, Manistee, Cadillac, and Grand Rapids and points within their commercial zones, with exceptions, between U.S. 131 and MI Hwy 46 on the one hand, and on the other, Lakeview, MI, on MI Hwy 46, including all intermediate points; (e) between Big Rapids and Mecosta, MI, including all intermediate points; and (d) Traverse City, MI, and points within its commercial zone, such service is restricted to the transportation of shipments either way destined to points in OH, IL, IN, and WI. Service is authorized at the following off-route points in MI in connection with its existing operation with said carrier’s existing operations, as indicated below: Alto, Clarksville, McChords, and Woodbury, in connection with its existing operations between Grand Rapids and Lansing, over MI Hwy 50 and 43; Altona, Bendon, Borland, Chief, Coral Fountain, Freesoil, Gowen, Hersey, Irkelerchen, Orono, and Sherman Township in Mason County, Stronach, Tustin, and Wexford, in connection with its existing operations between Grand Rapids and Detroit, over U.S. 131, MI Hwy 37 and U.S. 31; Batchelder and Tallman in connection with its existing operations between Scottville and junction U.S. 131 and MI Hwy 63 over U.S. 10; Reeman in connection with its existing operations between Big Rapids and Muskegon over MI Hwy 82; between White Cloud, MI, and Junction U.S. 10 and MI Hwy 37, 3 miles north of Baldwin, MI. Service is authorized to and from all intermediate points and the off-route point of Hawkins, MI, between the junction of MI Hwy 37 and unnumbered highway south of MI Hwy 63, over unnumbered highway via Peacock, Irons, Dublin, and Wellston, MI, to its junction with MI Hwy 55. Service is authorized to and from all intermediate points. Service is authorized to and from all intermediate points, and the off-route points of Benson, Battle Creek, High Bridge, Hoxseyville, and Parkdale, MI, between Big Rapids, MI, and Mecosta, MI. Service is authorized to and from all intermediate points, and the off-route points of Blanchard, Midland, Sylvestor, and Vandeveer, MI, between junction of U.S. 31 and MI Hwy 115 and junction MI Hwy 115 and MI Hwy 37 near Musick, MI. Service is authorized to and from all intermediate points and the off-route points of Harlan, Henry, Homestead, Humphrey, Kaleva, Marilla, Nessen City, Pomona, and Thompsonville, MI. General commodities, with the exceptions noted above, over alternative routes for operating convenience only, between junction of MI Hwy 63 and 37, and junction of unnumbered highway and MI Hwy 31 west of Harrietta, MI; between junction of unnumbered highway and bypass 131 (east of Grand Rapids, MI) over bypass U.S. 131 to junction of U.S. 131 and bypass 131 (northeast of Grand Rapids, MI) and return over the same route. Service is authorized to or from intermediate points.

Irregular routes: General commodities, with exceptions, between Grand Rapids and Detroit, MI, on the one hand, and, on the other, the site of Grand Valley State College, located approximately 7 miles west of Grand Rapids, and points within 2 miles thereof, other than points within 1 mile of the Allendale, MI, Post Office including Allendale. Regular route: General commodities; with exceptions, between junction U.S. 131 and MI Hwy 46, and Lakeview, MI, serving all intermediate points. Irregular routes: Scrap Metals, in bulk, from Angola, Columbia City, and Syracuse, IN, and Chicago, IL, to Beiding, MI, with no transportation for compensation on return except as otherwise authorized. Irregular routes: Iron and steel articles, from the plantsite of the Hussmann Refrigerator Co., located at Taussig Road and St. Charles Rock Road, Bridgeton, MO, on the one hand, and, on the other, Traverse City, MI, and points in that part of MI on and south of a line beginning at Ludington, MI, and extending along U.S. 10 to junction MI Hwy 20, then along MI Hwy 37 to Traverse City, MI, and on and west of a line beginning at Bay City and extending along U.S. 23 to Flint, MI, then along MI Hwy 78 to Lansing, MI, then along U.S. 127 to the MI-Ohio State line, and points in that part of MI north of line extending from Frankfort, MI, along MI Hwy 115 to junction U.S. 31, then along U.S. 31 to Traverse City and points north of U.S. 31, the plantsite of Green Giant Co., located near Old Mission, MI, is located. Irregular routes: Frozen bakery goods, from the plantsites and facilities of the Michigan Lloyd J. Harris Pie Co., Inc., Sauk City, WI, and the facilities of the Green Giant Co., located near Old Mission, MI, to points in IL south of U.S. 36 beginning at the IN-IL State line and extending to Springfield, IL, then along IL Hwy 125 to junction U.S. 67, then along U.S. 67 to IL Hwy 103, then along IL Hwy 103 to junction U.S. 24, then along U.S. 24 to the IL-MO State line and to points in IN south of U.S. 40, with no transportation for compensation on return except as otherwise authorized. Irregular routes: Foodstuffs, from the plantsite and storage facilities utilized by Green Giant Co., at or near Belvidere, IL, to points in IN, KY, and OH, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plantsite and storage facilities of Green Giant Co., located at or near Belvidere, IL, and destined to the above-named destination points. Irregular routes: Foodstuffs (except in bulk), from the plantsite and warehouse facilities of Jeno’s, Inc., located at or near Sodus, MI, to points in IL, IN, IA, KY, MN, MO, and WI, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plantsite and storage facilities of Jeno’s, Inc., to points in OH, KY, and IN. Service is authorized to and from the above-named destination points.
CFR 1065 may not be tacked or joined with the carrier's other irregular-route authority unless specifically authorized herein. Vendee is authorized to operate pursuant to a certificate of registration in MC 1395 as a common carrier in the State of Michigan. Application for the proposed transaction will not result in vendee acquiring duplicating authority. An application has been filed for temporary authority under section 210a(b).

NOTE.—MC 1395 (Sub-No. 9) is a directly related matter.

No. MC-F-13870. Authority sought for purchase by OHIO FAST FREIGHT, INC. 3893 Market Street NE, Warren, OH 44484, of a portion of the operating rights of Strickland Transportation Co., Inc., 11353 Reed Hartman Highway, Cincinnati, OH 45241, and for acquisition by Orin J. Neiman, also of Warren, OH, of control of the rights through the purchase. Applicant's attorneys: Paul F. Beery, Beery & Spurlock Co., L.P.A., 275 East State Street, Columbus, OH 43215; Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603; and Milton H. Bortz, 11353 Reed Hartman Highway, Cincinnati, OH 45241. Operating rights sought to be transferred: General commodities (with exceptions), as a common carrier, over regular routes between Chicago, IL and Cleveland, OH; from Chicago over alternate U.S. Hwy 30 via Calumet City, IL to Junction U.S. Hwy 6, then over U.S. Hwy 6 to Lorain, OH, then over Ohio Hwy 57 to Junction Ohio Hwy 254, then over Ohio Hwy 254 to Cleveland, OH and return over the same route general commodities (with exceptions) over regular routes between Chicago Heights IL and Elgin, IL; between Chicago, IL and Waukegan, IL; between Chicago, IL and Geneva, IL; and between Hammond, IN and Gary. Authority as fully described in Certificate MC 59680 (Sub-No. 143) and general commodities, over irregular routes between a portion of IL, as more fully described in Certificate MC 59680 (Sub-No. 121) and between said described points in IL on the one hand and, on the other, Lake County, IN. Vendee is authorized to operate pursuant to certificates MC 14702 and subs thereto as a common carrier in the States of AI, AZ, AR, CA, CO, CT, DE, DC, ID, IL, IN, IA, KS, KY, LA, ME, TX, UT, VT, VA, MD, MA, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SD, TN, WA, WV, and WY. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 14702 (Sub-No. 73) is a directly related matter.

No. MC-F-13603. Approval sought to transfer to Arctic Lighterage Co. ("Arctic"), 2401 Fourth Avenue, Seattle, WA 98111 (a wholly owned subsidiary of Puget Sound Tug & Barge Co. ("Puget")) the motor carrier operating rights of Puget Sound Tug & Barge Co. (a subsidiary of Crowley Maritime Corp.) 2401 Fourth Avenue, Seattle, WA 98111. Applicants' attorneys, John Cunningham, Kominers, Fort, Schlefer, & Schlefer, 1757 F Street NW, Washington, DC 20006. Arctic operates as a motor common carrier of general commodities (except household goods) between Nome and points within 5 miles thereof and between Kotzebue and the Kotzebue Peninsula, as more fully described in Certificate MC 141642. Arctic operates as a water common carrier of general commodities in freighting and towing service during the April 1-November 1 season, between ports and points on and along the Naatak, Kobuk, Selawik, Buckland, Kiwalik, Naknek, and Kuskokwim Rivers in Alaska, as more fully described in Certificate W 393 as a water common carrier of general commodities from April 1 to November 30 between beach landing sites in Alaska and Dew Line, Mona Lisa, and certain U.S. military installations in Alaska, as more fully described in Certificate MC 126513 and MC 126513 (Sub-No. 2). Puget also operates as a water common carrier in freighting and towing operations of general commodities and of general and other lading, between Chicago, IL and Waukegan, IL; as more fully described in Certificate W 586 and sub numbers. Approval of the proposed transaction will not result in dual operations, the splitting of operating authority, or duplicating authority. A separate application is being filed to transfer Puget's water carrier authority to Drummond Lighterage Co., another Puget subsidiary. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Protests must be filed with the Commission no later than thirty days from the date of first publication in the Federal Register.

No. MC-F-13606. (amendment) (CROUSE CARTAGE CO.—Purchase (portion) — THE ROCK ISLAND MOTOR TRANSIT CO.), published in the June 8, 1978, issue of the Federal Register. Applicant seeks to amend the application so it may include the following authority: Regular routes, general commodities, except those of classes A and B explosives, general commodities, and household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to those injurious or contaminating to other lading, between Davenport and Clinton, IA, serving all intermediate points; Route No. 22, from Danvenport over U.S. Hwy 67 to Clinton, and return over the same route. (3) Regular routes, general commodities, except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Cedar Rapids and Homestead, IA, serving no intermediate points; Route No. 39, from Cedar Rapids over IA Hwy 149 to Homestead, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized is subject to the following conditions: There may be attached from time to time to the privileges granted in Route No. 39 such conditions, and limitations as the public convenience and necessity may require. All contractual arrangements between the carrier and the C.R.I. & P. RR. shall be reported to the Commission and shall be subject to revision, if and as the Commission may find it to be the public interest that such arrangements may be fair and equitable to the parties. (4) Regular routes, classes A and B explosives, except nitroglycerine and general commodities, except those of classes A and B explosives, and household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Des Moines, IA, and junction U.S. Hwy 6 and IA Hwy 90, serving the intermediate points of Booneville, IA, the off-route points of Van Meter, De Soto, and Earlham, IA; Route No. 62, from Des Moines over U.S. Hwy 6 to junction IA Hwy 90 and return over the same route; from junction IA Hwy 90 and IA Hwy 25 to Menlo, IA, serving the intermediate points of Guthrie Center, Monteith, and Glendon, IA. Route No. 63, from junction IA Hwy 90 and IA Hwy 23 over IA Hwy 23 to Guthrie Center, IA, and then over unnumbered highway via Monteith and Glendon, IA, to Menlo, and return over the same route, with no transportation for compensation except as otherwise authorized. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized under this commodity description including Route Nos. 62 and 63, is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of, rail service of the C.R.I. & P. RR., hereinafter called the railroad. Said service shall not be provided at any point not a station on the rail line of the railroad. All contractual arrangements between said carrier and the railroad shall be reported to the Commission and shall be subject to revision, if and as we find it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions
as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to services with and without special equipment. Service is authorized to and from Enterprise, Elkhart, Shipley, Fernald, McCallensburg, Garden City, Sherman, Buckeye, Bradford, Reeve, Chapin, and Hurley, IA, as off-route points in connection with said carrier's presently authorized regular route operations over U.S. Hwy 65 between Des Moines and Mason City, IA. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: "* * * subject to any restrictions now attached to the operating authority over U.S. Hwy 65, and any conditions with which the Commission may in the public interest hereafter attach." (6) Regular routes, general commodities, except those of unusual value, and except commodities in bulk and those requiring special equipment: Between Albert Lea, MN and Ames, IA, serving to intermediate points of Pine County, Minnesota, and the off route point of Miller, IA, from Albert Lea over U.S. Hwy 69 to Ames, and return over the same route; between junction U.S. Hwy 69 and IA Hwy 72, and Iowa Falls, IA, serving the intermediate points of Dows, Pocoujoy, and Burdette, IA, from junction U.S. Hwy 69 and IA Hwy 72 to junction unnumbered highway, at or near Dows, IA, and then over unnumbered highway to Iowa Falls, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The carrier is subject to the following conditions: That there may be attached from time to time to the authority granted herein such reasonable terms, conditions, and limitations as the public convenience and necessity may require. That all contractual arrangements between The Rock Island Motor Transit Co. and the Chicago, Rock Island and Pacific RR. Co. shall be reported to this Commission, and that all other contracts, and limitations as the public convenience and necessity may require, that all contractual arrangements between The Rock Island Motor Transit Co. and the Chicago, Rock Island and Pacific RR. Co. shall be reported to this Commission, and shall be subject to revision, if, and as is found necessary, in order that such arrangements shall be fair and equitable to the parties. (8) Alternate route for operating convenience only, general commodities, including classes A and B explosives, except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment: Between Cedar Rapids and Mason City, IA, in connection with carrier's authorized regular-route operations, serving no intermediate points, from Cedar Rapids over U.S. Hwy 218 to junction U.S. Hwy 18, then over U.S. Hwy 18 to Mason City, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority granted herein to the extent it authorizes the transportation of classes A and B explosives shall be limited, in point of time, to a period expiring February 1, 1983. (9) Alternate route for operating convenience only, general commodities, except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment: Serving the facilities of Duane Arnold Energy Center near Palo, IA, as an off-route point in connection with carrier's authorized regular route operations. Restriction: The authority granted herein, to the extent it authorizes the transportation of classes A and B explosives, shall be limited, in point of time, to a period expiring 5 years after November 2, 1980. The authority described above is fully set forth in transferor's base certificate in MC 29130 and in its certificates issued thereunder in Sub-No. 37, 86, 93, 99, and 102. Transferee is authorized to operate as a regular route common carrier in the States of IA, MO, NE, and KS, and transference holds irregular route special commodity authority as a motor common carrier in the continental United States, subject to revision, if, and as is found necessary, in order that such arrangements shall be fair and equitable to the parties. (7) Regular routes, general commodities, except classes A and B explosives, except articles of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Mason City, IA, and junction U.S. Hwys 18 and 69 west of Garner, IA, as an alternate route in connection with carrier's regular route operations, serving no intermediate points, from Mason City over U.S. Hwy 18 to junction U.S. Hwy 69, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized herein is restricted against interfering with any other carrier or carriers at any point on U.S. Hwy 65 intermediate to Iowa Falls, IA, and Albert Lea, MN. That there may be attached from time to time to the authority granted herein such reasonable terms, conditions, and limitations as the public convenience and necessity may require, that all contractual arrangements shall be fair and equitable to the parties.
and NY. Approval of the proposed transaction will result in vendee acquiring (a portion of) some commodities throughout a small portion of the area in which it is now authorized to conduct transactions. Application has not been filed for temporary authority under Section 210(a)(b).

No. MC-F-13624. Authority sought for purchase by SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410, of a portion of operating rights of National Transportation, Inc., P.O. Box 37465, Omaha, NE 68137, and for acquisition by Clyde Fullmer, 2931 South Market Street, Chattanooga, TN 37410, of control of such rights through the purchase. Transferee’s attorney: Patrick E. Quinn, P.O. Box 6596, Chattanooga, TN 37412, Transferee’s attorney: Joseph Winter, 33 North LaSalle Street, Chicago, IL 60602. Operating rights sought to be purchased: Fruit and berry products, and condiments (except commodities in bulk), as a common carrier from the facilities utilized by Ocean Spray Cranberries, Inc., or near Markham, WA, to points in AZ, CA, NV, OR, UT, and WY, with no transportation for compensation on return except as otherwise authorized. Materials and supplies used in the manufacture of fruit and berry products (except empty containers, frozen commodities and commodities in bulk), from points in CA, to the facilities utilized by Ocean Spray Cranberries, Inc., at Markham, WA, with no transportation for compensation on return except as otherwise authorized. Transferee is authorized to operate as a common and contract carrier, over irregular routes, throughout the United States, except Alaska and Hawaii, and as is otherwise authorized. Application has not been filed for temporary authority under Section 210(a)(b).

No. MC-F-13626. Authority sought for purchase by PIONEER VAN LINES, INC., P.O. Box 417, Kenai, AK, 99611, of a portion of the operating rights of Ardees-Alaska Truck Lines, Inc., 3025 Rampart Drive, Anchorage, AK, 99510, and for acquisition by C.V. Wells, Jr., P.O. Box 417, Kenai, AK, 99611, of control of the rights through the purchase. Applicant’s attorney: J. G. Dall, Jr., P.O. Box 567, McLean, VA, 22101. Operating rights sought to be purchased: Household goods, as defined by the Commission, as a common carrier over irregular routes between Minneapolis and Duluth, MN, Minot, ND, and Seattle, WA, on the one hand, and, on the other, points in AK except points in the AK Panhandle located east of an imaginary line constituting a southward extension of the United States (AK)—Canada (Yukon Territory) Boundary line, as contained in Certificate MC-113573 (Sub-No. 6). Vendee holds no authority from this Commission to operate as a common carrier which is controlled by C.V. Wells Jr. C.V. Wells Jr. is not a carrier but is in control of two motor common carriers: AAA Delivery, Inc., which holds Certificate MC-135222, and is authorized to operate as a common carrier in Alaska, and Parcel Delivery & Transfer, Inc., which holds Certificate MC-118446, and is authorized to operate as a common carrier in Alaska. Approval of the transaction will not result in dual operations or duplicating authority. Application has been filed for temporary authority under section 210(a)(b).

Note.—Approval of the proposed transaction will result in a split of vendor’s authority, inasmuch as Kaps Transport (Alaska), Inc., which holds Certificate No. 76327, as published in the FEDERAL REGISTER on May 11, 1978, authority to purchase the remainder of vendor’s certificate.

No. MC-F-13628. Authority is sought for purchase by Mercury Motor Express Inc., 2103 Chapelwood Court, Lutherville, MD 21093, of control of the operating rights of Oneida Motor Freight, Inc., Commercial Avenue, Carlsstadt, NJ 07072, and for acquisition by MMX Corp., also of Tampa, FL, and XTRA Corp. of Houston, MA, of control of the rights through the purchase. Transferee’s attorney: William Biederman, Esq., 371 Seventh Avenue, New York, NY 10010. Transferee’s attorney: Gerald D. Colvin, Jr., Esq., 603 Frank Nelson Building, Birmingham, AL 35203. Operating rights sought to be purchased: General commodities, with the usual exceptions, as a common carrier over irregular routes between Egg Harbor, WI, and Sayre, PA, on the one hand, and, on the other, points in NY. This authority is now found in the certificate of Eastern Freightways, Inc., MC 59194 which is being purchased and temporarily operated by transferee under MC-F-13624, now pending before the Commission. Transferee is now authorized to operate pursuant to MC 115093 and subs as a common carrier of general and specific commodities between points in FL, GA, SC, NC, TN, VA, WV, MD, DC, DE, PA, NJ, NY, NH. This application is related to the certificate of Oneida Motor Freight, Inc.—Purchase (Portion) Eastern Freightways, Inc. Sidney B. Gluck, Trustee, MC-F-13622.

No. MC-F-13629. Authority sought for purchase by RENTING BETWEEN TRUCKING CO., 11900 Franklin Road, Boise, ID 83705, of a portion of the operating rights of Herrett Trucking Co., Inc., P.O. Box 1486, Yakima, WA 98907. Applicant’s attorney, Miss Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Operating rights sought to be purchased: that portion of Certificate of Convenience and Necessity No. MC30002* which authorizes the transportation of: Heavy machinery and equipment, and structural steel, between various points in the state of WA east of the Cascade Mountains; and lumber, except plywood, between points in OR, on the one hand, and on the other, points in WA in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties. The vendee currently holds authority to transport various commodities under its Docket No. MC 138875 and subs thereto, including lumber, wood trusses, lumber products, diatomaceous earth, composition board and aluminum pipe and pipe fittings, in the states of NE, OR, WA, ID, ND, SD, OK, TX, LA, KS, AR, MO, IA, MN, CA, CO, WY, MT, AZ, NV, NVY, ID, UT, IN, NC, KY, and UT as a common carrier. Approval of the proposed transaction will result in vendee acquiring duplicating authority to transport lumber from Klickitat and Yakima Counties to WA to five named counties in OR under its Docket No. MC 138878 base certificate. Approval of the proposed transaction will not result in a duplication or split of Vendor’s authority. Application has been filed with the Commission for temporary authority under Section 210(a)(b). No pending or simultaneous applications related to this application have been filed. (Hearing site: Portland, OR or Washington, DC.)

No. MC-F-13630. Applicant (transferee): D. J. McNICHOL CO. (a corporation), 6951 Norwicht Drive, Philadelphia, PA 19153. Applicant for attorney for transferee: Harold P. Boss, 1100 17th Street NW, Washington, DC 20036. Applicant (vendor): W. Kelly Gregory, Inc., 2103 Chapelwood Court, Lutherville, MD 21093. Attorney for transferee: William J. Little, 10 East Baltimore Street, Baltimore, MD 21202. Authority sought for purchase of D. J. McNichol Co. (a corporation), 6951 Norwicht Drive, Philadelphia, PA 19153, of all of the operating rights of W. Kelly Gregory, Inc., 2103 Chapelwood Court, Lutherville, MD 21093, and for acquisition by Dennis J. McNichol and Edward J. McNichol, (the brothers), both of 6951 Norwicht Drive, Philadelphia, PA 19153, of control of such rights through the purchase. Operating rights sought to be transferred: (1) Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business as a contract carrier over irregular routes, between points within described portions of (A) DE, MD, PA, and VA and (B) MD, DC, VA, and WV, and (C) between the—
ritory described in (A) above, on the one hand, and, on the other, Rhode Island, MA, CT, and ME, and to points in the territory described in (B) above, on the one hand, and, on the other, points in the territory described in (A) and (B) above, and (2) fruits, vegetables, farm products, poultry, and seafood, in the respective seasons of their production, from points in DE, DC, MD, PA and VA to points in the territory described in (A) above, and from points in MD, VA, and WV to points in the territory specified in (B) above. All over irregular routes. Transferee is authorized to operate as an irregular route contract carrier in the States of CT, DE, DC, ME, MD, MA, NH, NJ, OH, PA, RI, VT, and VA. Application has not been filed for temporary authority under section 223 of the Act.

The applicant, Dennis Trucking Corp., and that carrier in control, Johnsons Transfer, Inc., are both motor common carriers. Collectively, they are authorized to operate, over irregular routes, in the States of CT, DE, DC, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, VT, VA, and WV. Dual operations may be involved.

No. MC-F-13631. Authority sought for purchase by WITTE TRANSPORTATION CO., P.O. Box 43564, St. Paul, MN 55164, of a portion of the territory described in (A) above, on the one hand, and, on the other, portions of portions of the territory described in (A) and (B) above, and (2) fruits, vegetables, farm products, poultry, and seafood, in the respective seasons of their production, from points in DE, DC, MD, PA and VA to points in the territory described in (A) and (B) above, and (2) regular routes, general commodities, except nitroglycerin, commodities requiring special equipment, and those injurious or contaminating to other lading, between Chicago, IL, and Joliet, IL, serving the intermediate points of Blue Island, Midlothian, Oak Forest, Tinley Park, Mokena, and New Lenox, IL; Route No. 11: From Chicago over unnumbered highway via Blue Island, IL, to junction IL Hwy 83, then over IL Hwy 83 to junction unnumbered highway, then over unnumbered highway to Midlothian, IL, then over unnumbered highway to junction IL Hwy 72, then over IL Hwy 72 to junction unnumbered highway via Oak Forest, IL, to junction unnumbered highway, then over unnumbered highway to Tinley Park, IL, then over IL Hwy 42A to junction unnumbered highway, then over unnumbered highway, then over U.S. Hwy 45, then over U.S. Hwy 45 to junction unnumbered highway, then over unnumbered highway via Mokena, IL, to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction IL Hwy 83 to the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of, the rail service of the C.R.I. & P. RR., hereinafter called the Railway. Said carrier shall not serve any point not a station on the Railway. All contractual arrangements between said carrier and the Railway shall be reported to the Commission and shall be subject to revision, if and as the Commission finds necessary in order that such arrangements shall be fair and equitable to the parties; and such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operation by motor vehicle to service which is auxiliary to, or supplemental of, the rail service of the Railway.

No. MC-F-13632. Authority sought for purchase by FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978
(5) Regular routes, general commodities, except those of unusual value, nitroglycerine, livestock, grain petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, between Cedar Rapids, IA, and Decorah, IA, serving all intermediate points which are stations on the line of the C.R.I. & P. RR., and the off-route points of Toddville, Rowley, Randalia, Donna, Brainard, Elgin, and Noredness, IA; Route No. 35: From Cedar Rapids over I A Hwy 150 to West Union, IA, then over U.S. Hwy 18 to Postville, IA, and then over U.S. Hwy 52 to Decorah, and return over the same route; between West Union, IA, and decorah, IA, serving all intermediate points which are stations on the line of the C.R.I. & P. RR., and the off-route points of Toddville, Rowley, Randalia, Donna, Brainard, Elgin, and Noredness, IA; Route No. 36: From West Union over I A Hwy 150 to Cedar Rapids, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized under route Nos. 35 and 36 is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the C.R.I. & P. RR., serving all intermediate points, and service is not authorized to or from Calmar, IA; Route No. 38: From Cedar Rapids over I A Hwy 150 to West Union, IA, then over U.S. Hwy 18 to Postville, IA, and then over U.S. Hwy 52 to Decorah, and return over the same route; between West Union, IA, and Decorah, IA, serving all intermediate points which are stations on the line of the C.R.I. & P. RR., and the off-route points of Toddville, Rowley, Randalia, Donna, Brainard, Elgin, and Noredness, IA; Route No. 39: From Cedar Rapids over I A Hwy 150 to West Union, IA, then over U.S. Hwy 18 to Postville, IA, and then over U.S. Hwy 52 to Decorah, and return over the same route; between West Union, IA, and Decorah, IA, serving all intermediate points which are stations on the line of the C.R.I. & P. RR., and the off-route points of Toddville, Rowley, Randalia, Donna, Brainard, Elgin, and Noredness, IA; Route No. 46: From De Pere over I I Hwy 29 to Peoria, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized under Route Nos. 64, 65, and 66 is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the C.R.I. & P. RR., hereinafter called the railway. Said carrier shall not serve any point not a station on the rail line of the railway. No shipments shall be transported by said carrier between any of the following points, or through, or to, or from, muscle bound points: Des Moines, IA; Kansas City, MO; Omaha, NE; Chicago, IL; and collectively, Davenport and Bettendorf, IA; and Rock Island, Moline, and East Moline, IL. All contracts and arrangements between said carrier and the Railway shall be reported to the Commission and shall be subject to revision, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service of the railway. (4) Regular routes, general commodities, except those of unusual value, nitroglycerine, livestock, grain petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, between Cedar Rapids, IA, and Decorah, IA, serving all intermediate points which are stations on the line of the C.R.I. & P. RR., and the off-route points of Toddville, Rowley, Randalia, Donna, Brainard, Elgin, and Noredness, IA; Route No. 38: From Iowa City, over U.S. Hwy 218 to Cedar Rapids, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized under route No. 38 is subject to the following conditions: There may be attached from time to time to the privileges granted in Route No. 38 such conditions, and limitations as the public convenience and necessity may require. All contractual arrangements between the carrier and the C.R.I. & P. RR. shall be reported to the Commission and shall be subject to revision, if and as the Commission may find it to be necessary in order that such arrangements may be fair and equitable to the parties. Such further specified conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service. (The authority described above is fully set forth in transferor's base certificate No. MC 92130.) (6) Regular routes, general commodities, except those of unusual value, nitroglycerine, livestock, grain petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, and those injurious or contaminating to other lading, between Iowa City, IA, and Cedar Rapids, IA, serving no intermediate points: Route No. 38: From Iowa City, over U.S. Hwy 218 to Cedar Rapids, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized under route No. 38 is subject to the following conditions: There may be attached from time to time to the privileges granted in Route No. 38 such conditions, and limitations as the public convenience and necessity may require. All contractual arrangements between the carrier and the C.R.I. & P. RR. shall be reported to the Commission and shall be subject to revision, if and as the Commission may find it to be necessary in order that such arrangements may be fair and equitable to the parties. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service. (The authority described above is fully set forth in transferor's base certificate No. MC 92130.) (7) Regular routes, general commodities, except those of unusual value, nitroglycerine, livestock, grain petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, between Cedar Rapids, IA, and Decorah, IA, serving all intermediate points which are stations on the line of the C.R.I. & P. RR., and the off-route points of Toddville, Rowley, Randalia, Donna, Brainard, Elgin, and Noredness, IA; Route No. 35: From Cedar Rapids over I A Hwy 150 to West Union, IA, then over U.S. Hwy 18 to postville, IA, and then over U.S. Hwy 52 to Decorah, and return over the same route; between West Union, IA, and decorah, IA, serving all intermediate points which are stations on the line of the C.R.I. & P. RR., and the off-route points of Toddville, Rowley, Randalia, Donna, Brainard, Elgin, and Noredness, IA; Route No. 36: From West Union over I A Hwy 150 to Cedar Rapids, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized under route Nos. 35 and 36 is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the C.R.I. & P. RR., serving all intermediate points, and service is not authorized to or from Calmar, IA; Route No. 38: From Cedar Rapids over I A Hwy 150 to West Union, IA, then over U.S. Hwy 18 to Postville, IA, and then over U.S. Hwy 52 to Decorah, and return over the same route; between West Union, IA, and Decorah, IA, serving all intermediate points which are stations on the line of the C.R.I. & P. RR., and the off-route points of Toddville, Rowley, Randalia, Donna, Brainard, Elgin, and Noredness, IA; Route No. 39: From Cedar Rapids over I A Hwy 150 to West Union, IA, then over U.S. Hwy 18 to Postville, IA, and then over U.S. Hwy 52 to Decorah, and return over the same route; between West Union, IA, and Decorah, IA, serving all intermediate points which are stations on the line of the C.R.I. & P. RR., and the off-route points of Toddville, Rowley, Randalia, Donna, Brainard, Elgin, and Noredness, IA; Route No. 46: From De Pere over I I Hwy 29 to Peoria, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized under Route Nos. 64, 65, and 66 is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the C.R.I. & P. RR., hereinafter called the railway. Said carrier shall not serve any point not a station on the rail line of the railway. No shipments shall be transported by said carrier between any of the following points, or through, or to, or from, muscle bound points: Des Moines, IA; Kansas City, MO; Omaha, NE; Chicago, IL; and collectively, Davenport and Bettendorf, IA; and Rock Island, Moline, and East Moline, IL. All contracts and arrangements between said carrier and the Railway shall be reported to the Commission and shall be subject to revision, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service. (The authority described above is fully set forth in transferor's base certificate No. MC 92130.)
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from points and places in the Kansas City, MO-Kansas City, KS, Commercial Zone, as defined in "Federated Commerce, MO-Kansas City, KS, Commercial Zone, 31 MCC 5, as intermediate or off-route points in connection with said carrier's previously authorized regular route operations. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service herein authorized is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service. Such further conditions as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service.

(10) MC 29130 (Sub-No. 48). Regular routes, general commodities, except those of unusual value, commodities in bulk, and those requiring special equipment, and household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 MCC 457, over irregular route; between Kalona, IA, and Muscatine, IA: From Kalona over IA Hwy 22 to Muscatine. Service is authorized to and from the intermediate points of Riverside, Lone Tree, and Nichols, IA. Application for restrictions. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Chicago, Rock Island & Pacific Railroad Co., hereinafter called the railroad. Said carrier shall not serve any point not a point of time, to a period expiring July 19, 1976.

(11) MC 29130 (Sub-No. 61). Regular routes, general commodities, except those of unusual value, nitroglycerin, commodities in bulk, commodities requiring special equipment, and household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 MCC 457, over irregular route; between Kalona, IA, and Muscatine, IA: From Kalona over IA Hwy 22 to Muscatine. Service is authorized to and from the intermediate points of Riverside, Lone Tree, and Nichols, IA. Application for restrictions. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Chicago, Rock Island & Pacific Railroad Co., hereinafter called the railroad. Said carrier shall not serve any point not a point of time, to a period expiring July 19, 1976.
those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kalona, IA, and Muscatine, IA, serving no intermediate points, but serving the off-route point of Lone Tree, IA; From Kalona over IA Hwy 22 to Muscatine, and return over the same route; between Iowa City, IA, and junction U.S. Hwy 218 and IA Hwy 92, as an alternate route for operating convenience only; from Iowa City over U.S. Hwy 218 to junction IA Hwy 92, and return over the same route.

(15) MC 29130 (Sub-No. 90). Alternate routes for operating convenience only: general commodities, except those of unusual value, household goods as defined by the Commission, and commodities in bulk, between Ottumwa, IA, and Oceola, IA, in connection with carrier's regular route operations, serving various intermediate and off-route points, with right of joiner at Ottumwa and Oceola: From junction U.S. Hwys 34 and 63, at Ottumwa, over U.S. Hwy 34 to junction U.S. Hwy 69 at Oceola, and return over the same route; between Kalona, IA, and Oceola, IA, in connection with carrier's regular route operations in IA, serving no intermediate points, with right of joiner at Ottumwa and Oceola: From junction U.S. Hwys 34 and 63, at Ottumwa, over U.S. Hwy 34 to junction U.S. Hwy 69 at Oceola, and return over the same route.

(16) MC 29130 (Sub-No. 92). Regular routes, general commodities, except those of unusual value, household goods as defined by the Commission, and commodities in bulk, and those requiring special equipment, serving the plantsite of the Eastman Kodak Co at Brookfield, IL, as an off-route point in connection with carrier's otherwise authorized regular-route operations between Chicago and Sylvis, IL. Restriction: The service authorized herein is subject to the following conditions: The authority granted herein is restricted against the handling of traffic originating at or destined to points in Lake and Porter Counties, IN, and points in IL other than those in St. Clair and Madison Counties. The authority granted herein to the extent that it authorizes the transportation of classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between junction U.S. Hwy 6 and IA Hwy 70 (formerly IA Hwy 76) at or near West Liberty, IA, and Nichols, IA, serving no intermediate points, and serving junction U.S. Hwy 6 and IA Hwy 70 for purposes of joiner only: From junction U.S. Hwy 6 and IA Hwy 70 (formerly IA Hwy 76) over IA Hwy 70 to Nichols, and return over the same route. Restriction: The authority granted herein, to the extent that it authorizes the transportation of dangerous commodities, shall be limited in point of time, to a period expiring September 24, 1969.

(18) MC 29130 (Sub-No. 100). Regular routes, general commodities, except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of the Cooper-Jarrett, Inc., terminal on Frontage Road, approximately one-half mile west of County Line Road, in DuPage County, IL, as an off-route point in connection with carrier's presently authorized regular-route operations to and from Chicago, IL. Restriction: The authority granted herein is restricted against the transportation of traffic originating at or destined to points in the Chicago, IL, commercial zone, as defined by the Commission.

(19) MC 29130 (Sub-No. 101). Regular routes, general commodities, except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of Montgomery Elevator Co near the intersection of U.S. Hwy 6 and Interstate Hwy 80 near Green Rock, IL, as an off-route point in connection with carrier's authorized regular-route operations between Chicago and Sylvis, IL.

(20) MC 29130 (Sub-No. 108). Regular routes, general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the facilities of Minnesota Mining & Manufacturing Co at or near Knoxville, IA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. Transferee is authorized to operate as a regular route and irregular route common carrier in the States of MN, IA, WI, MO, and IL. Application has been filed for temporary authority under section 210(a)(1). (Hearing site: St. Paul, MN or Des Moines, IA).

No. MC-F-13632. Authority sought for purchase by DOHRN TRANSFER CO., 4018 Ninth Street, Rock Island, IL 61201, of a portion of the operating rights of United Tractor & Freight Lines, Inc., 1415 South Olive Street, South Bend, IN 46619, and for acquisition of control of such rights by Wayne E. Dohrn and George A. Lorenzen, 4016 Ninth Street, Rock Island, IL 61201 through the purchase. Applicant's Attorneys, Jack L. Goldberg, 39 South LaSalle Street, Chicago, IL 60603. The operating rights sought to be transferred: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a common carrier, over regular routes, between St. Louis, MO and El Reno, OK; between Kansas City, MO and Junction U.S. Hwys 69 and 77 north of Commerce, OK; between Vinita, OK and Dallas, TX; between Muskogee, OK and El Reno, OK; between Muskogee, OK and Lawton, OK; between Pryor, OK and Claremore, OK; between Joplin, MO and Kansas City, MO; between Joplin, MO and Independence, KS; between Joplin, MO and Parsons, KS; between U.S. Hwys 186 and 166 south of Chetopa, KS; between Parsons, KS and Altamont, KS; between Osceola, KS and Junction U.S. Hwys 69 and 166 north of Chetopa, KS; between Chetopa, KS and Altamont, KS; between Kansas City, KS and Marshall, MO; between Higginsville, MO and East St. Louis, IL; between Kansas City, MO and Lake City Ordnance Depot located near Lake City, MO, the terminal of Specter Freight System, Inc. located in Egan Township, on Minnesota Hwy 49, Dakota County, MN; between Des Moines, IA and U.S. Ordnance Plant near Ankeny, IA; between Des Moines, IA and Marshalltown, IA; between Kansas City, MO and Olathe, KS; between Kansas City, MO and North Kansas City, MO; between Ames, IA and Albert Lea, MN; between Kansas City, KS and Ames, IA; between Minneapolis, MN; between Marshalltown, IA and St. Paul, MN; between CO, IA and St. Paul, MN; between Waterloo, IA and St. Paul, MN; between Marshalltown, IA and St. Louis, MO and Marshalltown, IA, serving various intermediate and off-route points on the routes authorized in conjunction with the above service. Alternate Routes for Operating Convenience only: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between St. Louis, MO and Ft. Madison, IA; between Miami, OK and Joplin, MO; between Junction U.S. Hwys 166 and 60 west of Springfield, MO and junction U.S. Hwys 60 and 66 north of Afton, OK; between junction U.S. Hwys 75 and 62 west of Henrietta, OK and Atoka, OK; between Sapulpa, OK and Okmulgee, OK; between junction U.S. Hwy 62 and Oklahoma Hwy 72 and
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OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protest to the granting of the authorities must be filed with the Commission within 30 days of this notice. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Protests shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) and the demonstration of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. Each copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Applicant: ALVAN MOTOR FREIGHT, INC. 3600 Alvan Road, Kalamazoo, MI 49001. Representative: Martin J. Leavitt, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: (A) General commodities, (B) Between Allegan and Kalamazoo, MI; From Allegan over MI Hwy 40 to Holland, and return over the same route, serving all intermediate points. (2) Between Allegan and Holland, MI; From Allegan over MI Hwy 40 to Holland, and return over the same route, serving all intermediate points. (3) Between junction MI Hwys 40 and 89, and Holland, MI; From junction MI Hwys 40 and 89 over MI Hwy 89 to junction U.S. Hwy 31, then over old U.S. Hwy 31 and U.S. Hwy 31 to Holland, and return over the same route, serving all intermediate points. (4) Between Holland and Zeeland, MI; From Holland over MI Hwy 21 to Zeeland, and return over the same route, serving no intermediate points, but serving the facilities of Northern Fibre Products Co., as an off-route point. (5) Between Kalamazoo and Sturgis, MI; From Kalamazoo over Portage Road to junction Kalamazoo County Hwy 632, then over Kalamazoo County Hwy 632 to junction MI Hwy 60, then over MI Hwy 60 to Mendon, then south on unnumbered county road to junction MI Hwy 60, then over MI Hwy 60 to Centreville, then return on MI Hwy 86 to junction MI Hwy 66, then over MI Hwy 66 to Sturgis and return over the same route serving all intermediate points. (6) Between junction MI Hwys 66 and 86 and Mendon, MI; From the junction over MI Hwy 86 and 86 to Mendon, and return over the same route, serving all intermediate points. (7) Between South Haven and Kalamazoo, MI; From South Haven over unnumbered highway through Grand Junction, Bloomington, Gobles, Kendall and William, to Kalamazoo, and return over the same route, serving all intermediate points and the off-route points of Kibble, Lacota and Pullman. (8) From Grand Junction to Bangor, MI; From the common highway over unnumbered highway to junction MI Hwy 43, then over MI Hwy 43 to Bangor, serving all intermediate points. (9) From Pullman, MI; To junction MI Hwys 86 and 87, then over County Hwy 677, serving all intermediate points. (10) Between Gobles and Allegan, MI; From Gobles over MI Hwy 40 to Allegan, and return over the same route, serving all intermediate points. (11) Between South Haven and Kalamazoo, MI; From South Haven over MI Hwy 43, to Kalamazoo, and return over the same route, serving all intermediate points. (12) Between South Haven and junction U.S. Hwy 31 and MI Hwy 88; From South Haven over U.S. Hwy 31 to junction MI Hwy 89, and return over the same route, serving no intermediate points. (13) Between Mendon and Union City, MI; From Mendon over MI Hwy 60 to Union City, and return over the same route, serving all intermediate points. (14) Between junction MI Hwys 60 and 66 and Athens, MI; From junction MI Hwys 60 and 66 over MI Hwy 66, serving all intermediate points, serving no intermediate points. (15) Between Kalamazoo over U.S. Hwy 131 to Taxport MI Hwy 86, then over MI Hwy 86 to Centreville, and return over the same route, serving all intermediate points. (16) Between Three Rivers and Mendon, MI; From Three Rivers over MI Hwy 60 to Mendon, and return over the same route, serving no intermediate points. (17) Between Three Rivers and Mendon, MI; From Three Rivers over MI Hwy 60 to Mendon, and return over the same route, serving all intermediate points. (18) Between junction MI Hwys 60 and 66 and Colon, MI; From junction MI Hwys 60 and 66 over county roads through Sherwood to Colon, and return over the same route, serving all intermediate points. Also county routes joining this route and MI Hwys 60 and 66 over county roads as off-route points. (19) Between Sturgis and Coldwater, MI; From Sturgis over U.S. Hwy 12, to Coldwater, and return over the same route, serving all intermediate points. (20) Between Colon and Coldwater, MI; From Colon over MI Hwy 86 to junction U.S. Hwy 12, then over U.S. Hwy 12 to Coldwater, and return over the same route, serving all intermediate points. (21) Between Kalamazoo and Marshall, MI; From Kalamazoo over Interstate Hwy 94 to Marshall, as an alternate route for operating convenience only, serving no intermediate points. (22) Between Kalamazoo and Marshall, MI; From Kalamazoo over Interstate Hwy 94 to Marshall, as an alternate route for operating convenience only, serving no intermediate points. (23) Between Pullman and Coldwater, MI; From junction MI Hwys 66 and Athens, MI; From U.S. Hwy 131 to Jackson. (24) Between Three Rivers and Mendon, MI; From Three Rivers over U.S. Hwy 131 to Jackson, MI; From Jackson U.S. Hwy 12, then over U.S. Hwy 12 to Sturgis, as an alternate route for operating convenience only, serving no intermediate points. (25) Between Union City, MI, and junction old U.S. Hwy 27 and MI Hwy 60; Over MI Hwy 60, and return over the same route, serving all intermediate points. (26) Between junction unnumbered highway and MI Hwy 60 and junction unnumbered highway and U.S. Hwy 131, serving unnumbered highways through Fulton, Scotts, and Climax and return over the same route, serving all intermediate points. (27) Between Three Rivers and Sturgis, MI; From Three Rivers over U.S. Hwy 131 to Jackson, MI; From Jackson U.S. Hwy 12, then over U.S. Hwy 12 to Sturgis, as an alternate route for operating convenience only, serving no intermediate points.
to convert a Certificate of Registration to Beach Road, then over Ottawa Beach Rapids over Lake Michigan Drive to Roads to Holland, MI, and return over Lakeshore Avenue, to junction Ottawa
junction unnumbered county road through Byron Center, Dorr and Hopkins to Allegan, and return over the same route, serving all intermediate points. (30) Serving points in the following described area as off-route points in connection with the above described routes: Beginning at Grand Rapids, MI, then over Alternate Interstate Hwy 196 to Zeeland, then over unnumbered county road south to junction with MI Hwy 40, then over MI Hwy 40 to junction MI Hwy 89, then over MI Hwy 89 to Plainwell, then over old U.S. Hwy 131 to 100th Street, South (Corinth, MI), then over 100th Street to Eastern Avenue to Grand Rapids, restricted against service to or from points on MI Hwy 21, MI Hwy 40, MI Hwy 89 and U.S. Hwy 131, except as otherwise authorized. (31) Between junction unnumbered highway and U.S. Hwy 131 and Gun Lake, MI: Over unnumbered county roads through Orangeville, Hooper, Neeley and Doster, and return over the same route, serving all intermediate points. (32) Between South Haven and Kalamazoo, MI: From South Haven over MI Hwy 140 to junction Interstate Hwy 94 at Watervliet, MI, then over Interstate Hwy 94 to Kalamazoo, serving no intermediate points, as an alternate route for operating convenience only. (B) General commodities, except Classes A and B explosives, commodities in bulk, commodities which because of the size or weight require the use of special equipment, and household goods as defined by the Commission. (1) Between Grand Rapids and Holland, MI, serving all intermediate points and serving all points within the following described areas as off-route points: From Grand Rapids over Interstate Hwy 196 to Holland, then over Ottawa Beach Road to junction Lakeshore Avenue, then over Lakeshore Avenue to junction Lake Michigan Drive, then over Lake Michigan Drive to Grand Rapids. (a) From Grand Rapids over Interstate Hwy 196 to Holland, and return over the same route. (b) From Grand Rapids over Interstate Hwy 196 to Allegan, then over Interstate Hwy 94 to Kalamazoo Avenue to junction Lakeshore Avenue, then over Lakeshore Avenue, to junction Ottawa Beach Road, then over Ottawa Beach Road to Holland, MI, and return over the same route. (Hearing site: Grand Rapids or Lansing, MI.)

Note.—The purpose of this application is to include the facilities of Alcan Aluminum Corp. at Oswego, NY, on the one hand, and, on the other, Steger and Crete, IL, and points in that portion of IL bounded by a line beginning at the IL-IN State line and extending along U.S. Hwy 30 to Aurora, IL, then along IL Hwy 31 to junction IL Hwy 72, then along IL Hwy 72 to Dundee, IL, then along IL Hwy 68 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 22, then IL Hwy 22 to junction Midlothian Road, then along Midlothian Road to junction IL Hwy 176, then along IL Hwy 176 to Libertyville, then from Libertyville on IL Hwy 21 to junction IL Hwy 120, then along the shore of Lake Michigan to the IL-IN State line, and then along the IL-IN State line to point of beginning, including points on the indicated portions of the highways specified, (3)(a) serving points in the following described area as off-route points, to include those points on MI Hwy 40, MI Hwy 40 to junction MI Hwy 118, then over MI Hwy 118 to Allegan, and return over the same route, serving all intermediate points. (30) Serving points in the following described area as off-route points in connection with the above described routes: Beginning at Grand Rapids, MI, then over Alternate Interstate Hwy 196 to Zeeland, then over unnumbered county road through Byron Center, Dorr and Hopkins to Allegan, and return over the same route, serving all intermediate points. (30) Serving points in the following described area as off-route points in connection with the above described routes: Beginning at Grand Rapids, MI, then over Alternate Interstate Hwy 196 to Zeeland, then over unnumbered county road through Byron Center, Dorr and Hopkins to Allegan, and return over the same route, serving all intermediate points. (30) Serving points in the following described area as off-route points in connection with the above described routes: Beginning at Grand Rapids, MI, then over Alternate Interstate Hwy 196 to Zeeland, then over unnumbered county road through Byron Center, Dorr and Hop-
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the shore of Lake Michigan to the IL-IN State line, and then along the IL-IN State line to point of beginning, including points on the indicated portions of the highways specified, (5) aluminum (except that which because of size or weight requires the use of special transportation equipment) from the facilities of Reynolds Metals Co. at Roosevelttown, NY, and the facilities of Alcan Aluminum Corp. at Fairmont, WV, on the one hand, and, on the other, points in Lake County, IN, and Steger and Crete, IL, and points in that portion of IL bounded by a line beginning at the IL-IN State line and extending along U.S. Hwy 30 to Aurora, IL, then along IL Hwy 31 to junction IL Hwy 72, then along IL Hwy 72 to Dundee, IL, then along IL Hwy 68 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 22, then IL Hwy 22 to junction Midlothian Road, then along Midlothian Road to junction IL Hwy 176, then along IL Hwy 176 to Libertyville, then from Libertyville on IL Hwy 21 to junction IL Hwy 120, then along IL Hwy 120 to Waukegan, IL, then along the shore of Lake Michigan to the IL-IN State line, then along the IL-IN State line to point of beginning, including points on the indicated portions of the highways specified, and points in Lake County, IN, on the one hand, and, on the other, points in PA, NJ, NY, MD, and those in the DC commercial zone, as defined by the Commission in 3 MCC 243. (Hearing site: Same time and place as MC-P-13570 and Wilson Transportation—Control—Strickland Transportation Co., MC-P-13518—Not specified.)

Note.—The purpose of this application is to eliminate the gateways as follows: Elimination in parts (1), (2), (3), (4), (5 b and c), (6), (7), and (8) of Lake County, IN, gateway. Elimination in parts (5a) and (9) and (10) of IL gateway. This application is directly related to a section 5 request in MC-P-13576, published in a previous section of this Federal Register issue.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Motor Carrier of Property—No. MC 110325 (deviation No. 25), TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Carrier's representative: J. Binns, TRANSCON Lines, P.O. Box 92220, Los Angeles, CA 90009. Carrier pro-

road machinery, between Steger and Crete, IL, and points in that portion of IL bounded by a line beginning at the IL-IN State line and extending along U.S. Hwy 30 to Aurora, IL, then along IL Hwy 31 to junction IL Hwy 72, then along IL Hwy 72 to Dundee, IL, then along IL Hwy 68 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 22, then IL Hwy 22 to junction Midlothian Road, then along Midlothian Road to junction IL Hwy 176, then along IL Hwy 176 to Libertyville, then from Libertyville on IL Hwy 21 to junction IL Hwy 120, then along IL Hwy 120 to Waukegan, IL, then along the shore of Lake Michigan to the IL-IN State line, then along the IL-IN State line to point of beginning, including points on the indicated portions of the highways specified, and points in PA, and (10) household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 MCC 487, between points in Lake County, IN, on the one hand, and, on the other, points in PA, NJ, NY, MD, and those in the DC commercial zone, as defined by the Commission in 3 MCC 243. (Hearing site: Same time and place as MC-P-13570 and Wilson Transportation—Control—Strickland Transportation Co., MC-P-13518—Not specified.)
poses to operate as a common carrier, by motor vehicle, of: General commodities, with certain exceptions, over a deviation route as follows: From Winston-Salem, NC, over Interstate Hwy 40 to Memphis, TN and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Winston-Salem, NC, over U.S. Hwy 421 to Greensboro, NC, then over U.S. Hwy 29A to junction U.S. Hwy 29, then over U.S. Hwy 29 to Moultrie, GA, then over U.S. Hwy 29 to junction U.S. Hwy 29 and U.S. Hwy 78, then over U.S. Hwy 29 to Tupelo, MS, then over MS Hwy 6 to Pontotoc, MS, then over MS Hwy 15 to New Albany, MS, then over U.S. Hwy 78 to Memphis, TN, and return over the same route.

Note.—Regular routes between Winston-Salem, NC, and Atlanta, GA, restricted to the transportation of shipments originating at or destined to points west of the Mississippi River and points west of the eastern boundary of the State of MN (except points in the St. Louis, MO-East St. Louis, IL, commercial zone, as defined by the Commission), and except points in the Davenport, IA-Moline and Rock Island, IL, commercial zone, as defined by the Commission).

No. MC 110325 (deviation No. 27), TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009, filed May 26, 1978. Carrier proposes to operate as a common carrier, by motor vehicle, of: General commodities, with certain exceptions, over a deviation route as follows: From Hickory, NC, over Interstate Hwy 40 to Memphis, TN, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Winston-Salem, NC, over Interstate Hwy 85 to junction Interstate Hwy 26, then over Interstate Hwy 40 to Memphis, TN, then over U.S. Hwy 90 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, TN, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Greens, SC, over U.S. Hwy 29 to junction Interstate Hwy 85, then over Interstate Hwy 85 to junction Interstate Hwy 26, then over Interstate Hwy 26 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, TN, and return over the same route for operating convenience only.

Note.—Regular routes between Winston-Salem, NC, and Atlanta, GA, restricted to the transportation of shipments originating at or destined to points west of the Mississippi River and points west of the eastern boundary of the State of MN (except points in the St. Louis, MO-East St. Louis, IL, commercial zone, as defined by the Commission), and except points in the Davenport, IA-Moline and Rock Island, IL, commercial zone, as defined by the Commission).

No. MC 110325 (deviation No. 28), TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009, filed May 26, 1978. Carrier proposes to operate as a common carrier, by motor vehicle, of: General commodities, with certain exceptions, over a deviation route as follows: From Gastonia, NC, over Interstate Hwy 85 to junction Interstate Hwy 26, then over Interstate Hwy 26 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, TN, and return over the same route for operating convenience only. Restrictions: The carriers authorized herein are restricted to the transportation of traffic originating at or destined to points west of the Mississippi River and points west of the eastern boundary of the State of MN (except points in the St. Louis, MO-East St. Louis, IL, commercial zone, as defined by the Commission), and except points in the Davenport, IA-Moline and Rock Island, IL, commercial zone, as defined by the Commission). The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Gastonia, NC, over U.S. Hwy 29 to junction U.S. Hwy 29 and U.S. Hwy 78, then over U.S. Hwy 78 to junction U.S. Hwy 78, then over U.S. Hwy 78 to Lincoln, AL, then return over U.S. Hwy 78 to junction U.S. Hwy 78, then over U.S. Hwy 78 to Tupelo, MS, then over MS Hwy 6 to Pontotoc, MS, then over MS Hwy 15 to New Albany, MS, then over U.S. Hwy 78 to Memphis, TN, and return over the same route.
NOTICES

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in intrastate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by special rule 245 of the Commission's general rules of practice (49 C.F.R. 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A58123, filed June 7, 1978. Applicant: ROMEO DRAYAGE & WAREHOUSING CO., 1301 Sixth Street, San Francisco, CA 94102. Certificate of public convenience and necessity sought to operate a freight service, as follows: Transportation of general commodities, (I) between all points and places in the San Francisco territory, as described in note A hereto; and (II) between all points and places in the San Francisco territory, on the one hand, and, on the other hand, points and places located on or within 5 miles laterally of the following routes: (a) U.S. Hwy 101 between Healdsburg and Salinas, inclusive; (b) State Hwy 17 between San Jose and Santa Cruz, inclusive; (c) State Hwy 1 between San Francisco and Carmel, inclusive, including the off-route point of Carmel Valley; (d) State Hwy 9 between Los Gatos and Gilroy, inclusive; (e) State Hwy 152 between Watsonville and State Hwy 1, in Watsonville, inclusive; (f) State Hwy 156 between Watsonville and its intersection with U.S. Hwy 101 south of Gilroy, inclusive; (g) State Hwy 129 between its intersection with U.S. Hwy 101 and State Hwy 1 at Watsonville, inclusive; (h) U.S. Hwy 68 between Salinas and Monterey, inclusive; (i) State Hwy 29 between Calistoga and its intersection with U.S. Hwy 80 at Vallejo, inclusive; (III) between all points and places in the San Francisco territory, on the one hand, and, on the other hand, points and places located on or within 15 miles laterally of the following routes: (a) Interstate Hwy 80 between Richmond and Sacramento, inclusive; (b) Interstate Hwy 5 between Willams and its intersection with State Hwy 168, inclusive; (c) Interstate Hwy 580 between its junction with Interstate Hwy 5 and its intersection with State Hwy 99, inclusive; (d) State Hwy 99 between Orland and its intersection with State Hwy 168, inclusive; and (e) State Hwy 4 between its intersection with Interstate Hwy 580 and Stockton, inclusive.

In performing the service herein authorized, the carrier may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service; Except that, pursuant to the authority herein granted, carrier shall not transport any shipments of: (1) Used household fixtures and equipment, including offices, store, and institution furniture, fixtures, and equipment not packed in salesman's hand sample cases, suitcases, overnight, or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, crates, pallets, skids, pallets, drums, barrels, kists, tubs, drums, bags (jute, cotton, burlap, or gunny), or cotton, burlap, gunny, fibreboard, or straw matting. (2) Automobiles, trucks, and buses, new and used, unfinished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks, and trailers combined, buses, and bus chassis. (3) Livestock viz: Barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (6) Commodities when transported in motor vehicles, equipped for mechanical mixing in transit. (7) Logs. (8) Articles of extraordinary value. (9) Trailers carrying an armament, including integral parts and contents when the contents are within the trailer coach or camper. (10) Fresh fruit and vegetables. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to CA Public Utilities Commission, California State Building, 350 McAllister St., San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-17948 Filed 6-28-78; 8:45 am]

[1505-01]

(Volume No. 88)

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Correction

In FR Doc. 78-12756, appearing at page 20207 in the issue of Thursday, May 11, 1978, the following changes should be made:

1. On page 20313, first column, the first line of the third complete paragraph should read, "No. MC 141994 (Sub-No. 1P) filed".

2. On page 20314, second column, the first line of the second complete
paragraph should read, "No. MC 144395 F, filed March 7, ".

[1505-01]

CORRECTION

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Correction

In FR Doc. 78-14535, appearing at page 22496 in the issue of Thursday, May 25, 1978, the motor carrier number in the first line of the first complete paragraph of column 2 on page 22495 should read, "No. MC 117786".

[1505-01]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Correction

In FR Doc. 78-11310, appearing at page 18094 in the issue of Thursday, April 27, 1978, the fifth from last line of the first complete paragraph in column 3 of page 18108 should read, "CO, NM, WY, MT, and ID, and, (2)".

[7035-01]

ASSIGNMENT OF HEARINGS


Cases assigned for hearing, postponement, cancelation, 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 cancelation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancelation or postponements of hearings in which they are interested.

No. MC 118009 (Sub-No. 170); Container Transit, Inc., now assigned July 17, 1978, at Chicago, Ill., is canceled and transferred to Modified Procedure.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18138 Filed 6-28-78; 8:45 am]

[7035-01]

DUAL OPERATIONS

INTENTION TO APPLY POLICY AND PROCEDURE

The Interstate Commerce Commission recently adopted a regulation, 49 CFR § 1004.3, establishing a new procedure and policy for dealing with situations in which a single motor carrier, or affiliated motor carriers, hold authorities permitting them to operate as both common and contract carriers. The new regulation provides for an expedited finding which would approve the resulting dual operations as required by section 210 of the Interstate Commerce Act (49 U.S.C. § 310).

The purpose of this notice is to make clear the Commission's intention to apply this policy and procedure in cases where dual operations would result from the approval of an application involving the purchase, lease, or control of one motor carrier by another or the common control of two or more motor carriers, as well as cases in which such dual operations would result from the approval of an application for new motor carrier authority. See No. MC-F-13926, Southwest Equipment Rental, Inc.—Purchase (Portion)—Interstate Contract Carrier Corp., MCC , decided June 5, 1978.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp, Commissioner Stafford dissenting, Commissioner Murphy not participating.


NANCY L. WILSON,
Acting Secretary.

Commissioner Stafford, dissenting: I disagree with the approach taken by the majority for the reasons stated in my dissent in Ex Parte No. 55 (Sub-No. 27), Dual Operations.

[FR Doc. 78-18133 Filed 6-28-78; 8:45 am]

[7035-01]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

FORTY-FIFTH REVISED EXEMPTION NO. 99

It appearing, That certain of the railroads named below own numerous 50-foot plain boxcars; that under present conditions, there are substantial surpluses of these cars on their lines;
NOTICES

New Orleans Public Belt Railroad
Pearl River Valley Railroad Co.
% Norfolk & Western Railway Co.
Reporting Marks: ACY-N&W-NKP.
WAB.
Sacramento Northern Railroad.
Reporting Marks: SN.
St. Lawrence Railroad.
Reporting Marks: NSL.
Sierra Railroad Co.
Reporting Marks: SERA.
Terminal Railway, Alabama State Docks.
Reporting Marks: TS.
Toledo, Peoria & Western Railroad Co.
Reporting Marks: TPW.
WCTU Railway Co.
Reporting Marks: WCTR.
% Western Maryland Railroad Co.
Reporting Marks: WM.
% Western Railway of Alabama
Reporting Marks: WRA.
Youngstown & Southern Railway Co.
Reporting Marks: YS.
Yreka Western Railroad Co.
Reporting Marks: YW.
Carriers having 150 percent or more of ownership on lines.
*Addition.
Effective June 15, 1978, and continuing in effect until further order of this Commission.

Interstate Commerce Commission.

Joel E. Burns,
Agent.

[PR Doc. 78-18137 Filed 6-28-78; 8:45 am]

[7035-01]

(Notice No. 103)

Motor Carrier Temporary Authority Applications


The following are notices of filing of applications for temporary authority under section 210(a)(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protest and the information it contains.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Motor Carriers of Property.


No. MC 58922 (Sub-No. 50TA), filed April 29, 1978. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE, P.O. Box 6944, Atlanta, GA 30315. Applicant's representative: John C. Henderson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Opa Locka and Key West, FL. From Opa Locka over Le June Road to junction U.S. Hwy 27, then U.S. Hwy 27 to junction FL Hwy 9, then over FL Hwy 9 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Key West, FL and return over the same route. Service is authorized from and to all intermediate points and all points within 10 miles of U.S. Hwy 1 between Miami and Key West, FL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mr. Edward O'Nan, Owner, Circle O Farm Center, 426 Post Office Building, Louis­ville, KY 40204. Send protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 420 Post Office Building, Louis­ville, KY 40202.

FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978
Street, Chicago, IL 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs and parts, from Wichita, KS, to AL, FL, GA, MA, and SC, for 180 days. Supporting shipper(s): The Continental Group, Inc. at or near Racine, WI, and Oshkosh, WI; and FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978
Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1336, Chicago, IL 60604.

No. MC 135381 (Sub-No. 7TA), filed May 22, 1978. Applicant: DRUM TRANSPORTATION CO. R.F.D. No. 1, Montgomery, PA 17752. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean, VA 22101. Authority sought to operate as a contract carrier, by motor vehicle over irregular routes, transporting: Electric transmission, telephone and telegraph poles, from the facilities of Southern Wood Piedmont Co., at Augusta, over irregular routes, and to points in MI, restricted to a transportation service to be performed under a continuing contract or contracts with Southern Wood Piedmont Co., of Atlanta, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southern Wood Piedmont Co., P.O. Box 567, McLean, VA 22101. Send protests to: George A. H. Land, Jr., 3108 Federal Office Building, Scranton, PA 18503.

No. MC 136246 (Sub-No. 15TA), filed May 10, 1978. Applicant: GEORGE BROS. DIST., INC., P.O. Box 462, Sutton, NE 68979. Applicant's representative: Arlyn L. Westergreen, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: Liquid fertilizer, in bulk, in tank vehicles, from Belvidere, NE, to point in KS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Crescent Plastic Pipe Co., Inc., 955 Diamond Avenue, Evansville, IN. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, PA 18503.

No. MC 138844 (Sub-No. 13TA), filed May 30, 1978. Applicant: GAS INC., 95 East Merrimack Street, Lowell, MA 01853. Applicant's representative: John W. Bryant, 900 Guardian Building, Detroit, MI. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: Liquid ethylene, in bulk, in tank vehicles, from the port of entry at or near Council Bluffs, IA to MT, ID, UT, WY, ND, SD, NE, KS, OK, MN, WI, CO, and MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, Scranton, PA 18503.

No. MC 139306 (Sub-No. 9TA), filed May 10, 1978. Applicant: DEL R. AND JOE R. STANAGE, d/b/a STANAGE TRANSPORTATION, 123 Indian Springs Road, Hot Springs, AR 71901. Applicant's representative: Gary E. Thompson (same as above). Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: Cullet (broken glass) in bulk in dump vehicles from Shreveport, LA to Waco, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, Scranton, PA 18503.

No. MC 136605 (Sub-No. 58TA), filed May 22, 1978. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807, 216 Trade Street. Applicant's representative: W. E. Seiliski (same as above). Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: Plastic pipe, plastic pipe fittings, and accessories used in the installation thereof (except commodities so shipped in tank vehicles, and plastic pipe and fittings used in or in connection with the discovery, development, distribution of natural gas and petroleum and their products and by-products), from the facilities of Cresline Plastic Pipe Co., Inc., at or near Council Bluffs, IA to MT, ID, UT, WY, ND, SD, NE, KS, OK, MN, WI, CO, and MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John C. Van Hoy, Distribution Manager, Cresline Plastic Pipe Co., Inc., 955 Diamond Avenue, Evansville, IN. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, PA 18503.

No. MC 139485 (Sub-No. 9TA), filed May 22, 1978. Applicant: TRANSPORT CONTINENTAL CARRIERS, 169 East Liberty Avenue, Anaheim, CA 92803. Applicant's representative: David P. Christenson, Kinnon, Stevens, Grossman & Marsh, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Trans Continental Carriers seeks authority as a common carrier, by motor vehicle, over irregular routes, transporting: T-shirts, fruit and nut cakes, and other food products, including: Nuts, nut mixes, dried fruits, dried vegetables, fruit and vegetable products, snack packs, gift packs, display racks, paper, wire, signs, display materials, health foods, cookies, cakes, pies, pastries, preserves, ice cream, meats, bakery products, bakery products, pretzels, candy, potato chips, bread, rolls, glass cookie jars, jewelry, cosmetics, fragrances, clothing, toys, pharmaceutical products, underwear, prophylactics, soaps, shampoos, pasta, swimsuits, sweaters and shirts, shorts and slacks, jackets, belts, hats, T-shirts, games, frozen and fresh yogurt, ices, and ice cream from the facilities of the Farm, Inc. of Dallas TX; the facilities of Greg James, Inc. of Dallas, TX; the facilities of Southern Food Products Co., Inc. of Vernon, CA; the facilities of Dharma Corp. of Culver City, CA; the facilities of Taste Cake, Inc. of Philadelphia PA; the facilities of Hanover Guest Quality Food Corp. of Hanover, PA; the facilities of King's International Bakery of Torrance, CA; and points and places in Houston, TX and Dallas, TX. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 144023 (Sub-No. 2TA), filed May 18, 1978. Applicant: TAYLOR TRANSPORT, INC., Rte 9, Poplin Road, Monroe, NC 28110. Applicant's representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38117. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Electric heaters, metering devices, switches, controllers, transformers, circuit breakers, and parts thereof, from the facilities of Federal Electric Co., located at or near Fort Mill, SC, to San Jose and Burlingame, CA, under a continuing contract, or contracts, with Federal Electric Co. for 180 days. Supporting shipper(s): Federal Pacific Electric Co., Route 1, Fort Mill, SC 29715. Send protests to: Terrell Price, District Supervisor, 800 Brier Creek Road, Room CCS16, Mart Office Building, Charlotte, NC 28205.

No. MC 144547 (Sub-No. 1TA), May 23, 1978. Applicant: DURA-VENT TRANSPORT CORP., 281 El Camino Real, Redwood City, CA 94064. Applicant's representative: Barry Roberts, 888 17th Street NW, Washington, DC 20006. Authority sought to operate as a...
a contract carrier, by motor vehicle, over irregular routes, transportation, Vent Pipe and fittings, sheet, chimney assemblies, assemblies, stovepipe, all made of aluminum, steel, fireplaces and stoves, wood burning, from Redwood City, CA, to points in the United States except AR and HI, under a continuing contract with Delta-Vent Corp. for 180 days. Supporting shipper: Dura-Vent, Inc., El Camino Real, Redwood City, CA 94063. Send protests to: District Supervisor Michael M. Butler, 211 Main, Suite 500, San Francisco, CA 94105.

No. MC 144747TA,Filed May 9, 1978. Applicant: INTERSTATE EQUIPMENT CO. INC., 22821 North 81st Avenue, Peoria, AZ 85345. Applicant’s representative: Lewis P. Ames/Phil B. Hammond, Shimmel, Hill, Bishop & Gruender, P.C., 111 West Monroe, 10th Floor, Phoenix, AZ 85003. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (A) glass fiber, glass yarn, fiberglass cloth and fabric, and waste fiber, from the facilities of Owens-Corning Insulation Corp., Aiken and Anderson, SC; Jackson, TN; Amarillo, TX; and Huntington, PA; to Denver, CO; Salt Lake City, UT; Wall­ace, ID; Seattle, Bellingham, and Spok­ane, WA, and Portland, OR; (B) resin and plastic granules from (1) the facilities of ARCO Polymers at La Porta, Port Arthur, and Houston, TX; and (B) the facilities of WITCO at Lenwood, CA, Wilmington, DE, and Chicago, IL; (3) the facilities of Symrex at Anahiem, CA; (4) the facilities of Abtec at Louisville, KY, and Big Springs, TX; (5) the facilities of Shell Chemical Co. at Houston, TX; (6) the facilities of Cosden, New Mexico, and (7) the facilities of Continental Polymers at Com­pton, CA; and (8) the facilities of Ashland Chemical Co. at Newark, NJ, Chi­cago, IL, and Compton, CA; to the fa­cilities of Fibercem, Inc. at Dearborn, MI; and to Seattle, WA; and (C) from origin points named in (B) above to customers of Fibercem, Inc., located at points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, under a continuing contract or contracts with Fibercem, Inc. located at Seattle, WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Donald S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: I. Tin plate and container ends, from the plant site of National Can Corporation at Gary, IN to Loves Park and Rockford, IL. 2. Scrap Steel from the plant site of Na­tional Can Corp. at Loves Park, IL, to Gary, IN for 180 days. Supporting shipper: Floyd C. Stone, Area Traffic Manager, Midwest National Can Corp., 8101 West Higgins Rd., Chicago, IL 60631. Send protests to: Louis M. Stahl, Transportation Assistant, Inter­state Commerce Commission, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604. Under a continuing contract with Floyd C. Stone.

PASSENGER CARRIERS


No. MC 144803TA, filed May 17, 1978. Applicant: LASSITER BUS SERVICE, INC., 3400 Nansemond Parkway, Suffolk, VA 23435. Applicant’s representative: Blair P. Wake­field, Suite 1001 First & Merchants Bank Building, Norfolk, VA 23510. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in round-trip charter operations, beginning and ending in Suffolk and Isle of Wight County, VA, and extending to points in AL, AK, CT, DE, DC, FL, GA, IL, IN, KS, KY, LA, MD, MA, MI, MN, MO, MS, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, WV, and WI, for 180 days. Supporting shipper: For approximately 20 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Wash­ington, DC, or copies thereof which may be examined at the field office named below. Send protests to: D/S Paul D. Collins, Bureau of Operations, Room 10-502 Federal Building, 400 North Eighth Street, Richmond, VA 23240.

By the Commission.

NANCY L. WILSON, Acting Secretary.

[FR Doc. 78-18117 Filed 6-28-78; 8:45 am]

[1505-01] (Notice No. 88)

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-17336 appearing at page 26832 of the issue of Thursday, June 22, 1978, at page 26835 in the second column, the first MC number should read “No. MC 143760” and in the third column of the same page, under Water Carrier, the first applicant number should be “No. W-1322­ 1A”.

[7035-01] (Notice No. 74)

MOTOR CARRIER TRANSFER PROCEEDINGS


Application filed for temporary au­thority under section 210(a) in con­nection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-77699. By application filed June 20, 1978, ELMER L. EDDEN, an individual, d.b.a. 55 Trans­fer, 800 North 10th, Walla Walla, WA 99362, seeks temporary authority to transfer the operating rights of G. P. Elkinton, an individual, d.b.a. 55 Transfer, 1622 East Alder, Walla Walla, WA 99362, under section 210(a). The transfer to Elmer L. Edden, an individual, d.b.a. 55 Trans­fer, of the operating rights of G. P. Elkinton, an individual, d.b.a. 55 Transfer, is presently pending.

By the Commission.

NANCY L. WILSON, Acting Secretary.

[FR Doc. 78-18118 Filed 6-28-78; 8:45 am]

[7035-01] (Notice No. 75)

MOTOR CARRIER TRANSFER PROCEEDINGS


Application filed for temporary au­thority under section 210(a) in con­
nection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:
No. MC-FC-77700. By application filed June 8, 1978, MONTANA TRANSPORT CO., P.O. Box 890, Billings, MT 59103, seeks temporary authority to transfer the operating rights of Allen P. Felton, an individual, d.b.a. Brewer Trucking c/o First National Park Bank, Livingston, MT 59047, under section 210a(b). The transfer to Montana Transport Co. of the operating rights of Allen P. Felton, an individual, d.b.a. Brewer Trucking, is presently pending.

By the Commission.

NANCY L. WILSON, Acting Secretary.

[FR Doc. 78-18119 Filed 6-2-78; 8:45 am]

[7035-01]

[Notice No. 76]

MOTOR CARRIER TRANSFER PROCEEDINGS


Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

By the Commission.

NANCY L. WILSON, Acting Secretary.

[FR Doc. 78-18120 Filed 6-28-78; 8:45 am]

[7035-01]

[Financ Docket No. 28727]

NATIONAL RAILWAY UTILIZATION CORP. — CONTROL—PENINSULA TERMINAL CO.
Consolidation of Rail Carriers


The Commission has acted on a petition for waiver and/or clarification of the ICC railroad acquisition, control, merger, consolidation, coordination project, trackage rights, and lease procedures, 42 FR 14971, March 17, 1977 (to be codified in 49 CFR 1111) called the consolidation procedures. The special action project for Livingston was requested to take were: (1) Interpretation of the specific requirements of section 1111.1(a)(1) of the consolidation procedures, defining the term "applicant" to the proposed application, (2) waiver of the specific requirements of sections 1111.1(e)(10) of the consolidation procedures requiring disclosure of all intercorporate relationships between applicant and any carrier or affiliate, (3) waiver of the requirements of section 1111.1(d)(8) of the consolidation procedures, relating to the policy and practice followed by applicant concerning reserves for depreciation, (4) waiver of sections 1111.2(a) (3), (4), and (7) of the consolidation procedures, relating to various corporate approval necessary to enter into the proposed transaction, (5) waiver of the specific requirements of section 1111.2(a)(8) of the consolidation procedures, concerning the submission of a map of each applicant and its relation to the other applicants, (6) waiver of the specific requirements of sections 1111.1(e)(5) and 1111.2(a)(10) (ii) and (vi) of the consolidation procedures, requiring the furnishing of financial statements of applicant and its subsidiaries, and (8) waiver of sections 1111.2(a)(6) and (7) of the consolidation procedures, relating to the requirement for the submission of balance sheets and income statements for applicant and its subsidiaries, and (9) waiver of section 1111.2(a)(8) of the consolidation procedures, requiring directly related applications to be filed concurrently with the section 5 application. The decision granted the waivers requested in substantial part, except for the waivability of (1) the requirement for a map of each applicant and its relation to the other applicants, (2) the requirement to submit financial statements of applicant and its subsidiaries, and (3) the requirement for directly related applications to be filed concurrently with the section 5 application. The decision granted the requested waiver of the requirement for a map of each applicant and its relation to the other applicants, (2) the requirement to submit financial statements of applicant and its subsidiaries, and (3) the requirement for directly related applications to be filed concurrently with the section 5 application. The decision granted the waiver of section 1111.2(a)(8) of the consolidation procedures which, to the extent applicable, requires a map of each applicant and its relation to other applicants, shortline connections, other rail lines in the territory, and the principal geographic points in the region traversed. As none of the railway properties involved in the proposed proceeding connected with each other, the submission of the stated data would serve no apparent purpose. The Commission modified the requirements in its decision in order to require the pertinent information only from PTC.

The Commission denied the requested waiver of sections 1111.1(e)(5) and sections 1111.2(a)(10) (ii) and (vi) of the consolidation procedures. These sections deal with various information relating to the proposed transaction on carrier employees. The Commission noted its affirmative duty to protect the interests of railroad employees in consolidation procedures and stated that the required information was necessary in order to assess the impact of the transaction on these employees.

In its decision the Commission granted the requested waiver of sections 1111.2(c) (1), (2), and (4) of the consolidation procedures relating to revenue carload, revenue and commodi-
NOTICES

ity, and operation information. Due to the facts that revenue car traffic is light, all the applicants are physically disconnected and there is no exchange of traffic between the parties. It was determined that the difficulty in cost of developing the information was outweighed by the de minimus value such information would have in helping to decide the proposed application.

The Commission determined in its decision that the requested modification of the requirements of section 1111.2(c) (5) and (6) of the consolidation procedures was permissible. It was decided that the submission of balance sheets and income statements for applicant and its subsidiaries on a consolidated as well as a corporate entity basis was unnecessary. Corporate entity financial information for the involved subsidiaries was deemed to be irrelevant to the ultimate determination to be made in the proposed application, particularly when consideration was given to the time and resources that would be saved. The Commission will require that any application to be filed contain a corporate entity and consolidated financial statement for both N.R.U.C. and U.S.C.

As a final matter, petitioners sought waiver of section 1111.4(a)(5) of the consolidation procedures. This section requires that directly related applications be filed concurrently with the section 5 application. The Commission consented to petitioners request that this period of filing of related applications be extended to withing 30 days of the filing of the consolidation application. The Commission noted that interested persons will not be precluded from commenting on the related application since the 45 day period for such comments begins to run from the date notice of the filing and acceptance of the 5(2) application is published in the Federal Register.

NANCY WILSON,
Acting Secretary.

[FR Doc. 78-18122 Filed 6-28-78; 8:45 am]
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[6570-06]

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1324-78 and S-1335-78.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:30 a.m. (eastern time), Thursday, June 29, 1978.

CHANGE IN THE MEETING: The time and date of the meeting are changed to 10:30 a.m. (eastern time), Friday, June 30, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat at 202-634-6748.

This notice issued June 27, 1978.

[S-1354-78 Filed 6-27-78; 10:03 am]

[6714-01]

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in subject matter of agency meeting:

At the commencement of its closed meeting held at 10 a.m. on Monday, June 26, 1978, the Corporation's Board of Directors unanimously determined, on motion of Chairman George A. Le-Maistre, seconded by Director William M. Isaac (Appointive), with Mr. H. Joe Selby, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), concurring in the motion, that Corporation business required the addition of the following item to the agenda for the meeting, on less than seven days' notice to the public:

Addition of the application of Dollar Savings Bank of New York, New York, N.Y., for consent to establish a branch on the north side of Vanderbilt Parkway, approximately 515 feet east of Commack Road, Town of Smithtown (Unincorporated Area), New York.

Deletion of a recommendation regarding the liquidation of assets acquired by the corporation from Franklin National Bank, New York, N.Y. (Case No. 43,550-I).

The Board further determined, by the same unanimous vote, that no earlier notice of the change in the subject matter of the meeting was practicable.


FEDERAL DEPOSIT INSURANCE CORPORATION,

ALAN R. MILLER, Executive Secretary.

[S-1359-78 Filed 6-27-78; 11:58 am]

[6770-01]

5

FOREIGN CLAIMS SETTLEMENT COMMISSION.

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 904), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings for


FEDERAL DEPOSIT INSURANCE CORPORATION,

ALAN R. MILLER, Executive Secretary.

[S-1360-78 Filed 6-27-78; 11:58 am]
the transaction of Commission business and other matters specified, as follows:

**Date, Time, and Subject Matter**

Wednesday, July 5, 1978, at 10:30 a.m.—Canceled.

Wednesday, July 12, 19, and 26, 1978, at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20594, telephone 202-653-6158.


FRANCIS T. MASTERSON, Executive Director.

[S-1356-78 Filed 6-27-78; 10:03 am]

[4910-58]

6

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, July 6, 1978 (NM-78-27).


STATUS: Open.

MATTERS TO BE CONSIDERED:


4. Recommendation to the Federal Aviation Administration re runway configurations containing displaced thresholds.

5. Recommendation to the Federal Aviation Administration re use of airport roads by firefighting and rescue vehicles.

6. Recommendation closeout.—Railroad recommendations Nos. R-71-18, R-72-3, R-72-9, R-72-10, R-72-14, R-74-32, R-75-4, R-75-6, R-75-34, R-76-6, R-76-7, R-76-9, R-76-10, R-76-19, R-76-42, R-75-43, R-76-44, R-76-48, and R-76-47.

7. Discussion of proposed change of NTSB Seal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-1355-78 Filed 6-27-78; 10:03 am]

[8010-01]

7

SEcurities and Exchange COMmission.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of July 3, 1978. In Room 922, 500 North Capital Street, Washington, D.C.

Closed meetings will be held on Wednesday, July 5, 1978, at 10 a.m. and on Thursday, July 6, 1978, immediately following the open meeting at 10 a.m. An open meeting will be held on Thursday, July 6, 1978, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(8)(B)(A) and (10) and 17 CFR 200.402 (a)(8)(9)(K) and (10).

Chairman Williams, Commissioners

Loomis, Pollack, Evans, and Karmel determined to hold the aforesaid meetings in closed session. The subject matter of the closed meeting scheduled for Wednesday, July 5, 1978, at 10 a.m., will be:

Referral of investigative files to Federal, State or Self-Regulatory authorities.

Formal orders of investigation.

Authorization of staff member to testify.

Institution of injunctive actions.

Settlement of injunctive actions.

Freedom of Information Act appeal.

Subpoena enforcement action.

Institution of administrative proceedings of an enforcement nature.

Institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceedings of an enforcement nature.

Report on investigative matter.

Other litigation matters.

The subject matter of the closed meeting scheduled for Thursday, July 7, 1978, immediately following the open meeting scheduled for 10 a.m., will be:

Consideration of an administrative proceeding of an enforcement nature.

The subject matter of the open meeting scheduled for Thursday, July 7, 1978, at 10 a.m., will be:


2. Consideration of a waiver from some provisions of the Commission's Conduct Regulations for a temporary employee.

3. Consideration of a Notice of Application pursuant to section 9(c) of the Investment Company Act of 1940 for an exemptive order from certain provisions of the Act in the matter of John Nuveen & Co., Inc. and Peter A. Leonard.

4. Consideration of proposed release concerning the reexamination of rules relating to shareholder communications and shareholder participation in corporate governance generally.

FOR FURTHER INFORMATION, PLEASE CONTACT:

Kenneth Daniels at 202-755-1133.


[S-1358-78 Filed 6-27-78; 11:58 am]
CONSUMER PRODUCT SAFETY COMMISSION

CITIZENS BAND (CB) BASE STATION ANTENNAS, TV ANTENNAS, AND SUPPORTING STRUCTURES

Warning and Instructions Requirements
The vast majority of these deaths occurred when the antennas contacted electric power lines while being put up or taken down. However, no significant injury pattern was found to exist with antennas other than from contact with electric lines. The Commission concluded that if consumers knew of the danger and how to avoid it, they would be able to take the necessary steps to protect themselves. Therefore, the Commission granted Mr. Chapman's petition insofar as it requested the Commission to propose and adopt a rule concerning the hazard of contacting electric power lines with TV or CB base station antennas. Accordingly, the Commission proposed a rule under section 27(e) of the Consumer Product Safety Act, 15 U.S.C. 2076(e), requiring manufacturers to provide labels on the products and to provide instructions so that consumers can avoid the hazard of electric shock caused by contact with outdoor electric lines (42 FR 57134; November 1, 1977). This would help insure that the information is available when it is needed most; that is, when the antenna is being installed.

The Commission's staff is also presently studying the feasibility of a consumer product safety standard for these antennas that would eliminate or reduce the hazard of electric shock associated with the installation and use of these products; or, if there were no packaging or instruction sheet, that the warning label be attached to the antenna so that it would be clearly legible at the time of delivery of the antenna to the ultimate consumer. Mr. Chapman also identified in his petition specific information he believed should be included in the label and requirements that should be specified for the label's border, heading and lettering.

The Commission estimates that approximately 220 persons in 1975 and 275 persons in 1976 were electrocuted in incidents involving communications antennas. These estimates were obtained by comparing the number of deaths shown from this cause in death certificates that have been submitted to the Commission with reports in the news media concerning this cause of death. Over one-half of these deaths were known to involve CB antennas, about 15 percent involved television antennas, and the remaining incidents involved outside communications antennas of unspecified types. This number of deaths makes communications antennas the "number one" product associated with electrocution among all consumer products.

The vast majority of these deaths occurred when the antennas contacted electric power lines while being put up or taken down. However, no significant injury pattern was found to exist with antennas other than from contact with electric lines. The Commission concluded that if consumers knew...
base station and TV antennas must also tell the consumer to affix the warning label to the supporting structure if that structure is not already labeled. The purpose of this notice is a topical outline of some of the instructions booklet for CB base station antennas that would meet the requirements of Part 1402. It should be pointed out that the manufacturer, brand, model, or similar designation. The instructions accompanying CB base station and TV antennas must be sufficiently legible and conspicuous. The instructions accompanying CB base station and TV antennas must also tell the consumer to affix the warning label to the supporting structure if that structure is not already labeled. The purpose of this notice is a topical outline of some of the instructions booklet for CB base station antennas that would meet the requirements of Part 1402. It should be pointed out that the manufacturer, brand, model, or similar designation. The instructions accompanying CB base station and TV antennas must be sufficiently legible and conspicuous. The instructions accompanying CB background that there was an unreasonable risk of injury associated with the antennas and supporting structures. A detailed discussion of this preamble that do not provide labels, warnings, and instructions that sufficiently inform consumers of the risk and how to avoid it. The regulation that accompanied the proposal by the Commission will require such labels, warnings, and instructions. An explanation of the rule's requirements is given below. The requirements are essentially the same as those which were proposed on November 1, 1977 (42 FR 57134). The changes to the proposal are discussed in section D of this preamble, "Comments on the Proposal.”

C. EXPLANATION OF THE RULE

The regulation requires that readily visible prescribed warning labels be attached to CB base station antennas, outdoor TV antennas, and antenna supporting structures to warn against the hazard of electrocution while putting up or taking down an antenna or antenna supporting structure. The label also serves the reader to installation instructions that are required to be provided with the products. The label on the supporting structure is necessary because the label on the antenna may be too far away to see after the antenna has been installed, and thus the antenna label would not serve to warn a person who was attempting to remove the antenna.

In addition to labeling requirements, the regulation requires that instructions containing (1) an explanation of the hazard of contacting electric lines and (2) directions on how to reduce the hazard while putting the product up or taking it down accompany CB base station antennas, outdoor TV antennas, and antenna supporting structures (except unpackaged pipe or non-telescoping mast sections less than 11 feet in length). In addition, warning statements are required to be located (1) at the beginning of any other instructions provided by the manufacturer of the product and (2) on either the packaging or the parts container supplied with the product. The warning statement is required to be legible and conspicuous, and the statement in the instructions must be in type that is at least as large as the largest type used on the remainder of the page (except for the logo and identification of the manufacturer, brand, model, or similar designations). A statement has been added to the final regulation to specify that the warning statement type size should preferably be no smaller than 10 point type. The Commission believes that it would be unusual for a smaller type size to be sufficiently legible and conspicuous. The instructions accompanying CB base station and TV antennas must also tell the consumer to affix the warning label to the supporting structure if that structure is not already labeled. The purpose of this notice is a topical outline of some of the instructions booklet for CB base station antennas that would meet the requirements of Part 1402. It should be pointed out that the manufacturer, brand, model, or similar designation. The instructions accompanying CB base station and TV antennas must be sufficiently legible and conspicuous.

D. COMMENTS ON THE PROPOSAL

In response to the Federal Register notice proposing Part 1402, the Commission received comments from 23 firms and individuals. An explanation of the significant issues raised by the comments and the Commission's response is given below.

In support of the regulation. Seventeen of the 23 comments expressed or implied support for the proposed regulation. One of these, from the Michigan CB Council, stated that 28 persons had been electrocuted in antenna accidents in Michigan during 1 year alone. Another, from the Air Force Inspec-
tion and Safety Center, noted that almost 4,000,000 for-duty Air Force personnel are electrocuted each year while installing antennas.

The other comments, while supporting the general approach of the proposed regulation, made additional comments which are discussed below under the appropriate subject category.

The comments opposing the regulation are also discussed below under the appropriate subject category.

Cost. A student commented that in his opinion the rule will not save lives and will impose excessive costs on the manufacturers of this equipment. He argues that the Commission should consider the costs involved versus the benefits received and should be more cost conscious in issuing rules.

A manufacturer commented that he felt that the regulation should be limited to warnings on the product cartons and to the instruction sheets already used by manufacturers, and that additional items should not be adopted until the effects of those requirements are analyzed. He stated that requiring an instruction booklet and labels on the products themselves would increase significantly the costs without improving the safety of the users.

An organization of CB operators disagreed with the Commission estimate that the cost would be 25 percent of the material cost and stated that labels could be obtained for $.01 to $.05. (The 25 percent increase was mentioned in the proposal in relation to the unpackaged mast sections that were exempted from the proposal. Since these do not have packages, other means to insure that the labels, warnings, and instructions stayed with the mast would have to be provided, thus accounting for the increase in cost.)

In response to those comments that contend the rule will increase costs and not increase safety, the Commission is convinced that the rule's requirements will reduce the number of deaths from electrocution associated with these products. If consumers are informed of the severe hazard that they face and are given the information on how to avoid it, the Commission believes that they will take the necessary steps to protect their own lives.

The Commission considers the probable economic effects of the safety regulations that it issues. The Commission is aware that manufacturers will have to incur certain kinds of costs as a result of this rule. These costs are primarily for materials, labor, and administrative costs associated with incorporating labels and instructions into the products. In addition, there will be some costs for bringing existing inventory into compliance. Prior to proposing Part 1402, the Commission made a preliminary investigation of the economic impact of the rule. The information that the Commission has since obtained confirms its original conclusion that the additional costs to manufacturers and consumers caused by the requirements of the rule are small compared to the expected benefits.

The CB base station antennas sell at retail for between $15 and $200, with the majority sold priced between $40 and $50. TV antennas range from $10 to $150, with most selling for $40 to $50.

A survey of manufacturers conducted by the Commission's staff indicates that the cost to manufacturers for labels may range between $.02 and $.05 each (or about $.04 to $.10 per antenna package, since two labels per package would be required for antennas). Detailed information on the cost impacts of the proposal is included in the economic analysis prepared by the Commission's staff. The economic analysis indicates that the cost to the manufacturer will probably be quite small (between $.010 and $.035 per antenna), and that the cost may increase by about $1.00 per unit. In addition, since the rule will apply to units manufactured, packaged, or sold by the manufacturer 90 days after it is issued, costs for reworking existing inventory will also be incurred.

In view of the severe nature of the hazard associated with these products, the Commission believes that the small additional cost is justified.

Impose requirements on power companies. One manufacturer of antenna supporting structures commented that their products are not unsafe and that manufacturers "are the victims of a few, stupid people and the power companies are just coinciding to the detriment of the consumer" about powerline hazards." He argues that it is unfair to impose requirements on the manufacturers of supporting structures "unless the power companies are forced to cooperate and do the same." He states that some power companies have issued public service warnings concerning this hazard and that the Commission should not take any further action until enough time has passed to determine whether a reduction in accidents occurs as a result of these warnings. He also requests a public hearing before any action is taken.

The request for a public hearing was previous denied by the Commission because there was no indication that the commenter had any information to present that could not be adequately presented in writing.

Although it would be helpful for power companies to warn consumers about the hazards of contact with power lines, the Commission believes that the most effective means of achieving a reduction in the number of deaths caused by contact of antennas and their supporting structures with power lines is to have the warning accompany the product. This will make the warning available to the consumer at the time when it will do the most good; that is, when the device is to be installed or taken down. In view of the above, the Commission does not believe that the most effective way of dealing with this problem is for the warnings to accompany the antennas and supporting structures, there is no need to wait in order to determine the degree of effectiveness of other means of reducing the risk. However, the Commission is preparing a notice that could be enclosed with utility bills and will encourage power companies to use it to help warn consumers of the dangers involved.

Type of antennas. One individual stated that he was in favor of warning labels on any type of antenna. A few companies suggested that FM antennas be included within the scope of the rule.

The Electronics Industries Association (EIA) asks that TV antennas be excluded from the requirement and that FM antennas be included within the scope of the rule.

As discussed above, the cost of complying with this rule is small compared to its expected benefits. Although the rule may be more urgently needed for CB antennas, it is still warranted for TV antennas if a substantial number of deaths are occurring involving these antennas.

The Commission obtains information concerning deaths associated with consumer products both from death certificate files and from newspaper clippings (newscips). Data for 1976 and the presently incomplete data for 1977 show a considerable decrease in deaths from installing antennas. The newscip file indicates that the number of deaths associated with TV antennas stayed about the same in 1975 and 1976 while the death certificate files indicate a drop in 1976.

However, a comparison of the 14 TV antenna deaths reported in 1976 with the 30 antenna deaths reported in 1975 results in a ratio of 1:3 (1 million CB base station antennas to 3 million television antennas), an annual sales ratio of 1.3 (1 million CB base station antennas to 3 million television antennas). Since EIA estimates that the labeling rule will add about $1.00 to the cost of each antenna, EIA believes that the $3 million added cost to consumers is not cost effective to the protection afforded, especially in view of the reductions in the number of deaths from erecting TV antennas on high structures.

As discussed above, the cost of complying with this rule is small compared to its expected benefits. Although the rule may be more urgently needed for CB antennas, it is still warranted for TV antennas if a substantial number of deaths are occurring involving these antennas.
through death certificates with the 26 cases reported by newscasts revealed only one fatality that was present in both files. Thus, a minimum of 39 electric shock deaths were associated with television antennas during 1976. The actual number of duplications is an indication of the incompleteness of each file, and the actual number of deaths must be considerably larger. Regardless of the trend in deaths associated with TV antennas, the number of deaths that are presently occurring is such that it is inadvisable to delay application of the rule to TV antennas.

The data available to the Commission do not support the need to include antenna types other than TV and CB antennas in the rule. For example, the CPSC files do not contain a record of any accidents that can be identified as involving FM antennas. Therefore, the Commission does not accept the suggestions of the commenters who asked that FM antennas and other types of antennas be included.

Exemption for unpackaged mast sections. As proposed, Part 1402 contained an exemption for unpackaged pipe or tubular nontelescoping mast sections less than 11 feet (335 cm.) in length.

Three comments were submitted relating to this exemption. One, from a manufacturer of such mast sections, states that much of such tubing is painted and packaged in cardboard boxes to protect its finish. This manufacturer suggests that the word "unpackaged" be eliminated (in which case, the exemption would apply to all nontelescoping mast sections less than 11 feet in length). Another comment, from the Electronic Industries Association (EIA), states that painted mast sections may be bulk shipped to distributors in cartons in order to protect the paint. The carton is removed before the mast sections are offered for sale to consumers. They suggest, therefore, that the term "pipe sections not individually packaged" be substituted for "unpackaged pipe."

One comment urged that there should be no exemption for these unpackaged mast sections because the fact that they are not labeled might create the illusion that it is safe to erect these mast sections in the area of powerlines. The term "unpackaged" was included in the proposed exemption because, as discussed above, the Commission believed that the solutions to the problem of attaching the instructions, etc., to the unassembled tubular mast section (so that the instructions would stay with the mast section without being damaged until sale to the consumer) were unreasonably expensive. This reason is applicable to any tubular mast section that is sold in the unpackaged state, regardless of whether it has been bulk packaged at some point in the distribution chain. Accordingly, the Commission has decided to make a change from the proposal and issue the exemption to apply to pipe sections "not individually packaged or otherwise contained in packages intended for distribution to the consumer." The Commission has adopted a modification of the language suggested by EIA so that the rule will cover mast sections that may be contained with other mast sections or components in a package intended for the consumer. Although the elimination of the term "unpackaged" as suggested by the manufacturer would exempt individual packages intended for consumers, this commenter has communicated to the staff that the request was intended to exempt only bulk packages. This concern is accommodated by the changed language led to the final rule. In any event, the Commission concludes that, in the case where a mast section is individually packaged and the labels, warnings, and instructions are not included in the package, the cost of requiring that labels, etc., accompany the mast section is not excessive and that masts that are packaged when delivered to the customer should not be exempted from the rule.

The Commission does not agree with the comment opposing the exemption for unpackaged mast sections because the commenter believes the lack of labeling might create the illusion that it is safe to erect the antennas near powerlines. The label required to be present on the antennas and the instructions required to accompany the antenna should provide a sufficient warning when erecting the antenna and its supporting structure. The label on the supporting structure is being required in an attempt to warn the person taking down the antenna. As discussed above, the exemption for the shorter unpackaged mast sections is provided because of the high cost of providing the labels and instructions with this type of mast. However, if the user follows the instructions that come with the antenna, he or she will apply a label to the mast section if it does not already have one. Because of the cost factor (discussed above) and because protection is being provided by requiring the antenna manufacturer to provide a label and provide instructions, the exemption for "pipe or tubular nontelescoping mast sections that are less than 11 feet (335 cm.) in length and that are not individually packaged or otherwise contained in packages intended for distribution to the consumer" is retained.

Labelling. a. Pictogram. Two comments suggested that the warning label should incorporate a pictorial representation of an antenna touching a powerline and sending out bolts of electricity. The Commission does not prevent the use of the textual material in the label shown in Part 1402. One commenter submitted a sample pictogram that the Commission became aware of and felt it did not appropriately address the issue. One problem with the submitted pictogram is that the "lightning bolt" symbol is not universally recognized as meaning that there is a danger of electric shock. The Commission believes that the label as proposed, since its format is derived from long established labeling practices, will be effective in warning consumers of the danger. Accordingly, the proposed label is being retained. The Commission does not currently have available a pictogram that it believes will be useful in lieu of the labeling it is requiring. However, if the Commission becomes aware of an effective pictogram, it would consider approving its use. The Commission cannot justify a delay in issuing this rule in order to search for a possibly more effective labeling system.

b. Background color. The Visual Alerting Systems Committee of the American National Standards Institute commented that the proposed label was not appropriate because "it might not be visible even in the form approved, meaning within a sign configuration which has a 40-year history of serving industry well." They also pointed out that the label differs from a label which the CPSC has endorsed for use on ladders. They state that the label should have a white background instead of the yellow background that was proposed.

The yellow background of the label was selected because of the need for the label to stand out from its background. A white background label does not offer enough contrast to the gray color of the aluminum to which it will often be attached. In this instance, the need to use a high visibility color such as yellow outweighs the desirability of white from the standpoint of consistency or usual meaning in an industrial context. Accordingly, no change in the background color is being made.
d. "Life of label" requirement. The Electronics Industries Association (EIA) stated that because of the possi­ble requirement of remolding inventories and the problem of finding suitable methods of attachment for a variety of materi­als, the requirement that the label be legible for 3 years should be stated as an objective rather than a require­ment. The Commission declines to accept this suggestion because label manufacturers have advised the Com­mission that a three year life expect­ancy requirement can be met, and the Com­mission concludes that there is no need to restate the requirement as an objective.

e. Shape or form of the label. EIA commented that manufacturers needed flexibility in the form, shape, and size of the label. They requested that manufacturers be allowed to de­velop the shape of warning labels pro­vided that:

1. Visibility is enhanced by the change.

2. The full text and graphics are printed as in the standard label.

3. The area of the label is at least 6.5 square inches.

The Commission agrees that there may be a few limited circumstances in which a different label shape could be appropriate, such as where the design of the antenna so requires. However, the Commission does not believe that it is necessary or practical to devise a set of criteria that would fully define the label characteristics that should be maintained in such a changed label. Therefore, the change requested by this comment is denied. If the Com­mission becomes aware of a specific change that appears advantageous under certain circumstances, it would consider approving its use.

Effective date. As proposed, the rule's requirements would cover prod­ucts manufactured, packaged, or sold by manufacturers 90 days after publi­cation of the rule in the Federal Regis­ter. Two commenters (a manufac­turer and EIA) requested an extension of the effective date applicable to the sale of products subject to the regulation because: (1) A time lag for produc­tion changeover exists for some firms with production facilities outside the United States; and (2) manufacturers’ inventories of packaged products would be relatively high on the pro­posed effective date because CB base station antenna sales have been unex­pectedly low in recent months. The trade association estimated the aver­age one-time total cost of bringing in­ventory into compliance was approxi­mately $24,000 per firm for TV anten­na producers. EIA further estimated that these costs could be cut by more than half if the effective date were ex­tended to 180 days after publication of the rule in the Federal Register. The two commenters also noted that the cost of inventory retrofitting would probably fall disproportionately on firms with relatively high inventories, but this trend would benefit those firms with relatively low inventories. These commenters suggested that the effective date applicable to products sold by the manufacturer should be in­creased to 270 days. EIA also stated that if the Commission could indicate sufficiently far in advance that it would accept, for 1 year, labels and instructions that comply with the pro­posed rule, the effective date for sales could be kept at 90 days.

The Commission’s analysis of the probable economic effects of the rule con­firms that a 90-day effective date applicable to sales would create a burden on certain manufacturers.

Firms with the largest sales of CB base station antennas are estimated to have inventories that range from a 4 to 12-month supply because of the recent downturn in antenna sales. Firms with smaller sales are to be expected to have supplies that would last a shorter period of time. TV antenna producers may have a 6-9 month in­ventory on some slow-selling, special­ty items, but inventories for most items range from zero to 3-month supply.

The Commission estimates that more than 85 percent of manufactur­ers have been voluntarily labeling their products for 10 days or longer. These manufacturers include all of the large firms. The labels used by these firms are similar to those re­quired by the proposed rule. Some firms are also voluntarily including in­stallation instructions, but these mate­rials are not as widely used as the labels. The number of firms not using labels or instruction sheets is believed to be small. These firms may account for between 10 percent and 20 percent of sales but are likely to have small in­ventories.

The economic data available to the Commission supports the contention that a longer effective date would reduce the adverse economic effect of the rule on manufacturers. However, in making its determination of an ap­propriate period for an effective date, the Commission has also consid­ered: (1) the seriousness of the risk of elec­trocution while erecting or taking down CB base station and TV anten­nas that are not adequately labeled and accompanied by proper instruc­tions, and (2) the fact that a signifi­cant number of fatal accidents are oc­curring during installation. EIA be­lieves that the proposed 90 day period for manufacturers to comply with the rule is reasonable and necessary be­cause it would not be possible for many manufacturer firms to comply with the rule in a shorter period of time. For this reason, a shorter effective date could cause an interruption in the availability of these products.

However, this 90 day effective date would penalize those manufacturers who have been voluntarily labeling and/or providing instructions with­out their products, since these manufac­turers would have to discard the unused labels and instructions that did not fully comply with the final rule. The Commission believes that the differences between the proposed label and the requirements of the final rule, which consist of different colors for some words plus some underlining, are not so significant as to warrant ad­ditional adverse economic effects on the manufacturers that have been voluntar­ily complying with the intent of the rule. Therefore, the Commission has decided to allow, for 1 year after the effective date of the rule, the contin­ued use of labels and instructions that sub­stantially comply with the pro­posed rule and that were ordered before the final requirements were issued.

Consequently, based on the serious­ness of the risk of injury, the need for the rule, and the reduction in the eco­nomic impact of the rule because of the decision to permit the use of labels and instructions that do not fully comply for one year, the Commission concludes that the requests for an extension of the effective date must be denied. Thus, as in the proposal, the final re­quirements apply to all affected prod­ucts that are manufactured or import­ed, or packaged, or sold by the manu­facturer or importer, after September 26, 1978. Samples of the instructions, labels, and warning statements that comply with the final rule must still be provided to the Commission by Oc­tober 27, 1978.

Immediate ban of products that do not comply with Part 1402. The origi­nal, petitioner submitted a request that TV antennas that do not comply with Part 1402 be “banned from the marketplace as of now” unless they comply with Part 1402. Another commenter supported this request.

The Commission is empowered to de­clare a product that presents an un­reasonable risk of injury to be a banned hazardous product if no feas­ible consumer product safety standard would adequately protect the public. However, as discussed above, the Com­mission is currently investigating the question of whether a safety standard for these products is feasible. There­fore, the Commission cannot grant the request for an immediate ban because it does not have the informed judgment that no feasible consumer product safety standard would adequately pro­tect the public. It should be pointed out, however, that after the effective date of Part 1402, it is just as much a prohibited act under the CPSIA for the manufacturer to violate Part 1402 as it would be for the manufacturer to dis­tribute a product that was banned be­
cause it did not comply with Part 1402. Although the Commission could make Part 1402 effective immediately, it has, for the reasons given above, determined that an immediate effective date is not appropriate.

Insulation. One commenter suggested that insulating links, probably made of plastic or fibreglass, could be inserted between the sections of the mast to protect against electric shock. EIA submitted a number of comments to the effect that a safety standard for these products to protect against electric shock is either unfeasible or unwise. The Commission is presently evaluating the feasibility of a safety standard to protect against the hazard of electrocution caused by contact of the product with powerlines. The subject matter of these comments will be considered during this evaluation and is outside the scope of the proposed rule.

Instructions. (a) One commenter told of an incident in which a person was badly injured while taking down an antenna and stated that consumers should also receive instructions on how to safely take down antennas. The Commission notes that instructions for this are already required by the rule in §§1402.4(a)(1)(i)(B)(3)(n) and 1402.4(a)(2)(ii)(B)(3). (b) The EIA suggested that the requirement for instructions concerning methods that can be used to reduce the possibility of contact with powerlines when putting up and taking down the antenna mast should be satisfied by an explanation that the minimum safe separation between the mounting point of the antenna and any overhead power line is a distance equal to two times the overall length of the antenna assembly. EIA maintains that any installation or removal within this distance should be accomplished only by professionals or by the power company should be requested to render their lines safe during the installation or removal. They contend that to provide consumers with information on methods of erecting antennas in locations where there is a potential for power line contact might encourage consumers to undertake the attempt, thereby exposing them to the hazard of electrocution.

For purposes of clarification, the Commission states that site selection and measurement instructions, without more information, do not satisfy the requirements for an explanation of methods to reduce the possibility of electrocution (§§1402.4(a)(1)(i)(B)(3)(n), 1402.4(a)(2)(ii)(B)(3)). These sections require an explanation of the techniques and physical restraints needed to prevent contact with the power line while the antenna is being put up or taken down. The Commission believes that such an explanation is essential for the purpose of the rule. It is obvious that many people are not now following the site selection rule advocated by EIA. The Commission believes that it is necessary to give them a "two times" rule for reasons of convenience. In addition, many persons may not have enough land to be able to comply with such a rule. For a 60-foot antenna, the separation distance is 120 feet. A half circle of 120-foot radius covers an area of over one-half acre.

(c) A power company suggested that the instructions should include a comment on the fact that TV and CB antennas become "top-heavy" and are hard for inexperienced persons to handle. Although it is not required that the instructions mention the weight distribution along the antenna, the requirement that the instructions explain the risk of electrocution requires an explanation of the difficulties involved in attempting to erect the antenna. Thus, the regulation appears to satisfy the intent of the comment. The Commission is not able to estimate at this time the degree to which the weight distribution of the antennas may contribute to the electrocution hazard.

Sale for installation by consumers. The Electronic Industries Association (EIA) requested that the rule apply only to those antennas sold for installation by consumers rather than to those merely sold to consumers. They state that since the product itself is not hazardous, the warnings and instructions are unnecessary for the class of "professional products." They refer specifically to "items such as certain large towers, specialized receiving antennas for CATV headend systems, and antennas and mounting structures which are installed and maintained by professional service organizations under contract."

The Commission does not believe that the requested change is necessary or desirable. Antennas and mounting structures that are truly "professional" (that is, that are not sold to consumers or used more than occasionally by consumers) would not be "consumer products" as defined by section 3(a)(1) of the Consumer Product Safety Act and are not subject to the rule. The Commission believes that consumers will attempt to install at least a substantial portion of any type of antenna or mounting structure that they personally use or purchase. For these products, therefore, the warnings and instructions required by the rule are necessary in order to enable consumers to protect themselves.

E. STATUTORY FINDINGS.

Section 27(e) of the Consumer Product Safety Act authorizes the Commission to "by rule require any manufacturer of consumer products to provide to the Commission such performance and technical data related to performance and safety as may be required to carry out the purposes of this Act and to give such notification of such performance and technical data at the time of original purchase to prospective purchasers and to the first purchaser of such product for purposes other than resale, as it determines necessary to carry out the purposes of this Act." As provided in section 2(b) of the Consumer Product Safety Act (15 U.S.C. 2051(b)), one purpose of the Act is "to protect the public against unreasonable risks of injury associated with consumer products."

The Commission has considered the injury data associated with the antennas and supporting structures subject to this rule. The number of deaths by electrocution associated with these products is very high. The Commission believes that the provisions of part 1402 will enable consumers and themselves against this risk of injury and that this will substantially reduce the number of deaths from this cause in the future. The Commission estimates that the cost of complying with Part 1402 will be from $0.10 to $0.35 per product item plus the cost of reworking inventory. This cost is quite small, compared with the benefits of the reduced fatalities that are expected to occur as a result of the rule. The utility of the product to consumers will not be affected by the rule. Especially in view of the 1-year period for manufacturers to use labels and instructions ordered before the effective date that substantially comply with the proposed label and instructions, the availability of the products to consumers should not be adversely affected. After considering these factors, the Commission has concluded that there is an unreasonable risk of injury presented by CB base station antennas, outdoor TV antennas, and their supporting structures that do not comply with the requirements of Part 1402. The Commission therefore concludes that, in order to carry out the purpose of the CPSA to protect the public against unreasonable risks of injury, it is necessary to require the manufacturers of these products to provide the notifications required by part 1402 as set forth below.

Therefore, under provisions of the Consumer Product Safety Act (Sec. 27(e), Pub. L. 92-573, 86 Stat. 1228; 15 U.S.C. 2076(e)), the Commission amends Title 16, Chapter II, of the Code of Federal Regulations by adding to §1402.28(a) a new part 1402, reading as follows:

FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978

Sec. 1402.28. Scope. 1402.29. Background. 1402.30. Definitions. 1402.31. Requirements to provide performance and technical data.
§ 1402.1 Scope.

(a) This part 1402 requires manufacturers (including importers) of Citizens Band (CB) base station antennas, outdoor television (TV) antennas, and their supporting structures to provide notification of ways to avoid the hazard of electrocution which exists when these products are allowed to come near powerlines while the antennas are being put up or taken down. The notification consists of instructions to accompany the products, warning labels on the products, and warning statements on the packaging or parts container. Samples of the instructions, labels, and warning statements must also be provided to the Consumer Product Safety Commission.

(b) This part 1402 applies to any of the following that are "consumer products" as defined in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) and that are manufactured or imported, or packaged or sold by the manufacturer or importer, after September 26, 1978:

(1) Antennas designed or intended to be used as outdoor CB base station antennas (referred to in this rule as "CB base station antennas").

(2) Antennas designed or intended to be used as outdoor TV receiving antennas (referred to in this rule as "TV antennas").

(3) Antenna supporting structures, which are elements that are intended to support these types of antennas at a higher elevation. These structures include towers, tripods, and masts. Devices which merely secure the antenna in place are not included.

§ 1402.2 Background.

As a result of numerous electrocutions which have occurred when consumers contacted powerlines with CB base station and outside TV antennas while putting these antennas up or taking them down, the Consumer Product Safety Commission has determined that it is necessary to require that warnings and instructions be furnished with these antennas and their supporting structures so that consumers can be made aware of the hazards involved and of safe ways to put up and take down these antennas. The Commission anticipates that this regulation will help protect the public against the possible risk of injury associated with CB base station antennas, outside TV antennas, and supporting structures due to contact with overhead powerlines.

§ 1402.3 Definitions.

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) apply to this part 1402.

(b) "Antenna supporting structures," "CB base station antennas," and "TV antennas" are defined in §1402.1(b)(1-3).

§ 1402.4 Requirements to provide performance and technical data by labeling and instructions.

(a) Notice to purchasers. Manufacturers of CB base station antennas, TV antennas, and antenna supporting structures shall provide notification of performance and technical data related to performance and safety to prospective purchasers of such products at the time of original purchase and to the first purchaser of such product for purposes other than resale, in the manner set forth below:

(1) Antennas. CB base station antennas and TV antennas shall be provided with the following:

- RED

(2) Antenna supporting structures, which are elements that are intended to support these types of antennas at a higher elevation. These structures include towers, tripods, and masts. Devices which merely secure the antenna in place are not included.

(3) Label. (A) The antenna shall bear the label shown in fig. 1 so that the label will be conspicuous to the installer during installation.

(B) If pipe or tubular nontelescoping masts are a suitable supporting structure for the antenna, a separate label as shown in fig. 2 shall accompany the antenna. The label shall be suitable for mounting by the consumer on such a mast.

(C) The label in figure 1 shall be made and attached in such a manner that it will be legible for an average expected life of at least 3 years.

(D) The word "product" may be substituted for "antenna" in the label of Fig. 1.

(E) The colors stated in figure 1 shall conform to the following American National Standards designations or, for red and yellow, to Color Tolerance Charts available from The Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590, and are on file at the Office of the Federal Register. The American National Standards designation and Color Tolerance Charts are incorporated by reference.

(2) Color limit values shall be determined by either ASTM D-1535-68 or, for red or yellow, by the Department of Transportation Color Tolerance Charts, which display the desired colors within the tolerance limits. The ASTM standard is incorporated by reference.

(iii) Instructions. CB base station antennas and TV antennas shall be accompanied by instructions that include the following:

(A) The following warning statement, placed on the first page of the document(s) containing the instructions and at the beginning of the body of the instructions: "WARNING: INSTALLATION OF THIS PRODUCT NEAR POWERLINES IS DANGEROUS FOR YOUR SAFETY. FOLLOW THE INSTALLATION DIRECTIONS". This statement shall be legible and conspicuous and shall be in type that is at least as large as the largest type used on the remainder of the page, with the exception of the logo and any identification of the manufacturer, brand, model, or similar designations, and that is preferably no smaller than 10 point type.

(B) An explanation of the risk of electrocution caused by contact with powerlines. No particular wording is required for this information, but it shall be in legible English and readily understandable to a user with a sixth grade reading ability (other languages may be included as appropriate).

3 The information set forth below, which shall be in a part of the instructions that is conspicuously identified as containing information concerning the risk of electrocution caused by contact with powerlines. No particular wording is required for this information, but it shall be in legible English and readily understandable to a user with a sixth grade reading ability (other languages may be included as appropriate).

3 ASTM D-1535 is a standard of the American Society for Testing and Materials, and may be obtained from ASTM, 1916 Race St., Philadelphia, Pa. 19103. It is also on file at the Office of the Federal Register.

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(2) An identification of the generally available types and sizes of antenna supporting structures that are suitable for use with the antenna. If a generally available type or size of supporting structure is not identified as suitable, an explanation of why it is not suitable shall be included.

(3) If pipe or tubular non-telescoping masts are a suitable supporting structure for the antenna, the instructions shall contain the following in relation to installation of the antenna on such masts:

(i) How to select and measure the installation site.

(ii) An explanation (pictorial where appropriate) of methods that can be used to reduce the possibility of contact with powerlines when putting up and taking down the antenna mast.

(iii) Instructions for properly attaching the separate label that is required to accompany the antenna by paragraph (a)(1)(i)(B) of this section.

(iv) A statement that if the supporting structure to be used with the antenna does not have a label of the type provided by the manufacturer, the provided label should be attached to the base of the supporting structure by the installer.

(2) Antenna supporting structures. Antenna supporting structures, except pipe or tubular nontelescoping mast sections less than 11 ft. (335 cm.) in length that are not individually packaged or otherwise contained in a package intended for distribution to the consumer, shall comply with the following requirements:

(i) Label. (A) Antenna supporting structures shall bear the label shown in fig. 1, which shall be legible for an average expected life of at least 3 years. The label shall be attached so that it is conspicuous during installation and is 3 to 5 ft. (91 to 152 cm.) from the base of the supporting structure.

(B) The word “product” may be substituted for “antenna” in the label, as may “tower”, “tripod”, or other term, if it accurately describes the supporting structure.

(ii) Instructions. Antenna supporting structures shall be accompanied by instructions that include the following:

(A) The following warning statement, placed on the first page of the document(s) containing the instructions and at the beginning of the body of the instructions: “WARNING: INSTALLATION OF THIS PRODUCT NEAR POWERLINES IS DANGEROUS. FOR YOUR SAFETY, FOLLOW THE INSTALLATION DIRECTIONS.” This statement shall be legible and conspicuous and shall be in type that is at least as large as the largest type used on the remainder of the page, with the exception of the logo and any identification of the manufacturer, brand, model, and similar designations, and that is preferably no smaller than 10 point type.

(B) The information set forth below, which shall be in a part of the instructions that is conspicuously identified as containing information concerning the risk of electrocution caused by contact with powerlines. No particular wording is required for this information, but it shall be in legible English and understandable to a user with a sixth grade reading ability (other languages may be included as appropriate).

(1) An explanation of the risk of electrocution caused by contacting powerlines while putting up or taking down the supporting structure.

(2) How to select and measure the installation site.

(3) An explanation (pictorial where appropriate) of methods that can be used to reduce the possibility of contact with powerlines when putting up and taking down the supporting structure.

(3) Packaging. (a) The following warning statement shall legibly and conspicuously appear on either the packaging or the parts container of any CB base station antenna, TV antenna, or antenna supporting structure: “Warning: Installation of this product near powerlines is dangerous. For your safety, follow the enclosed installation directions.”

(b) Data provided to the Commission. (1) Manufacturers of CB base station antennas, TV antennas, and antenna supporting structures shall provide to the Commission samples of all the labels, warning statements, and instructions which will be used to satisfy the requirements of paragraph (a) of this section, if these samples shall be provided to the Associate Executive Director for Compliance and Enforcement, Consumer Product Safety Commission, 5401 Westbard Avenue, Bethesda, Md. 20207, by October 27, 1978, or, in the event of a subsequent change in the warning statements or instructions or if a new product is introduced, within 30 days after the change or introduction.

(2) Manufacturers need not submit a separate sample for each model of antenna or supporting structure where different models use the same label and warning statement and where the portion of the instructions required by this part is the same for the different models (even though the remainder of the instructions may be different for each model). Changes in instructions which do not affect the portions of the instructions required by this Part do not require the submission of additional samples.

Rules and Regulations

Dated: June 20, 1978.

Sadie E. Dunn, Acting Secretary, Consumer Product Safety Commission.


Appendix I

Recommended Outline for Instruction Booklet on "How to Safely Install Your CB Base Station Antenna"

I. Required Warning Label Statement.

II. Statement of Hazard.

III. General Safety Instructions:

A. Seek professional assistance.

B. Select your site with safety in mind.

C. Call your electric power company.

D. Plan your procedure.

E. What to do if the assembly starts to drop.

F. What to do if the assembly contacts powerlines.

G. What to do in case of electric shock.

IV. Site Selection (How to select and measure the installation site):

A. Distance from powerlines.

B. FCC height limitations.

C. Alternate locations:

1. Roof.

2. Chimney.


4. Free standing.

5. Types and Sizes of Support Structures and Mountings:

A. Tripod:

1. Where it can be used.

2. Limitations.

3. Suitable mounting methods.

B. Tubular Mast:

1. Non-telescopic:

a. Where it can be used.

b. Limitations.

c. Suitable mounting methods.

2. Telescopic:

a. Where it can be used.

b. Limitations.

c. Suitable mounting methods.

c. Tower:

1. Where it can be used.

2. Limitations.

3. Suitable mounting methods.

V. Installation Instructions:

A. General Instructions:

1. Materials.

2. Assembly.

3. How to walk-up a tubular mast:

a. Height limitations.

b. Tying off.

c. Raising the mast with an X-frame.

d. Raising the mast without an X-frame.


B. How to Install a Tripod:

1. Preparation.

2. Erecting the assembly.

3. Securing the assembly.

C. How to Install a Non-telescopic Tubular Mast:

1. Roof Mount:

a. Preparation.

b. Erecting the assembly.

c. Securing the assembly.

2. Chimney Mount:

a. Preparation.

b. Erecting the assembly.

3. Side of House Mount:

—Detailed instructions for installing these supports would come with the product.
RULES AND REGULATIONS

a. Preparation.
b. Erecting the assembly.
c. Securing the assembly.

4. Free Standing Mount:
a. Preparation.
b. Erecting the assembly.
c. Securing the assembly.

VII. Grounding Your Antenna:
D. How to Install a Telescopic Mast:* 
  1. Preparation.
  2. Erecting the assembly.
  3. Securing the assembly.
E. How to Install a Tower:* 
  1. Preparation.
  2. Erecting the assembly.
  3. Securing the assembly.

VIII. Instructions for Attaching Label to Antenna and Supporting Structure:

(FR Doc. 78-17850 Filed 6-28-78; 8:45 am)
DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

OPERATIONS REVIEW
PROGRAM AMENDMENT NO. 5
Amended Effective Dates
America (ATA) has informed the FAA airline members that implementation to become effective June 26, 1978. R

Register amendments to part 121 of the Federal Aviation Administration (FAA), DOT.

ACTION: Amendment to final rule.

SUMMARY: On May 25, 1978, the FAA amended certain of its regulations which are contained in part 121. The amendments were made to update and improve the requirements applicable to airmen and crewmembers, training programs, flight operations, dispatching and flight release, and records of air carriers and commercial operators of large aircraft. This rule changes the effective dates of certain of those amendments in response to comments from the Air Transport Association of America.


FOR FURTHER INFORMATION CONTACT:

Mr. D. A. Schroeder, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-785-8715.

SUPPLEMENTARY INFORMATION:

HISTORY AND REVIEW OF EFFECTIVE DATES

On May 15, 1978, the FAA issued amendments to part 121 of the Federal Aviation Regulations (Amendment No. 121-144; published in the Federal Register (43 FR 22643; May 25, 1978) to become effective June 26, 1978.

The Air Transport Association of America (ATA) has informed the FAA that they have been advised by their airline members that implementation of several of the regulations contained in amendment No. 121-144 would be physically impossible within the time frame as given in the amendment, without placing an undue burden on the airlines and the public it serves. However, the FAA was not made aware prior to the publication of these amendments of any problems concerning the effective dates contained therein. It was not until we were contacted by ATA that we were made aware of this problem.

ATA states that revisions of airline policies and procedures, FAA approval of amended training programs, manual changes, implementation of internal directives, and modification of scheduling practices, as well as lead time necessary for printing such material and its dissemination as required, cannot be accomplished by the June 28 effective date. Thus, in accordance with part 11, ATA requested an extension of the effective date of the following amended sections contained in amendment No. 121-144: for § 121.437, an extension of 2 years; for §§ 121.417, 121.439, 121.571, and 121.573, an extension of at least 90 days; and for § 121.434, an extension of 6 months.

The FAA does not concur with ATA's request for an extension of the effective date for § 121.439. This is a safety related item applicable to pilot crewmember qualifications and recency of experience requirements. Most of these requirements may be accomplished in a flight simulator and the FAA does not believe that this extension is warranted.

With regard to the requirements contained in § 121.437(b), these amendments prescribed additional qualification requirements for pilots who act as other than pilot in command in part 121 operations, by requiring that part 121 pilots hold the appropriate category and class ratings for the aircraft concerned. However, in order to provide adequate time for certificate holders and pilots affected by this revision to achieve compliance with the new requirements, contained in § 121.437(b), the FAA has established a new effective date of July 1, 1980, for this section. The FAA believes that this 2 year extension of the effective date is needed to avoid requiring certificate holders to remove from flight status those flight crewmembers who do not possess the appropriate category and class ratings for the aircraft concerned.

The FAA concurs with ATA's belief that the effective date of June 26, 1978, for the amendments to §§ 121.417, 121.434, 121.571, and 121.573 may not provide certificate holders with adequate time to achieve compliance with these new requirements, and has established a revised effective date of September 29, 1978, for these sections. The FAA believes that this extension should provide adequate time for the certificate holders to revise their training programs and manuals to comply with the revised rules.

Since this amendment imposes no additional burden on any person and, in fact, relieves certain restrictions of the effective date, I find that notice and public procedure are impracticable and unnecessary, and that good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors in this document are W. J. Biron, Flight Standards Service, and R. B. Elwell, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENTS

Accordingly, effective June 22, 1978, the effective date for amendment No. 121-144 (43 FR 22643; May 25, 1978) is amended as follows:

1. As it applies to an amendment to § 121.437(b), substitute therefore an effective date of July 1, 1980.

2. As it applies to amendments to §§ 121.417, 121.434, 121.571, and 121.573, substitute therefor an effective date of September 29, 1978.

(FSCS, 313, 314, 610 through 610, Federal Aviation Act of 1958 (40 U.S.C. §§ 1354, 1356, 1421 through 1430); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

The Federal Aviation Administration has determined that this document is not significant in accordance with the criteria required by Executive Order 12044, and 44th in proposed "Department of Transportation Regulatory Policies and Procedures" published in the Federal Register June 1, 1978 (43 FR 23925). In addition, this amendment is procedural in nature and the Federal Aviation Administration has determined that the expected impact of this amendment is no minimal that it does not require an evaluation.


QUENTIN S. TAYLOR, Acting Administrator.

[FR Doc. 78-17943 Filed 6-28-78; 8:45 am]
DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

CIVIL SUPersonic AIRplanEs

Noise and Sonic Boom
Requirements and Decision on EPA Proposals
EFFECTIVE DATE: July 31, 1978.

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

(Docket Nos. 10494 and 15376. Amdt. 21-47, 38-10, and 91-153)

CIVIL SUPERSONIC AIRPLANES

Noise and Sonic Boom Requirements

AGENCY: Federal Aviation Administration (FAA), Department of Transportation.

ACTION: Final rule.

SUMMARY: These final rules (1) require all civil supersonic airplanes (SST's), except Concordes with flight time before January 1, 1980, to comply with the noise limits of Part 36 of Title 14 of the Code of Federal Regulations ("part 36") that were originally applied to supersonic airplanes, in order to operate in the United States; (2) prohibit the issuance of U.S. standard airworthiness certificates to Concordes that do not have flight time before January 1, 1980, and that do not comply with part 36; (3) prohibit the operation in the United States of the excepted Concorde airplanes if they have been modified in a manner that increases their noise; (4) prohibit certificated or permit to operate in the United States; (5) prohibit the issuance of U.S. standards for SST's, except Concordes with flight time before January 1, 1980, this rule prohibits the issuance of a U.S. standard airworthiness certificate unless the airplane complies with at least the stage 2 noise limits of part 36.

SUPPLEMENTARY INFORMATION:

I. SYNOPSIS

A detailed section-by-section analysis of these rules is furnished at the conclusion of this preamble. Briefly, these rules are substantively the same as those proposed in notice No. 77-22 on October 13, 1977, and have the following effects:

A. SST OPERATIONS IN THE UNITED STATES

Exempt for the 16 Concordes which are expected to have flight time before January 1, 1980, all SST's are required by these rules to comply with the noise limits of part 36 in effect on January 1, 1977 ("stage 2 noise limits"), in order to operate in the United States. These are the same noise limits that were originally applicable to subsonic airplanes by part 36. It is the FAA's goal not to certificate or permit to operate in the United States any future design SST that does not meet standards then applicable to new design subsonic airplanes. Accordingly, consistent with technological developments, the noise limits in part 36 will be made more stringent before a future design SST is either type certificated or permitted to operate in the U.S.

B. THE FIRST 16 CONCORDES

The first 16 Concordes, which is the maximum number that Britain and France are expected to manufacture before January 1, 1980, are exempted from compliance with the stage 2 noise limits of part 36. There is presently no expiration date on this exception. However, under these rules, the excepted Concordes may not be operated on flights scheduled, or otherwise planned, for takeoff or landing at U.S. airports after 10 p.m. and before 7 a.m., excepted Concordes may not be operated in the United States if their design is changed in a way that increases their noise levels.

C. LATER CONCORDES: "NEW PRODUCTION" RULE

Although it is expected that Concorde will not be produced beyond January 1, 1980, such production is possible. Accordingly, for any Concorde that does not have flight time before January 1, 1980, this rule prohibits the issuance of a U.S. standard airworthiness certificate unless the airplane complies with at least the stage 2 noise limits of part 36.

D. CONCORDE TYPE CERTIFICATION: NOISE LIMITS

The British-French Concorde is the only SST for which application has been made for a type certificate. A U.S. type certificate constitutes FAA approval of the safety and environmental aspects of an airplane type and is necessary for American air carriers to operate the airplane. Because there is no presently known technology which would reduce Concorde noise levels, the maximum noise limits (for approach, takeoff, and sideline) authorized at this time by these rules for purposes of a U.S. type certificate are the current noise levels of that airplane.

E. CONCORDE TYPE CERTIFICATION: TEST PROCEDURES

These rules broaden the detailed noise measurement and evaluation procedures of part 36 to cover supersonic (as well as subsonic) civil airplanes. In addition, various flight test provisions unique to the Concorde are included because of the special takeoff and approach testing considerations posed by the delta wing of that airplane.

F. AIRPORT PROPRIETORS "LOCAL OPTION": NO CHANGE

These rules do not in any way affect the existing legal authority of airport proprietors, acting as proprietors, to exercise their "local option" to limit the use of the airports in a manner that is not unjustly discriminatory, and does not unduly burden interstate and foreign commerce. As stated in §36.5 of part 36, an FAA determination of compliance or noncompliance with part 36 does not bind an airport proprietor in its determination whether an airplane is acceptable or unacceptable for operation at its airport.

G. SONIC BOOM

These rules prohibit SST's from producing sonic booms in the United States while they are going to or from U.S. airports, even if the airplane is outside the United States at the time. Prior to these rules, supersonic flight was prohibited only while the airplane itself was in U.S. airspace.

H. CONTINUED OPERATIONS OF CONCORDE

Consistent with the provisions of these rules, FAA amendments to operations specifications of air carriers that operate Concordes are included without additional environmental analysis up to the numbers of total Concorde operations specified for each
The FAA began formally with an advance notice of economic and technological considerations that are environmentally consistent with the FAA, after full public participation, of noise regulations that are environmentally effective and consistent with the noise levels as subsonic air commerce.

The 16-month demonstration period at Dulles Airport ended September 24, 1977. After Secretary of Transportation Brock Adams announced his decision on September 23, 1977, to issue notice No. 77-23, the two carriers were issued amendments to their operations specifications to permit the number of Concorde operations that were originally approved on February 4, 1976 (one flight per day per carrier), to continue until the issuance of these rules. After the effective date of these rules, upon application by an air carrier, Concorde operations will be authorized at Dulles International Airport up to the numbers specified in the EIS for these rules.

The 16-month demonstration period at John F. Kennedy International Airport (“J. F. K.”), for which two Concorde flights per day for each carrier were authorized, began on November 22, 1977. However, the issuance of these rules supersedes that authorization. Authorization of Concorde operations up to the number studied in the EIS will not require further environmental analysis.

I. FUTURE SST’S: PROGRESSIVE NOISE REDUCTION

With the issuance of these rules, the PAA takes the first step toward ensuring that future SST’s are subject to the same noise levels as subsonic aircraft, and are made as fully compatible with future airport environments as possible. It is anticipated that no future SST design will be type certified without the issuance by the PAA, after full public participation, of noise regulations that are environmentally effective and consistent with the economic and technological considerations in §611 of the Federal Aviation Act of 1958.

II. PRIOR HISTORY

These rules conclude a process that began formally with an advance notice of proposed rulemaking in 1970, and has since involved three notices of proposed rulemaking (“NPRM”), numerous public hearings, demonstration of the Concorde at Dulles and J. F. K. Airports, the preparation of two comprehensive environmental impact statements and over 11,300 comments from airport neighbors and other concerned citizens, airport proprietors, aircraft operators, aircraft manufacturers, and Federal, State, and local governmental agencies. These comments have greatly assisted the effort to develop requirements that are balanced in their responsiveness to divergent public concerns, and are effective in terms of public relief from the noise of civil supersonic air transportation. These rules were developed over the course of 1 year in close consultation between Secretary of Transportation Brock Adams and FAA Administrator Langhorne Bond. The rules reflect the Secretary’s responsibility for overall national transportation policy and his concern that these final rules properly take into account that policy—including environmental, economic, and international aviation considerations. The history of this regulatory action is described more fully in notice 77-23, which is the most recent NPRM (35 FR 12555) on August 6, 1970. That notice initiated the public process of determining the nature and scope of the factors that must be considered in the development of noise ceilings for SST’s.

Notice No. 70-33 requested public comment on a number of issues and stated FAA’s intent to ensure that SST’s, like subsonic airplanes, are subject to the same national requirements that require the application of all economically reasonable noise reduction technology. Many public comments were received in response to this early invitation to public participation in the FAA’s rulemaking on this matter and were considered in the adoption of these rules.

B. Notice No. 75-15. On February 27, 1975, EPA transmitted to FAA proposed regulations for the control and abatement of SST noise. These proposals were developed and submitted pursuant to section 611(c)(1) of the Federal Aviation Act of 1958, as amended, which provides that EPA shall submit to the PAA proposed regulations to provide such control and abatement of aircraft noise and sonic boom as EPA determines is necessary to protect the public health and welfare, and that the FAA ‘shall consider such proposed regulations submitted by EPA and shall within thirty days of its submission to the FAA publish the proposed regulations in a notice of proposed rulemaking.”

In accordance with this requirement, the FAA issued notice No. 75-15 on March 14, 1975, which published in the Federal Register (40 FR 14093), on March 28, 1975 containing the EPA proposals. The FAA conducted public hearings on these EPA proposals in accordance with section 611(c)(1) in Los Angeles on May 16, 1975, and in Washington, D.C., on May 22, 1975.

The 1975 EPA proposal would have required: (1) Future design SST’S to meet noise standards applicable to new type subsonic airplanes; (2) existing types of supersonic airplanes (the Concorde and Russian TU-144) upon which “substantive productive effort” had not commenced before the date of the EPA notice to meet the stage 2 requirements of part 36; and (3) SST’s already under production (at least 9, possibly 16, Concordes and an unknown number of TU-144’s) to be treated as SST’s. If such proposals are not adopted herein, the reasons for not adopting them are discussed in the “Notice of Decision Concerning EPA Proposals” published in this issue of the Federal Register.

C. Notice No. 76-1. On January 19, 1976, EPA submitted additional proposed regulatory language to FAA, which was published by the FAA as notice No. 76-1 (41 FR 6070) on February 12, 1976. A public hearing was held by FAA on the proposal on April 5, 1976, in Washington, D.C. The additional EPA proposal would have prohibited any SST that does not have flight time before December 31, 1974, from operating in the United States unless it complies with the stage 2 noise limits of part 36. In issuing these rules, the FAA has considered public comments, including hearing transcripts, submitted in response to notice 76-1.

D. Concorde demonstration flights. On application of British Airways and Air France to operate the Concorde into the United States, former Secretary of Transportation William T. Coleman, Jr., issued a decision on February 4, 1976, establishing 12-month demonstration periods for the Concorde at Dulles and J. F. K. Airports, each followed by a 4-month evaluation period.

This decision was made following analysis of comments and testimony presented at a public hearing in Washington, D.C., on January 5, 1976. Public hearings were also held by FAA in Washington, D.C., on April 14 and 15, 1975, in New York City on April 18.

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19, and 24, 1975, and in Sterling Park, Va., on April 21, 1975, concerning the draft environmental impact statement prepared prior to the decision. This decision was confirmed in 1977 by Secretary of Transportation Brock Adams.

A comprehensive monitoring effort was undertaken which included the measurement of noise and emissions at Dulles and J. F. K. and in the surrounding communities; possible sonic booms along the east coast of the United States near the planned Concorde flight tracks; low-frequency, noise-induced structural vibration of buildings near Dulles and J. F. K.; and local community response to the Concorde. The monitoring reports concerning Concorde operations at Dulles and J. F. K. have been made available to the public, and were considered in resolving the issues presented in relation to these rules.

E. Notice No. 77-23. This notice was issued on February 13, 1977, following: (1) review of public comments concerning notice Nos. 70-33, 75-15, and 76-1; (2) review of testimony and statements presented in public hearings; (3) review of environmental impact statement data concerning noise, emissions, fuel usage, and other impacts; (4) review of 12 months of comprehensive monitoring reports concerning Concorde operations at Dulles; and (5) consultation with the EPA and other Federal agencies. The proposals in this notice were substantially similar to these rules.

Following the issuance of notice No. 77-23, three additional public hearings were held to encourage public review of these proposals in relation to the EPA proposals in notices 75-15 and 76-1 and to assist the Secretary and the Administrator in making the final determination. For this latter purpose, the comment periods of these earlier notices were reopened.

The first of these additional public hearings was held in Washington, D.C., on December 15, 1977. Additional public hearings were held in Honolulu, on January 11, 1978, and in Los Angeles, on February 27, 1978.

III. CONSIDERATION OF PUBLIC COMMENTS

Notice 77-23 outlined, for public comment, seven factors to be considered in the decision-making process to ensure a well-founded regulatory response to the problem of SST noise. These factors are:

1. The potential environmental impacts of the Concorde, including its air quality, climatic, ozone layer, noise and vibration, and energy consumption impacts.

2. The need to maintain, to maximum extent possible, the trend of reduced noise exposure around the Nation's airports.

3. The economic and technical considerations that determine whether the proposed regulatory measures would produce discriminatory or other unfair burdens on international aviation.

4. The need to assure that U.S. regulatory measures affecting foreign air carriers and airplanes are equitable in light of the treatment that has been afforded by foreign governments to U.S. air carriers and airplanes manufactured in the United States.

5. The benefits that will result from SST's with respect to improved international travel and communication, technological advances in aviation, and improved international relations.

6. The need to assure that domestic and foreign airplanes are treated equally by the United States, and the need to assure that the same type of treatment that has been afforded by the United States to subsonic airplanes is afforded to SST's.

7. The need to develop regulatory mechanisms that would prevent SST's from infringing upon the existing legal authority of airport proprietors to regulate noise at their airports in a nondiscriminatory manner that does not impose an undue burden on interstate or foreign commerce.

VI. NOISE IMPACTS

By far the greatest number of comments, numbered in the thousands, concerned the noise and other environmental impacts of SST operations. Many private citizens, local citizen organizations, and national organizations concerned with environmental questions testified at the hearings and commented on the far-reaching impacts of airport noise on family life, on the conduct of businesses, the operation of schools and hospitals, the overall quality of life in airport neighborhoods, and the value of property.

Many comments contained the urgent request that any further increases in airport noise be prohibited, including those that would result from Concorde operations. They suggested methods of doing so, ranging from a total ban to bonus payments for further noise reduction or economic penalties for operators of noisy aircraft.

Several commenters urged that economic considerations be divorced from decisions concerning control of SST noise. Other commenters suggested that SST's service at some airports might be permissible if strict operational restrictions were established and made mandatory at each airport. Some commenters strongly supported the night curfew as a reasonable means of permitting SST operations to exist while also preventing the most serious intrusions of SST noise into the environments of neighboring communities.

The deep public concern regarding the potential noise impacts of the Concorde and other SST's was, in many comments, a reflection of years of annoyance and interruption of normal living patterns by the noise of subsonic aircraft.

In addition to the written comments submitted to the docket, the public hearings provided direct contact with persons who feared the noise exposure from SST's service for many years of subsonic aircraft noise annoyance.

The recent steady reduction in the noise levels of subsonic aircraft was cited by many persons as a reason for requiring the same kind of progress for supersonic aircraft and not permitting an increase of noise by permitting SST operations. It was urged that it is not reasonable to regard SST's as a separate class for noise abatement purposes and that SST's should all be required to meet rules identical with those applied to subsonic aircraft.

Other commenters argued that since subsonic aircraft are argued to reduce their noise levels to comply with part 36 noise limits by 1985 (subpart E of 14 CFR Part 91) the exemption of the Concorde from part 36 noise limits is contrary to the purposes of the Noise Control Act of 1972. They contended that by reducing the noise and will make the noise of that airplane more obvious, and troublesome as the noisiest jets are phased out of operation.

A considerable number of comments stated that the Concorde will benefit far fewer persons than it will adversely impact. An additional aspect of many of these comments was the great concern that introduction of the Concorde would reduce property values in communities surrounding airports.

In an effort to assemble the best possible environmental information base and to assure that regulatory decisions fully respond to these public comments concerning SST noise, the FAA has prepared a comprehensive final environmental impact statement (EIS) addressing the potentially significant environmental impacts of the introduction of civil supersonic air transportation. The noise data in this EIS include the result of extensive monitoring of Concorde operations at...
Dulles and JFK Airports. As the EIS indicates, the recorded noise levels of the Concorde are consistent with the predicted levels set out in the Concorde Supersonic Transport Final Environmental Impact Statement issued in November 1976 ("1976 EIS") which was used in the decision to permit temporary commercial operations at JFK and Dulles. The monitoring also confirmed, compared to the loudest jet subsonic transports, the Concorde is twice as noisy on takeoff and approximately as loud on approach.

The following technical information is explained and analyzed in far greater detail in the EIS and in the 1975 EIS, both of which were considered in this rulemaking. They are available without charge from FAA headquarters and all regional offices.

On departures from Dulles the average effective perceived noise level in decibels (EPNdB) as measured for Concorde at a point under the flight path at 3.5 miles from the start of takeoff for one flight weight, at a climb profile to the point of climb power reapplication, usually when the aircraft is between 7,000 to 10,000 feet above ground level. The exact magnitude and location of this noise impact from airport to airport with the flight path, the time of climb power reapplication, and the climb profile to the point of climb power reapplication.

Based on study of these departure contours, it can be expected that noise impact resulting in annoyance may occur in "spot areas" up to 25 miles from the airport. These single-event contours for the Concorde cover significantly more area than those of subsonic aircraft. These larger noise contours for the Concorde clearly distinguish it from even the loudest subersonic airplanes and are in large part the basis for the distinctive regulatory treatment afforded to the Concorde by these rules.

For each airport analyzed in the EIS, the cumulative energy noise contours of the single-event noise contours, are also included in the EIS and are graphically displayed as NEF (Noise Exposure Forecast) contours on maps showing land use areas with proposed flight tracks of the Concorde superimposed for illustration. In addition, these maps are available for inspection at the FAA Regional offices.

In practical terms, in assessing community reaction to aircraft noise exposure, the following interpretations of NEF values are often used:

Less than NEF 30—Essentially no complaints expected; noise may interfere with community activities.

NEF 30 to NEF 40—Individuals may complain; group action possible.

Greater than NEF 40—Repeated vigorous complaints expected; group action probable.

The impact at each airport is calculated in terms of the number of people and the land area contained within the NEF and NEF 40 contours. The NEF 30 and NEF 40 contours have been computed and their results tabulated in the EIS in the specific analysis for each airport. Each airport-specific analysis shows the noise impact with and without Concorde operations. In view of the current aircraft noise regulation, it was assumed that all subsonic aircraft will meet the stage 2 noise limits of part 36 in 1987. Other important fleet compliance assumptions are set forth in the EIS.

The EIS data considered in the adoption of these rules include data showing the specific impact of Concorde operation on kinds of land use, such as residential, parks and recreation, commercial, and industrial land users.

The EIS contains comprehensive noise data for 13 airports considered for potential Concorde operations through 1987. At three of these airports (Miami, Houston, and Anchorage), the population within the NEF 30 and 40 contours will be essentially unaffected in 1987. At 10 airports, even without Concorde operations, even though all subsonic aircraft will be required to meet stage 2 noise limits by 1985, because of the forecast trends of increasing traffic demand and thereby increased noise, the airport. At the other 10 airports studied, the forecast shrinkage in the NEF 30 and 40 contours would, without the Concorde, cause a reduction in the population within these contours by 1987. Addition of the Concorde to meet its forecast traffic demand would not reverse this reduction, but would retard the rate at which the population encompassed by high NEF contours would be reduced.

The EIS also contains a detailed discussion of human response to aircraft noise. The conclusion reached by the FAA based on research conducted in connection with the limited Concorde operations permitted by these rules, is that Concorde will not subject people to prolonged or sustained exposure to intense noise levels. In addition, there is increased annoyance within the NEF 30 contour. This annoyance will not merely be the result of the Concorde's noise level considered in the abstract, but will be a function of the various elements including the attitudes, judgments, and beliefs of individuals. The increased annoyance will be caused primarily by interruption of normal communications.

Regulatory Conclusion. Thorough examination of the extensive noise impact data developed for the Concorde indicates that the Concorde's perceived loudness under the takeoff flight path is approximately double that of a B707, four times as loud as a B747, and eight times as loud as a DC-10. These comparisons confirm the need for distinctive regulatory treatment of the Concorde.

After extensive environmental analysis and monitoring and careful review of the many public comments, the FAA has determined that the impact of Concorde operations will be substantial relative to even the noisiest subsonic aircraft, and therefore that the regulations and introduction of Concorde operations cannot be justified. Consequently, the effective limitation on numbers of Concorde operations that may operate in the United States, the prohibition against operation of Concorde in the United States if they are modified in a manner that increases their noise, and the Federal prohibition of...
night operations, are reasonable and essential aspect of these rules even though these restrictions are not applicable to other aircraft types.

**B. IMPACTS ON AIR QUALITY**

Public comments submitted to the docket expressed concern regarding the potential impact of SST emissions on air quality. As the EIS indicates, at each airport considered, the emissions associated with SST operations will have an insignificant impact on air quality. The air quality impact analysis also shows that regional impacts resulting from SST operations are expected to be very minor, even at airports where relatively large changes in airport emissions are forecast.

The percentage changes in local emissions projected for 1987 at each airport as a result of permitting Concorde flights are reflected in detail in the EIS for these rules. Forecast impacts of Concorde on air quality at the airports are based on the same aircraft fleet forecasts that were used in the noise analysis. At each airport, the aircraft emissions (carbon monoxide, hydrocarbons, and nitrogen oxides), have been calculated for the projected 1987 fleet mix for two alternate cases: (1) the fleet mix if Concorde flights are prohibited; and (2) the fleet mix if the maximum number of Concorde flights addressed in the EIS are permitted. The calculations of aircraft emissions assumed that current airport emissions factors remained unchanged.

During the Concorde test period at Dulles Airport there was an air quality monitoring program to determine the effect of Concorde emissions upon air quality at Dulles and near the airport. The pollution background was measured upwind and downwind of the airport to detect any possible effect of Concorde emissions on a nearby community of Sterling Park, which is approximately 1 mile north of the airport boundary. Conventional background measurements were conducted, and pollutant concentrations were averaged over periods of 1 hour. To identify emissions from a single aircraft, there were also measurements locations close to the aircraft involved, and measurements were recorded over the short time it takes for the emission plume to be transported by the wind over the monitoring stations.

Measurements of Concorde and other aircraft exhaust emissions at Dulles and nearby established that:

1. Concorde emissions at Dulles dilute to background levels within 2,000 feet of the aircraft.
2. Emissions measured on the airport property could not be detected at Sterling Park even when Sterling Park was downwind from the airport.
3. Actual Concorde operations were less polluting than had been indicated in the 1975 EIS.

**Pertinent results of a recent EPA survey regarding the attainment status of each State in relation to national ambient air quality standards (43 FR 8962, March 3, 1978) are reflected in the EIS report to airport impacts. Most of the airports are in regions that are not presently meeting all of the national ambient air quality standards. In most cases the exceeded standard is the one for oxides, which is influenced by the hydrocarbon and nitrogen oxide in the region's atmosphere), and in a few cases the standard for carbon monoxide is violated. Considering the attainment status of each region and the changes in regional air quality due to Concorde operations, it is clear that the maximum number of Concorde flights proposed in the EIS will not have a significant impact with respect to air quality. In fact, in the Dulles case, where predicted and measured emission levels could be compared, the impacts actually monitored were less, than even the negligible impacts that were predicted.**

**Regulatory Conclusion.** With respect to public comments concerning the emissions of SST's, FAA's monitoring and analysis indicate that, except for NOx, while addition of a large number of Concorde operations at an airport could produce a small increase in carbon monoxide and hydrocarbons, the changes would be relatively small relative to other sources. The FAA concludes that the limited Concorde operations permitted under these rules will have no significant impact on air quality.

**C. HIGH ALTITUDE IMPACTS**

The potential impact of SSTs on stratospheric ozone was cited as a potential problem in public comments in response to all regulatory proposals issued by the FAA since notice 70-53. This issue has concerned the public and the government of several nations for many years. The long history of governmental concern and study of this issue is outlined in the EIS. Concern over the impact of the Concorde's emissions on the stratosphere involves the potential problem of the possible influence of SST operations on high altitude ozone, incidence of cancer, mean surface temperature, and climatic changes. However, based on the studies accomplished to date, it is concluded that the SST operations permitted by these rules will have no significant upper atmosphere effects. No reason for delaying the adoption of the amendment can be validly attributable to upper atmospheric impacts.

**Regulatory Conclusion.** The FAA believes that research should be continued to explore the potential role of SST operation on high altitude ozone, incidence of cancer, mean surface temperature, and climatic changes. However, based on the studies accomplished to date, it is concluded that the SST operations permitted by these rules will have no significant upper atmosphere effects. No reason for delaying the adoption of the amendment can be validly attributable to upper atmospheric impacts.

**D. FUEL USE**

Many public comments submitted to the docket and in public hearings expressed concern that the Concorde, and possibly other SST's, would be a relatively inefficient consumer of precious petroleum fuels.
The Concorde uses approximately two to three times as much fuel per seat mile as subsonic airplanes. Although it is expected that future design SSTs will be more fuel-efficient than current SST's, fuel efficiency is generally inversely proportional to speed, and SST's will always require more fuel per seat-mile or ton-mile than subsonic aircraft of comparable size.

The national interest in petroleum conservation is of great concern. This is true not only because of the need for petroleum products, but also because aviation fuel, which is the life-blood of the national air transportation system, is exclusively petroleum-based. Petroleum is the only fuel which will be used in aviation for the foreseeable future. The various modes of transportation use approximately 60 percent of the total petroleum consumed in the United States, of which approximately 10 percent is consumed by all aviation users.

A comprehensive national regulatory framework exists for the purpose of fuel allocation. The Department of Energy regulates the allocation of Petroleum among all users, not merely transportation. 10 CFR Part 211, entitled "Mandatory Petroleum Allocation Regulations" contains a broad framework for apportioning fuel not only among aviation users and all other users, but also among aviation users. Those regulations specifically address and provide for the quantity of fuel allocations. Fuel used for supersonic as well as subsonic aircraft is covered by these rules.

Regulatory Conclusion. The best available information indicates that SST's may use several times the fuel of subsonic jets per seat-mile or ton-mile. However, the FAA does not have authority to prohibit SST operations for that reason alone.

E. LOW FREQUENCY NOISE/VIBRATION

As noted by several commenters, another aspect of the noise generated by Concorde operation is that the low frequency content of an airplane noise signature is important because these frequencies may induce vibrations in structures near the flight path. Some comments suggested that Concorde operations would increase the vibration impact on residences that are now experiencing some vibration from subsonic aircraft operations. The low frequency content of the Concorde's engines generates more energy in the low frequency band than do subsonic jet aircraft engines. The EIS concludes that a greater amount of sound energy at low frequencies in the Concorde's noise spectrum could induce correspondingly greater amounts of vibration in nearby structures than is the case for subsonic aircraft. However, the analytical studies used for the Concorde EIS and verified by NASA studies during the Dulles and JFK monitoring programs show that structures near airports are not endangered by noise-induced vibrations from Concorde operations. More particularly, the following conclusions enumerated in the EIS are based on vibration response measurements at Dulles and JFK International Airports:

1. The vibration response of windows, walls, and floors is directly proportional to the sound pressure level of the aircraft noise and virtually independent of aircraft type.

2. Concorde operations resulted in higher noise levels and, consequently, higher vibration levels than subsonic jet aircraft.

3. Certain normal household events such as door and window closing resulted in vibration levels equal to or higher than those associated with Concorde operations.

4. Comparison of the response levels with structural damage criteria shows that the required vibration criteria is less than those expected to cause damage such as cracked plaster or broken windows.

5. All measurements were below the International Standard Organization's threshold of perception.

6. Most measurements were close to or below the International Standard Organization's proposed "minimum complaint level" of 50 decibels.

Regulatory Conclusion. The difference in vibration impact between Concorde and subsonic aircraft is not considered to be significant. Low frequency vibration effects are therefore not forecast to be significantly greater for SST operations at given airports than the vibration effects caused by subsonic airplanes at those airports.

F. SONIC BOOM

1. Extension of Current Rule. The amendment of the sonic boom rule was not the subject of much comment. These rules extend the current sonic boom rule (§ 91.55) to civil aircraft outside United States airspace but operating to or from an airport in the United States. This extends the scope of sonic boom protective policies previously established by the FAA in 1973.

2. Secondary Effects of Sonic Boom. Since the issuance of notice 77-23, sonic boom monitoring has detected very low energy, long-rise-time pressure events that sound much like the faint, muffled rumble of distant thunder but do not have the startle effects of sonic booms. These events, while they have on occasion been called "secondary sonic booms", are not considered to be sonic booms, since they do not have the rapid pressure rise and sharp audible characteristics of the sonic boom pressure signature. Moreover, these secondary effects have none of the potential that a sonic boom has for adversely affecting the environment. This secondary pressure phenomenon appears to reach the surface, with very low energy, after being refracted (bent) by the atmosphere, possibly over distances much greater than the distance that a sonic boom travels to reach the surface. The FAA has estimated that the arriving airplane was 19 miles from the New Jersey coast. Since the airplane was not in the United States, no violation of § 91.55 was involved. The operator, however, changed its flight procedures for future flights to insure that super-sonic speed is not attained or maintained closer than 25 miles from the coast. If the number of supersonic operators requesting approval to operate supersonic flights at United States airports will be a need for positive requirements to prevent a repetition of the Shark River sonic boom. These rules accomplish this result.

One comment suggested that these rules be further expanded to cover the flight of SST's that do not enter the United States. The FAA recognizes that there is a potential that an SST, traveling close to the United States, may create a sonic boom in the United States but believes that the problem is best addressed, initially, by the International Civil Aviation Organization (ICAO). In this regard, the ICAO Air Navigation Committee, on December 21, 1974, recommended the following amendment to be added to ICAO Annex 2, Rules of the Air:

3.1.9—Sonic Boom. An aircraft when operating over the high seas adjacent to the territory of a State which has decided and duly published its decision to protect its territory from adverse effects of sonic boom shall not be flown in a manner that will cause such adverse effects.

Although ICAO has not yet completed final approval of its proposed amendment, the proposal shows recognition of the problem and the importance of publishing a clear decision to protect U.S. territory from civil sonic booms wherever generated. Consistent with the ICAO proposal, the FAA has determined that these rules constitute and duly publish the decision of the United States to protect its territory from the adverse effects of sonic boom from SST's operating outside the United States.

3. Secondary Effects of Sonic Boom. Since the issuance of notice 77-23, sonic boom monitoring has detected very low energy, long-rise-time pressure events that sound much like the faint, muffled rumble of distant thunder but do not have the startle effects of sonic booms. These events, while they have on occasion been called "secondary sonic booms", are not considered to be sonic booms, since they do not have the rapid pressure rise and sharp audible characteristics of the sonic boom pressure signature. Moreover, these secondary effects have none of the potential that a sonic boom has for adversely affecting the environment. This secondary pressure phenomenon appears to reach the surface, with very low energy, after being refracted (bent) by the atmosphere, possibly over distances much greater than the distance that a sonic boom travels to reach the surface. The FAA
is continuing its monitoring to determine whether SST flight path adjustment can avoid even this impact.

6. IMPACTS ON PASSENGERS

The decision to adopt these rules involved an analysis of potential environmental impacts associated with the effects on passengers of the speed and high cruising altitude of SST's. The detailed analysis in the EIS is summarized here.

1. Jet Lag. "Jet lag" refers to the effect upon passengers who cross several time zones quickly. Since SST's travel more than twice as fast as subsonic transports, more time zones can be traversed in a given period of time and jet lag effects may be increased. On the other hand, this high speed also reduces travel fatigue, which is related to the length of the flight time. Since SST's reduce flight times by approximately 50 percent, the travel fatigue is correspondingly diminished for SST passengers. The net result of increased jet lag and decreased travel fatigue appears to be that there will be no overall adverse effects on passengers.

2. Transmission of Diseases. Disinfection rules to prevent the transmission of disease by planes have been developed by the World Health Organization for international air transport. These rules are implemented by ICAO.

The reduced flight time of SST's is concluded not to create a problem for health authorities in the detection of passenger-borne diseases. The varying incubation times of passenger-borne diseases have not presented a problem on Concorde flights to date, nor on subsonic international flights ranging from less than one hour flying time to more than 15 hours flying time.

3. Cosmic Radiation. As discussed in more detail in the EIS, cosmic radiation is always present in the atmosphere and is encountered in subsonic and supersonic flight. Cosmic radiation rates vary with altitude. At the cruise altitudes of SST's, the rates were found to be approximately double those at subsonic aircraft cruise altitudes. However, since SST flight times are approximately half of those of subsonic aircraft, the total dose per flight is about the same for SST passengers and subsonic aircraft passengers. The total dose is the significant factor in determining the impact on passengers. This dose is approximately the same as the impact on subsonic passengers traveling the same distance and is concluded, for subsonic passengers, not to be harmful.

4. Solar Flares. A potential radiation hazard at SST altitudes is caused by solar flare radiation. On rare, unpredictable occasions—there have been three since 1956—the radiation at SST altitudes from a solar flare may reach levels considered sufficiently high to warrant reducing the flight altitude in order to increase shielding by the atmosphere. It is expected that SST's will carry radiation monitoring devices that measure the radiation rate and warn the pilot during a solar proton event which precedes a solar radiation increase from a solar flare, although such devices are not presently required. When this warning occurs, the pilot can descend to flight levels that assure safety.

Regulatory Conclusion. Based on a review of public comments and other data, potential impacts on SST passengers are not sufficient to warrant modification of the terms of these rules.

H. ECONOMIC AND TECHNOLOGICAL CONSIDERATIONS

As discussed above, the major portion of the comments presented at the public hearings and submitted to the rules docket concerned the issue of whether SST's, particularly the first-generation Concorde, should be required to comply with the noise limits of part 36 that were originally applied to new subsonic turbojet designs in 1969. (Those noise limits are also referred to as "stage 2"). The environmental undesirability of this objective was agreed to by virtually all who commented, including the manufacturers and operators of the Concorde. Considering only the noise abatement result of such a restriction, EPA and the FAA also agree that the regulatory response would be simple: All SST's would be banned unless they meet part 36.

However, as pointed out in notice 77-23, section 611(d)(4) of the Federal Aviation Act requires that the FAA, in prescribing and amending standards and regulations under section 611, shall consider whether any proposed standard or regulation is economically reasonable, technologically practicable, and appropriate for the particular type of aircraft, engine, appliance, or certificate to which it will apply.

The FAA is thus specifically required, by its primary noise abatement authority, to consider the economic and technological consequences of noise regulations as they are related to particular aircraft types. This requisite balancing of environmental, technological and economic values is also part of the National Environmental Policy Act of 1969 ("NEPA"), NEPA, while requiring awareness of the environmental consequences of major actions, does not prevent the actual decision on part 36. (section 102(2)(B)). The Declaration of National Environmental Policy (section 101) points out the need to maintain the "conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of man.

The FAA believes that these statutory purposes have been met by the following:

1. Concorde Design. Extensive and detailed comments were submitted concerning the impact of the several EPA and FAA regulatory proposals on the Concorde. Based on the information, it is apparent that a part 36 stage 2 noise limit on the Concorde would be tantamount to a ban of the Concorde from the United States.

The most effective use of technology to achieve maximum noise control occurs in the design and development of new aircraft types. Application of basic design principles and acoustical treatment for the control of noise can be most effectively planned when they are integrated into the total concept of aircraft design from the beginning. From a time-sequencing point of view, the Concorde type design, as a total engineering concept, was "frozen" several years before the Concorde was given its design certification by the FAA and ICAO. For this reason, the Concorde design is not subject to the noise regulations of part 36.

In accordance with U.S. type certification procedures, engine selection, a vital determinant of performance and, of course, noise, was made prior to the application for a U.S. type certificate. The application for a U.S. type certificate was made in 1965. Construction of two prototype Concorde aircraft began in February 1966. The first of these, Concorde 001, was rolled out in December 1967, underwent engine tests in early 1968, and had its first flight on March 2, 1969.

In view of the Concorde's chronology, the questions facing the FAA with respect to Concorde noise is not how to incorporate acoustically effective features into the basic Concorde design, but whether refinements in the final design might be effective. Review of
Concorde manufacturing data indicates that modifications to the airframe and engines might achieve noise reductions, but not nearly sufficient to comply with FAR part 36 stage 2 standards. Airframe changes, such as enlarging the wing tips and improving the lift-to-drag ratio by altering the drooped leading edges along the whole wing span, do not produce significant noise reduction. Replacing the present engine with a turbofan powerplant could generally increase the mass airflow and decrease the exhaust gas velocity, which would reduce perceived noise; however, it would also change performance characteristics in relation to takeoff and landing conditions. Replacing the present engine of the aircraft would constitute a major airframe change, and is a practical nozzle for the supersonic flight capability and concurrently reduce noise.

The conclusion drawn from this data is that it is neither technologically nor economically reasonable to require that the Concorde be altered to comply with the stage 2 noise limits of part 36 at this time.

Another question under section 611(b)(2) is whether additional noise reduction might be achieved during type certification. That section provides that the Administrator of the FAA—* * * shall not issue an original type certificate * * * for any aircraft for which substantial noise abatement can be achieved by prescribing standards and regulations in accordance with this section, unless he shall have prescribed standards and regulations in accordance with this section which apply to such aircraft and which protect the public from aircraft noise and sonic boom consistent with the considerations listed in subsection (d).

The Concorde cannot now comply with the current noise limits for subsonic aircraft. The Concorde, however, requires an investigation of the noise reduction potential of the Concorde consistent with the considerations in section 611(d)(4). The economic and technological considerations prescribed by section 611(d)(4) are in terms of a standard that is “appropriate for the particular type of aircraft * * * to which it will apply.” These rules require a determination during type certification of the Concorde that is noise levels are “reduced to the lowest level that are economically reasonable, technologically practicable, and appropriate for the Concorde type design.”

It is a fundamental requirement of aircraft engine design that the velocity of the exhaust gas exiting the engine must be much higher than the forward speed of the aircraft. This requirement makes turbofan engines generally more suitable for airplanes like the Concorde than generally quieter turbofan engines because of the lower exhaust gas velocity in turbofan engines. Since the Concorde SST is designed to fly at between two and three times the speed of subsonic jet aircraft, it is not practical to support the use of turbofan engines. Thus, for the same reason that the original Concorde design could not be made quieter, the FAA concludes that the initial Concorde design cannot now be modified to further reduce noise levels.

As the Concorde development program progressed, some design changes with a potential to reduce noise were studied. These included:

1. The use of partial displacement of the thrust reverser buckets to minimize sideline noise;
2. The use of retractable spade silencers to minimize flyover noise; and
3. The development of an engine control system to permit the largest practical nozzle area for the takeoff and landing conditions to minimize exhaust gas noise.

In March and July 1973, noise flight tests were conducted using a Concorde equipped with these devices. The results were disappointing in that no appreciable in-flight noise reduction was obtained by either method (a) or (b). The development of the propulsive nozzle control system, however, was effective both in the reduced power takeoff flyover and, to a greater extent, in the approach flyover. Following these tests, the spade silencers and use of the partial deflection of the thrust reverser buckets we deleted from the production Concorde but the nozzle area control schedule was modified to the operationally acceptable standard and incorporated on the production Concorde.

In addition to these design efforts, considerable work was carried out to obtain the best aircraft operation techniques to reduce the noise impact. The techniques which result in reduced noise levels include power cutback after takeoff, decelerating approach, and adjustment of ground track over less populated areas. All three of these techniques produce a significant noise reduction and are being utilized.

Regulatory Conclusion. As demonstrated during operations at Dulles and JFK Airports, the effect of on takeoff, decelerated approach techniques, and ground track adjustment can reduce the noise impact. In terms of design noise reduction measures, the regulatory conclusion under section 611(d)(2) of the act is that no further substantial noise reductions can presently be achieved for the Initial Concorde design by the adoption of specific standards. The noise levels currently generated by the Concorde will be the type certification noise levels for that airplane under the general qualitative provision of §35.301(b), drawn from the corresponding language of section 611(d)(4) of the act.

2. Future Design SST's. These rules require all SST's operating in the United States, other than Concorde's with flight time before January 1, 1980, to comply with the stage 2 noise limits of part 36 in order to operate in the United States. This decision is based on a review of the economic and technological implications of this requirement over the long term, weighed against the potentially serious long term environmental impacts of an indefinite postponement of such a requirement.

With regard to the expected noise levels of future design SST's, NASA has sponsored extensive work to define technological improvements that would be needed to provide for an economically viable and environmentally acceptable advanced design SST. These theoretical studies have been based on aerodynamics, propulsion, structural, and noise suppression technologies which, while not yet established or demonstrated, are assumed to be available within the next 5 to 10 years. Aircraft employing these technologies would not be expected to enter commercial service in less than 15 to 20 years.

Preliminary studies in both the United States and Europe indicate that the payload capacity could be significantly improved for a second generation SST by the use of advanced technology and design, and choice of optimum powerplant. Operating costs could also be greatly improved over the first-generation SST. Unless noise reduction features are incorporated into an SST design from the initial stages, it may be necessary to add equipment or sound absorbing material for noise control purposes which could reduce the controls and noise suppression technologies which, while not yet established or demonstrated, are assumed to be available within the next 5 to 10 years. Aircraft employing these technologies would not be expected to enter commercial service in less than 15 to 20 years.

A further constraint on the evolution of a satisfactory second-generation SST will be the retention of a proper balance between the subsonic and supersonic capabilities of the SST so that mission flexibility within a route structure is not compromised.

Future SST's must meet flexible performance requirements and maintain environmental acceptability. These, in turn, create major problems for the propulsion system which must accommodate two distinct modes of operation: (1) A high airflow, low exhaust gas velocity turbofan-like mode for low noise takeoff and efficient subsonic
velocities and subsonic cruise; and (2) high exhaust gas temperatures, and a turbojet-like mode for supersonic cruise).

The environmental requirements of future supersonic engines accommodating two distinct modes of operation have led to the technological innovations in engine design. The variable cycle engine concepts show an inherent noise attenuation in small-scale static tests.

However, an ideal engine configuration for subsonic operation would reduce performance at supersonic cruise. A compromise design may therefore be considered, that is not optimum for either subsonic or supersonic flight. The rationale for the VCE, then, is its potential ability to provide a better performance match at the various operating conditions while also satisfying environmental constraints.

There are other concepts for dual-mode (supersonic/subsonic) engines that are under consideration for advanced SST's. However, none of the dual-mode concepts has been developed and tested. Recent studies indicate that noise levels at least as low as or even a few decibels lower than stage 2 noise limits of part 38 may become technically achievable by advanced technology SST's. FAA recognizes that, as performance specifications increase and air traffic demand grows (such as larger payloads and expanded range), reduced noise levels become more difficult to attain.

FAA recognizes that, in the absence of a regulatory noise limit, there is a concern that noise attenuation goals may be relaxed in order to meet performance objectives. Balancing considerations of economic reasonableness and technological practicability and the need to protect the public health and welfare, section 611 of the Federal Aviation Act, the FAA has concluded that the stage 2 noise limits should be applied to the operation of SST's, in order to provide a firm limit on the escalation of SST noise while research defines the potential for applying still further noise reductions at the type certification stage. The FAA, however, fully expects to promulgate stricter standards before such future SST types may enter into service.

Several comments requested that these rules require future SST types to meet the same noise rules, at any given point in time, as are applicable to subsonic aircraft at that time. The FAA's goal is not to certify or permit to operate in the United States any future design SST that does not meet stage 2 noise levels at least as low as or even a few decibels lower than stage 2 noise limits. The FAA will consider setting a less stringent standard but in no event will that standard be less stringent than the noise levels of stage 2. However, the FAA does not believe that it would be appropriate to establish at this time a permanent future linkage between supersonic and subsonic noise levels below the stage 2 noise limits. Such a policy might ignore the unique economic and technological factors affecting subsonic engines, since future engine development might also retard the future noise reduction progress of the total air transportation fleet to that reasonably attainable by SST's.

As stated in the Notice of Decision accompanying these rules, the FAA is currently addressing the long-term application on supersonic noise standards to supersonic aircraft in its evaluation of EPA proposals in notice No. 76-22, published in the Federal Register (41 FR 47358) on October 28, 1976. In the meantime, future SST's will be held to at least stage 2 noise limits by the operating provisions of these rules (see §91.311). American carriers could not operate such airplanes in any event until a certification noise rule is promulgated.

With regard to requiring achievement of levels more stringent than stage 2, conceptual designs that theoretically may achieve lower noise levels have not yet been demonstrated. An ICAO Working Group is assessing the current status of SST noise control technology and should identify the availability of that technology for derived versions, newly-manufactured and future SST airplanes. Using data on available technology, the SST design studies currently in progress will identify technically achievable noise levels for the time periods 1980-1985 and beyond 1985. These technical studies will identify projected SST noise levels for incorporation in the proposed standards and in the associated test and measurement techniques for type certification. The studies will contribute to an economic assessment of proposed standards which will also be assessed for consistency with the protection of the health and welfare of airport neighbors.

Regulatory Conclusion. In view of the above, the FAA has concluded that it does not have adequate technical information at this time to use as a basis for establishing type certification noise standards for future design SST's. There is no known active program to construct a second generation SST. The FAA intends to monitor ongoing research closely and will propose appropriately lower standards as soon as there is sufficient technological information to support an informed consideration of economic and technological factors under section 611(d)(4) of the act. Operationally, however, a firm commitment to noise limits for future design SST's at least as quiet as the stage 2 limits is justified while this research continues.

I. NONDISCRIMINATORY TREATMENT OF CONCORDE

Many of the comments related to whether the rules are discriminatory in their treatment of SST's as compared with subsonic transports. One of the major concerns is that the SST noise rules not be unjustly discriminatory, be consistent with basic principles of fairness, and be in agreement with the international obligations of the United States under the Chicago Convention and the bilateral civil aviation agreements.

This requires that unjust discrimination in the treatment afforded by the noise rules to SST's in comparison with subsonic airplanes be avoided.

Comments submitted in response to notice 77-23 stated that these rules would discriminate against the Concorde, while other comments state that the rules would discriminate in favor of the Concorde. Before addressing the comments, it is necessary to set forth two elements of the analytical framework which is used to determine whether unjust discrimination will result.

First, a prohibition against unjust discrimination is not a prohibition against any and all differences in treatment; it is a prohibition against any difference in treatment for which there is no rational and reasonable basis. Indeed, a blanket requirement of identical treatment for all airplanes in all situations would in itself be arbitrary and discriminatory because it fails to consider differences in airplane types—i.e., jet airplanes are different from airplanes with reciprocating engines, big airplanes are different from small airplanes, and, SST's different from subsonic airplanes. Thus, the principle that unjust discrimination be avoided has been put in this rule-making by assuring that differences in treatment between SST's and subsonic airplanes are rationally and reasonably related to the differences between jets and subsonic airplanes.

Second, as advances in technology have led to quieter airplanes, the reasonable expectations of the public concerning airplane noise have moved in the direction of demanding quieter airplanes. These expectations have, in turn, helped to force further advances in technology to produce quieter airplanes. Within this ever-changing context, it is not possible to establish permanent airplane noise limits. For this reason, the FAA has promulgated increasingly stringent airplane noise standards. Consequently, remedies considered to be adequate in relation to a given level of noise years ago are considered less acceptable today. This does not mean that today's airplanes are being discriminated against because today's remedies are further reaching than the remedies of years ago; it merely reflects the develop-
ment of technology and growing demand of the public for quieter air-

The public comments from support-

tors of the Concorde were largely to the effect that the noise rules would
discriminate against SST's generally, and therefore against the Concorde in
dicular.

Some of the commenters stated that the
FAC is imposing a "manufacturing
cutoff date" which is both arbitrary
and irrational because a Concorde
manufactured in 1981 may be quieter
than a Concorde manufactured in
1979. These comments assert that the
more sensible method of limiting Con-
corde noise is the imposition of a limit
on the number of Concorde operations
in the United States.

While it is true that an earlier Con-
corde might be louder than a later Con-
corde, it is not true that the 1980
date is chosen because it is the
manufacturing cutoff date, nor is that
date arbitrary or irrational. Although
a limit on the number of Concorde op-
erations in the United States would
help to control the noise impact of the
Concorde, the use of a date after
which subsequently manufactured Concordes must meet stage 2 noise
limits in order to operate in the United
States avoids several major problems inherent in the use of an op-
erations limit.

First, a limit on the number of Con-
corde operations in the United States
would have to be applied either as a
national total or as an airport-by-air-
port limit within the national total.
The creation of a regulatory frame-
work which would require the FAC to
 parcel out Concorde operations among
particular airports and carriers would
interfere with the effectiveness of the
airport proprietor's local option au-
thority to establish nondiscriminatory
noise measures which do not unduly
burden commerce. This would also put
the FAA in the business of deciding
airport levels of service, which is a
matter reserved to local airport au-
torities. Moreover, the establishment
of airport-by-airport limits would be
counter to the principles of open com-
petition in air transportation that this
Administration has espoused, both for
domestic and foreign commercial avi-
ation. A national limit, on the other
hand, would allow Concorde operators
to concentrate all of their operations at
canadian U.S. airports, to the dis-
proportionate detriment of the neigh-
bors of those airports, to a far greater
extent than if only the first 16 Con-
cordes were allowed to operate in the
United States. Moreover, as the number of Concorde operations
approached the national limit, it might
be necessary to revert to an airport-by-
airport allocation, with all of its atten-
dant pitfalls. A limit based on when
the airplane was manufactured keeps
the FAA out of the position of having
to interfere in either the operational
decisions of airport proprietors or in
the management decisions of individu-
also.

Second, adopting an operations
number limit could place the United
States in a position that is contrary to its
international obligations. When the
number of Concorde operations
reached the limit, the FAC would
have to prorate the operations
within the total or deny further appli-
cations. Proration would be contrary
to the well-known U.S. opposition to
quotas or frequency or capacity con-

rules prohibit modifications of the
Concorde which would make it louder,
while the manufacturers of subsonic
transports are not prohibited from in-
roducing advancements which in-
crease the noise. In fact, so far as FAC
approval of type design changes is con-
cerned, while subsonic airplanes which
meet stage 2 standards may be modi-
fied, no SST's are being modified to
meet stage 2. Moreover, subsonic
airplanes which have not been shown
to meet stage 2 may not be made
louder. Similarly, SST's which do not
meet stage 2 noise standards may not
be modified. Therefore, FAC's failure to
enact rules which effectively impose
the same acoustical change requirements
upon the Concorde as are applicable to any
subsonic airplane which has not been
shown to meet stage 2 noise levels.

A few commenters stated that these
rules fail to consider the unique as-
psects of the Concorde which could be
used in operation to decrease the noise
impact. In particular, the decelerating
approach, which the Concorde can
make, creates less noise than a con-
stant speed approach, but only the
constant speed approach is permitted
under the closely controlled noise
measurement provisions of part 36.
These rules are intended to ensure that, for comparison
purposes, all aircraft are flown the
same way during certification. While
the decelerating approach is used in
operations, it is not part of the noise testing procedures of part 36.
As noise measurement techniques
and operational practices become in-
creasingly sophisticated, differences in
flight characteristics can more appro-
priately be taken into account; but
until such sophistication becomes
available, it is necessary to use the
same part 36 measuring procedures for
all airplanes.

Many commenters argued that the
noise rules discriminate in favor of
Concorde because operators of many
subsonic transports are required to re-it
or replace their airplanes for noise
compliance, while the initial
Concordes are allowed to oper-
ate in the United States at their cur-
rent noise level, and are not now sub-
ject to the 1985 FAR 36 compliance
date. This argument fails to recognize
that the FAA has chosen to implement its noise reduction program as a phased program. An examination of this phased program at any point in time prior to completion of the entire program leads to the appearance of unequal treatment because, by definition, the phasing causes the different aspects of the program to be at different stages of completion at any point in time. The part § 36 requirements for subsonic airplanes of new design were imposed in 1968; in 1973 the requirements were extended to newly manufactured airplanes, irrespective of their date of application for a type certificate; and in 1976 the requirements were extended to certain subsonic airplanes, irrespective of the date of their manufacture or their date of application for a type certificate. An analysis of this process in 1971 could have led to the conclusion that the rule then discriminated in favor of airplanes for which type certification had been sought before the cutoff date, while such an analysis today would lead to the conclusion that the rule presently discriminates in favor of aircraft not manufactured after 1973. However, in 1985, after the phasing has been completed for subsonic airplanes, all subsonic airplanes will be subject to the same noise standards. Thus, it is apparent that a phased program should be viewed in its entirety for comparative purposes rather than at any point in time before the phasing has been completed.

With respect to Concorde and SST's generally, these rules apply the same procedures and concepts as were applied to subsonics. These rules cannot be compared in their present stage to the later stages of the phasing in the subsonic noise rule.

Several commenters also stated that the rules discriminate in favor of the Concorde by permanently excepting those airplanes. Resolution A22-15, which was adopted in 1980, while subsonic airplanes were only grandfathered temporarily. This assertion is incorrect because there is no commitment to grandfather the Concorde permanently. If operational compliance by the excepted Concorde later becomes technologically practicable and economically reasonable, they too, will be required to meet appropriate noise standards. However, just as the timing for the operational cutoff date was not specified for noncomplying subsonics when the manufacturing cutoff was imposed, for subsonic airplanes, it is not known at this time when an operational cutoff date will be appropriate for the excepted Concordes.

J. INTERNATIONAL FAIRNESS

Most of the public comments relating to the international obligations of the United States were from persons who questioned the fairness of these rules as applied to international transportation.

Some of the commenters alleged that these rules are contrary to longstanding international agreements and that these rules might lead to introduction of new technology by another country and, by limiting its market, could limit the production of airplanes by another country, which is unprecedented.

With respect to the authority to promulgate speed rules while international discussions continue, the preamble of notice 77-23 notes that the applicable international agreements which define the obligations of the United States in this respect are the Chicago Convention, and the bilateral air services agreements between the United States and Great Britain, and between the United States and France. These agreements, taken together, recognize the authority of the participating countries to establish uniform, nondiscriminatory noise rules if the failure to establish such rules would produce a result that is inconsistent with the policies of the participating country to protect its environment. The discussion of the major policy underlying these rules indicates that these rules are necessary in order to produce a result that meets the need of the United States to protect its environment.

With respect to whether the promulgation of these rules is unprecedented, it is appropriate to compare the stated intention of the United States to promote subsonic transport noise operational standards if ICAO together do not do so promptly. In this sense, the treatment of SST's and subsonic transports is quite similar, and the noise standards in these rules are not unknown to international air transportation. In addition, U.S. noise abatement rules are applied to foreign subsonic transports. The noise abatement operating provisions of § 91.87 of 14 CFR part 91 are an example.

Some commenters noted that the United States should avoid the results of ICAO's efforts in promulgating SST noise standards, in order to assure international fairness and in order not to prejudice ICAO's efforts. More particularly, the comments refer to ICAO Resolution A22-12, which "urges States to refrain from unilateral measures that would be harmful to the development of international civil aviation." In response, it is noted that ICAO Resolution A22-12, which recognizes the possible need for unilateral treatment of SST's by urging all governments to use "noise levels applicable to subsonic jet aeroplanes" as the guiding principles for the acceptance of supersonic transport aero-
the commenters stated that the United States should not exempt the first 16 Concordes because the British and French have never exempted any U.S. aircraft from their noise limits, nor did they. Authority of local airport proprietors to issue noise related airport use restrictions that are not unjustly discriminatory or inconsistent with international regulations, and that do not impose an undue burden on air commerce.

Congress has the power under the Constitution to regulate the operations of subsonic transports for noise abatement purposes, but it has not acted to do so. This congressional policy leaves airport proprietors responsible for the regulation of their airports for noise abatement purposes. The proprietors may impose noise-related air use restrictions that are not unjustly discriminatory and do not impose an undue burden on interstate or foreign commerce. The Chicago Convention and bilateral air services agreements do not alter this basic feature of American aviation law.

This legal principle has most recently been reaffirmed by the United States Court of Appeals for the Second Circuit in British Airways Board v. Port Authority, 564 F. 2d 1002 (2d Cir. 1977). The court stated:

Our initial opinion in this case delineated the extremely limited role Congress has reserved for airport proprietors in our system of aviation management. Commonsense, of course, required that exclusive control of airspace allocation be concentrated at the national level, and communities were therefore preempted from attempting to regulate planes in flight. See Allegheny Airlines v. Village of Cedarhurst, 238 F. 2d 812 (2d Cir. 1955). However, ownership and operation of local government, that owns and operates the airfield. Air Transport Assn. v. Crotti, 368 F. Supp. 38 (N.D. Cal. 1975) (three-judge court); National Aerial v. City of Hayward, 418 F. Supp. 417 (N.D. Cal. 1976). It seemed fair to assume that the proprietor's interest in the local conditions, as well as his ability to enforce property and air easements and assure compatible land use, cf. Griggs v. Allegheny County, 367 U.S. 193 (1961), would be enough as a weighing of the costs and benefits of proposed rule. Congress has consistently reaffirmed its commitment to this two-tiered scheme, and both the Supreme Court and executive branch have recognized the important role of the airport proprietor in developing noise abatement programs consonant with local conditions. 364 F. 2d. at 1010, 11.

This recognition of the unique capacity and responsibility of the airport proprietor to effect a "rational weighing of the costs and benefits of proposals of noise abatement under the "local option" policy underlying FAA noise abatement rulemaking since part 36 was originally issued in 1969. With respect to further refinement of this policy, as suggested in public comments, the FAA believes that this concept may have merit and is evaluating it for possible future application. However, such a revision would be beyond the scope of the proposals issued to date.

B. TAKEOFF TEST SPEED

One comment indicated that it is too early in the development of the SST's to define a specific takeoff noise demonstration speed for those airplanes. The FAA does not concur with this comment as applied to the Concorde (which is the only airplane covered by the takeoff test speed proposal). The "minimum approved value of \( V_{a} + 35 \) knots and the "all-engines-operating speed at 35 feet" are readily ascertainable under the type certification regulations that define the airworthiness requirements for the Concorde. The use of these terms in § 238.74(a)(2) assures consistency with those airworthiness requirements.

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C. ACOUSTICAL CHANGE

One comment objected to the application of the subsonic "acoustical change" rule to SST's without change. The "acoustical change" rule is intended to insure that airplanes are not modified in a way that makes them louder. The primary objection was that, unlike subsonic airplanes, SST's should be permitted to use reduced thrust in the takeoff noise compliance testing. The FAA believes that the use of power cutbacks permits real noise increases caused by design changes (such as larger engines) to be "masked" by the use of different thrust schedules before and after the type design change. For this reason, this provision (§ C.36.7) is adopted as proposed.

D. OTHER NOISE TEST COMMENTS

Several comments were received concerning the method of testing SST's for noise. The FAA has reviewed these comments but has decided that their adoption would not materially improve, and could degrade, the current part 36 procedures as valid indicators of SST noise levels related to the levels of subsonic airplanes. These comments included a request that an entirely separate regulation, outside of part 36, be issued for SST's; the use of dBA rather than EPNdB as the unit of measure; additional noise measurement points to accommodate the noise characteristics of SST's; and the use of revised takeoff and approach test procedures to account for the different operating procedures that could be used in actual operation. One comment requested revisions of the tradeoff provisions of § C.36.5(b), which allow, for example, the approach noise to exceed the prescribed limits by a limited amount if the noise levels at the other measuring points are below the limits for those points. The FAA believes that the current tradeoff provisions are necessary in order to accommodate situations in which an application of the signature of airplanes that are essentially identical in their overall noise impact.

VI. SECTION-BY-SECTION ANALYSIS

These rules amend provisions in three parts of the Federal Aviation regulations—part 21 (14 CFR part 21), which contains the procedural requirements for the certification of aeronautical products; part 36 (14 CFR part 36), which contains the substantive noise limits and related noise measurement and test procedures that must be complied with for the issuance of type certificates and airworthiness certificates; and part 91 (14 CFR part 91), which sets forth the flight and other requirements that apply to the operation of aircraft.

RULES AND REGULATIONS

A. CHANGES TO PART 21 (14 CFR PART 21)

1. Acoustical change: Certification. Section 21.93(d)(1) and (2) are amended by deleting the word "subsonic." The effect of this amendment is to make the definition of the term acoustical change applicable to supersonic and subsonic airplanes. Under these procedures, for both supersonic and subsonic airplanes, an "acoustical change" exists whenever a voluntary change to the design of an airplane is applied for that might increase the noise levels of the airplane. Therefore, for both supersonic and subsonic airplanes, the acoustical change provisions of part 36 (§ C.36.7) must be complied with prior to approval of that type design change (see also the discussion of the proposed change to § C.36.7 and § 91.309(b)(1), below).

2. SST "new production" rule. Section 21.183(e)(1) is amended by deleting the word "subsonic." The effect, for supersonic as well as subsonic airplanes, is that a standard airworthiness certificate (which is the class of certificate required for U.S. air carrier operation and similar operations) is not issued for airplanes that have not had flight time before the dates specified in part 36 (§ 36.1(d)), unless compliance with the applicable noise standards in part 36 is shown. (See also the discussion of the proposed revision of § 36.1(d)). This would extend, to SST's, the rules applied to subsonic airplanes in amendment 36-2—popularly called the "new production" rule published in the Federal Register (38 FR 29569) on October 26, 1973.

B. CHANGES TO PART 36 (14 CFR PART 36)

1. Part 36 scope. Section 36.1 is amended by adding a new subparagraph (a) (3) extending the applicability of part 36 to cover the issuance of a type certificate, and changes to that airplane, of a standard airworthiness certificate, for the Concorde airplane. This brings Concorde airplanes within the overall scope of part 36.

2. Airworthiness certificate. Section 36.1(d) is amended by deleting the word "subsonic," in the lead-in, by adding the word "subsonic" to the current subparagraphs containing compliance dates, and by adding a new compliance date for Concorde airplanes. This requires Concorde airplanes without flight time on or before January 1, 1980, to comply with the stage 2 noise limits of part 36 in effect on the date of publication of notice 77-23 (October 12, 1977), in order to obtain an original standard airworthiness certificate. It is noted that the compliance dates in § 36.1(d) are related to "flight time." Part 1 of the Federal Aviation regulations (14 CFR part 1) defines "flight time" as the time from the moment an airplane first moves under its own power for the purpose of flight until the moment it comes to rest at the next point of landing.

3. Definitions: "Subsonic" and "Supersonic." Section 36.1(f) is amended by adding new definitions of "subsonic airplane" and "supersonic airplane." The dividing line between these classes is Mach 1 in terms of the maximum operating limit speed, Mmax, as defined in FAR part 1. Note that these definitions apply wherever the terms "subsonic airplane" and "supersonic airplane" are used in part 36, and also where they are used in part 91 because of the change to § 91.301(d), discussed below.

4. Retroactivity. The amendment to paragraph (a) of § 36.2 is editorial in nature. It consolidates language. The purpose of that paragraph is to supersede § 21.17 of part 21, with respect to the designation of applicable type certification regulations, wherever part 36 imposes type certification requirements that apply to an airplane. For an application for an airworthiness certificate, the evidence of the type design change must be submitted prior to the change. This provision (see § C.36.7) is adopted as proposed.

5. Acoustical change. Section 36.7 is amended by deleting the term "subsonic." The effect of this change (and deletion of all of the phrase "subsonic airplane") is that, for purposes of § 36.1(d), SST's are covered by § 36.7 since they have not been shown to comply with the noise limits for "stage 2 airplanes" or "stage 3 airplanes." The stage 1 acoustical change provisions of § 36.7(c) provide that an airplane, after a type design change, may not exceed the noise levels created prior to that change. These rules amend § 36.7 to include Concorde airplanes.

6. SST noise measurement. The changes to subpart B of part 36 make it clear that subsonic airplanes are required to comply with § 36.101. The FAA believes that the use of a standard airworthiness certificate, for the Concorde airplane, brings Concorde airplanes within the overall scope of part 36.

7. Subpart C limited to subsonics. The changes to subpart C of part 36 make it clear that subpart C, as amended, applies only to subsonic airplanes.

8. New subpart D: Supersonic airplanes. A new subpart D, applying to SST's is added to part 36. In this new subpart, new § 36.301, "Noise limits: Concorde airplanes," is also added, containing requirements for Concorde airplanes that are not covered by § 36.201. The stage 2 noise limits for SST's are increased to cover by § 36.201 (the first Boeing 747, which was originally unable to comply with the noise limits in part 36). Like § 36.301, new § 36.301(a) provides that Concorde airplanes that do not comply with the applicable noise limits must be shown, for Concorde
airplanes, with noise levels measured and evaluated as prescribed in subpart B of part 36. This requires compliance with the noise requirements in appendix A of part 36 and the detailed requirements in appendix B concerning the evaluation of noise data received in accordance with appendix A. Compliance must be demonstrated at the same measuring points (i.e., takeoff, sideline, and approach) as are required under appendix C for subsonic airplanes.

9. Concorde noise levels. Paragraph (b) of new §36.301 provides that, for the Concorde airplane, it must be shown in accordance with the provisions of part 36 in effect on the publication date of notice 77-23 (October 13, 1977), that the noise levels of that airplane are reduced to the lowest levels that are "economically reasonable, technologically practicable, and appropriate for the Concorde-type design." This standard corresponds to the concept of "acoustical change" for Concorde airplanes having flight characteristics prescribed by the Concorde airplane. This section applies equally to U.S. and foreign registered airplanes that do not comply with the stage 2 noise limits of part 36. Section 91.311 provides that, except for Concorde airplanes having flight characteristics prescribed by the Concorde airplane, it must be shown that the operator in an authorization to exceed Mach 1 under appendix B of part 91. Those noise limits are issued in the rare cases specified in that appendix, for specific operations (such as flight testing of supersonic airplanes) in designated flight test areas.

2. Scope of subpart E. The amendment of §91.301(a) reflects the expansion of subpart E of part 91 to include SST's. Subpart E—Operating Noise Standards, contains noise limits for certain subsonic turbojet airplanes, leading to final compliance with part 36 by January 1, 1985.

The revision of §91.301(a) highlights the different scopes of each section in revised subpart E. Section 91.301(a)(1) makes it clear that current §§91.303 through 91.307 are limited to subsonic airplanes and to U.S.-registered airplanes. For consistency with this scope, §91.307 has been added to limit the use of foreign air commerce provision to subsonic airplanes. No substantive change to §§91.303 through 91.307 is made by these rules.

3. Paragraphs 121, 123, 129, and 135 covered. Section 91.301(a)(2) provides that the newly proposed operating restrictions in §§91.309 and 91.311 (for SST's that do not comply with the stage 2 noise limits of part 36), apply to U.S.-registered airplanes having standard airworthiness certificates, and foreign registered airplanes that would be required to have standard airworthiness certificates, for the intended operations if they were registered in the United States. That provision covers operations under Parts 91, 121, 123, 129, and 135.

4. Definitions: "Subsonic" and "supersonic". Section 91.301 is amended to incorporate the new part 36 definitions of "subsonic airplane" and "supersonic airplane" in subpart E of part 91. See discussion, above, of new §36.1(f) (7) and (8).

5. Subsonic dates unchanged. The revisions of §§91.303 and 91.305 make it clear that the current dates for phased and final compliance with part 36, ending on January 1, 1985, apply only to subsonic airplanes. See new §91.311 for application of parts 36 to SST's. SST operating noise rules. Section 91.309 is added, containing operating rules that apply to SST's that operate to or from a U.S. airport but have not been shown to comply with the stage 2 noise limits of part 36 in effect on the publication date of notice 77-23 (October 13, 1977). Note that use of the PROVISIONS OF PART 91 FOR CERTIFICATION OF AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION II. Part 36 of the Federal Aviation Regulations (14 CFR Part 36) is amended as follows:

1. In §36.1, paragraph (a)(3) is added, paragraph (d) is amended, and paragraphs (f)(7) and (f)(8) are added, all to read as follows:

PART 36—NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION II. Part 36 of the Federal Aviation Regulations (14 CFR Part 36) is amended as follows:

1. In §36.1, paragraph (a)(3) is added, paragraph (d) is amended, and paragraphs (f)(7) and (f)(8) are added, all to read as follows:

§36.1 Applicability and definitions.
(a) * * *
(3) A type certificate and changes to that certificate, and standard airwor-

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thiness certificates, for Concorde air-
nplanes.

(d) Each person who applies for the
original issue of a standard airworthi-
ness certificate for a transport category
large airplane or for a turbojet
powered airplane under § 31.183 must,
regardless of date of application, show
compliance with the following provi-
sions of this part (including appendix
C):
(1) The provisions of this part in
effect on December 1, 1963, for sub-
sonic airplanes that have not had any
time before flight—
(i) December 1, 1973, for airplanes
with maximum weights greater than
75,000 pounds, except for airplanes
that are powered by Pratt & Whitney
Turbo Wasp JT3D series engines;
(ii) December 31, 1974, for airplanes
with maximum weights greater than
75,000 pounds and that are powered by
Pratt & Whitney Turbo Wasp JT3D
series engines; and
(iii) December 31, 1974, for airplanes
with maximum weights of 75,000
pounds and less.
(2) The provisions of this part in
effect on October 13, 1977, including
the stage 2 noise limits, for Concorde
airplanes that have not had flight
time before January 1, 1980.

• • • • •

(f) **

(7) A “subsonic airplane” means
an airplane for which the maximum operat-
ing limit speed, $M_{max}$, does not exceed
a Mach number of 1.

(8) A “supersonic airplane” means
an airplane for which the maximum operat-
ing limit speed, $M_{max}$, exceeds a
Mach number of 1.

2. By amending paragraph (a) of
§ 36.2 to read as follows:

§ 36.2 Special retroactive requirements.
(a) Notwithstanding § 21.17 of this
chapter, and irrespective of the date
of application, each person who ap-
pplies for a type certificate for an air-
plane covered by this part must show
compliance with the applicable provi-
sions of this part.

• • • • •

§ 36.7 [Amended]
3. By amending the section heading
and paragraph (a) of § 36.7 by deleting
the word “subsonic” wherever it ap-
ppears.

4. By amending the heading of sub-
part B to read as follows:

Subpart B—Noise Measurement and
Evaluation for Transport Category
Large Airplanes and Turbojet
Powered Airplanes

§ 36.101 [Amended]
5. By amending § 36.101 by inserting
the words “For transport category
large airplanes and turbojet powered
airplanes” before the words “the noise
generated * * *.”

§ 36.103 [Amended]
6. By amending § 36.103 by inserting
the words “For transport category
large airplanes and turbojet powered
airplanes,” before the words “noise
measurement information * * *.”

7. By amending the heading of sub-
part C to read as follows:

Subpart C—Noise Limits for Subsonic
Transport Category Large Air-
planes and Subsonic Turbojet
Powered Airplanes

§ 36.201 [Amended]
8. By amending paragraph (a) of
§ 36.201 by inserting the words “For
subsonic transport category large air-
planes and subsonic turbojet powered
airplanes” before the words “compli-
ance with * * *.”

9. By adding a new subpart D to read as
follows:

Subpart D—Noise Limits for
Supersonic Transport Category
Airplanes

§ 36.301 Noise limits: Concorde.
(a) General. For the Concorde air-
plane, compliance with this subpart
must be shown with noise levels meas-
ured and evaluated as prescribed in
subpart B of this part, and demon-
strated at the measuring points pre-
scribed in appendix C of this part.

(b) Noise limits. It must be shown, in
accordance with the provisions of this
part in effect on October 13, 1977, that
the noise levels of the airplane are re-
duced to the lowest levels that are eco-
nomically reasonable, technologically
practicable, and appropriate for the
Concorde type design.

§ 36.1581 [Amended]
10. By amending paragraph (c) of
§ 36.1581 by deleting the word “sub-
sonic” before the words “transport
category * * *.”

Appendix C [Amended]
11. By amending appendix C as fol-
lows:

a. By amending the appendix head-
ing by deleting the word “Subsonic”
before the words “Transport Catego-
ry.”

b. By amending the introductory
clause of § C36.7(f) to read as follows:

PART 91—GENERAL OPERATING
AND FLIGHT RULES

III. Part 91 of the Federal Aviation
Regulations (14 CFR Part 91) is
amended as follows:

§ 91.1 [Amended]
1. By amending § 91.1(b)(3) by delet-
ating the words “and § 91.55” and insert-
§ 91.305 [Amended]
6. By amending § 91.305 by amending the section heading to read “Phased compliance; subsonic airplanes” and by adding the word “subsonic” between the word “any” and the word “airplane.”

§ 91.307 [Amended]
7. By adding § 91.307 by adding the word “subsonic” between the word “the” and the word “airplanes.”

8. By adding a new § 91.309 to read as follows:

§ 91.309 Civil supersonic airplanes that do not comply with part 36.

(a) Applicability. This section applies to civil supersonic airplanes that have not been shown to comply with the stage 2 noise limits of part 36 in effect on October 13, 1977, using applicable tradeoff provisions, and that are operated in the United States after July 31, 1978.

(b) Airport use. Except in an emergency, the following apply to each person who operates a civil supersonic airplane to or from an airport in the United States:

(1) Regardless of whether a type design change approval is applied for under part 21 of this chapter, no person may, after July 31, 1978, in a manner constituting an “acoustical change” under § 21.93, unless the acoustical change requirements of part 21 are complied with.

(2) No flight may be scheduled, or otherwise planned, for takeoff or landing after 7 a.m. local time.

9. By adding a new § 91.311 to read as follows:

§ 91.311 Civil supersonic airplanes: noise limits.

Except for Concorde airplanes having flight time before January 1, 1980, no person may, after July 31, 1978, operate, in the United States, a civil supersonic airplane that does not comply with the stage 2 noise limits of part 36 in effect on October 13, 1977, using applicable trade-off provisions.

(See § 91.303.)
The first set of proposals submitted to the FAA by EPA were published as Notice 75-15 by the FAA in the Federal Register (40 FR 14093) on March 28, 1975.

Notice 75-15

The proposals in Notice 75-15 would have had the following effects:

**EPA Proposal 1: New Production**

Each person who applies for a U.S. standard airworthiness certificate for an SST for which “substantive productive effort” was commenced after the date of notice 75-15 (March 28, 1975) would have been required to show compliance with the noise level limits of part 36 as they existed in 1969 (including appendix C of part 36); EPA defined “substantive productive effort” as meaning that “parts have been fabricated or delivered or are on order in a legally binding financial commitment” for the airplane in question equivalent to at least 5 percent of the selling price of the airplane.

**FAA Disposition of Proposal 1**

The final rule, by requiring compliance with the “stage 2” noise limits of part 36 for the issuance of a U.S. standard airworthiness certificate for Concorde other than those having first flight time before January 1, 1980, accomplishes the intent of EPA proposal 1 with respect to those airplanes.

The decision to use the term “flight time” in the final rule, rather than the term “substantive productive effort”, was made because “flight time” is a readily identifiable occurrence that is precisely defined in Part 3 of the Federal Aviation Regulations (14 CFR Part 1). The term “substantive productive effort” on the other hand, is difficult to define, implement, enforce for monitor because (1) the manufacturing, marketing and financial data needed to determine whether parts and materials orders equivalent in total value to 5 percent or more of the selling price of the airplane have been made is often proprietary, and unavailable, and is subject to an unacceptably wide scope of interpretation; and (2) the EPA definition of the term “substantive productive effort” would place the FAA in the position of determining what constitutes a “legally binding financial commitment.” This is a matter best left to the courts and the contracting parties.

With respect to EPA’s proposal to permit the issuance of a U.S. standard airworthiness certificate for any SST for which parts and materials equivalent to at least 5 percent of the purchase value of the airplane were merely “on order” as of March 28, 1975, the FAA believes that such a rule could be broad enough to permit the issuance of standard airworthiness certificates to any Concorde airplane covered in the long term production commitments already established by the British and French manufacturers by that date, even if the particular airplane were not finally produced until after January 1, 1980. To establish a new production rule that is only effective in the event of the essentially open-ended effect of the “on order” clause of the EPA proposal the final rule limits the exception to airplanes with “flight time” before a date certain.

The date selected is January 1, 1980, because it has been determined to be the earliest cutoff possible without causing unnecessarily severe adverse impacts, in view of the requirement in section 611(d)(4) in which the FAA consider whether its noise rules are “economically reasonable” and “technologically practicable.” An adverse impact on U.S. relations with Great Britain and France may also be expected to result from an earlier date.

Where EPA proposed to apply its new production rule to all SST types, the corresponding provision of the final rule is limited to the Concorde, since, except for the Concorde, there has been no application for type certification, and no submittal of type design data upon which the FAA has been able to assess economic and technological impact as required by section 611(d)(4) in relation to its duty to insure that noise standards achieve the “highest degree of safety” (section 611(d)(3)). Unlike the subsonic “new production” rule, which was based on a substantial history of application of noise standards to subsonic airplanes, the FAA in the absence of any additional noise level limits of part 36, there is very little information concerning the impact of noise standards on potential SST types other than the Concorde.

A second reason for limiting the “new production” rule to Concorde is that the FAA, in consultation with EPA, is continuing its efforts ultimately to require future SST types to comply with noise levels more stringent than the “stage 2” noise limits of part 36. The FAA hopes to require “new production” subsonic airplanes to meet the lower “stage 3” noise limits of part 36, and is studying economic and technological data to determine how soon this might be done. As noted above, in conformance with EPA proposal 2 concerning type certification, these technological and economic considerations are currently being reviewed in response to detailed noise proposals submitted to the EPA and published in the Federal Register, as notice 76-22, on October 28, 1976 (41 FR 47558). The FAA, therefore believes it would be inappropriate, at this time, to determine that future SST’s should be allowed to obtain U.S. standard airworthiness certificates by complying with the “stage 2” noise limits of part 36. It is determined that still lower noise levels, such as “stage 3” noise limits, can be applied to SST’s consistent with the economic and technological considerations it would be required to make in section 611(d)(3) in relation to its duty to determine how soon SST’s at “stage 2” at this time would appear to encourage potential manufacturers of SST’s to invest extensively in technologies limited to “stage 2” noise reduction potential of future SST’s is to encourage the research needed for lowering support reduced noise limits, and then issue those lower limits based on an accurate appraisal of that noise reduction potential. In the meantime, however, the FAA hopes to require SST’s to invest extensively in technologies limited to “stage 2” noise reduction potential of future SST’s is to encourage the research needed for lowering support reduced noise limits, and then issue those lower limits based on an accurate appraisal of that noise reduction potential.

**EPA Proposal 2: Type Certification**

Each person who applied after August 6, 1970, for a U.S. type certificate for any SST, except for “those airplane types that have flown before December 31, 1974,” would have been required to show compliance with the noise level limits of part 36. EPA has indicated that the intent of their proposal is to establish a commitment to apply all future reductions in subsonic noise limits to supersonic aircraft for which applications for type certification are made after those lower limits become effective.

**Disposition of Proposal 2**

There are two fundamental differences between the EPA proposal and
the final rule. First, EPA's proposal, by excepting SST types for which application for a type certificate was made before August 6, 1976, and which have flight time before January 1, 1974, would not apply any of the provisions of part 36 to the Concorde, whereas the type certification provisions of the final rule applies the noise measurement procedures to Concordes with flight time before January 1, 1974, under a "quiet as practicable" standard. Second, the EPA proposal is intended to apply all future reductions in subsonic noise limits to SST's, whereas the type certification provision in the final rule is limited to the Concorde and leaves open the question of what future noise limit reductions should be applied to future SST types.

With respect to the first difference, it should be noted that both EPA and FAA agree that the Concorde cannot reasonably be required to comply with the numerical noise limits of appendix C to part 36. However, the FAA has decided that the Concorde should be completely excepted from the other provisions of part 36 (as would be the case under EPA's proposed revision of § 36.201(c) in notice 75-15). The application of part 36 to the Concorde in the final rule, while it does not apply stage 2 noise limits to that airplane, accomplishes the following: It requires identification of accurate noise levels obtained under the detailed noise measurement and evaluation procedures of appendices A and B; and it requires that these numbers be put in the Airplane Flight Manual. Once these noise levels are established, they define the "parent" design for the purpose of preventing possible increases in noise by future modification of the airplane (such as changes in weight or thrust), known as "acoustical changes." By specifying a standard in terms of the level that is "consistently acquired," this standard is "technologically practicable, and appropriate to the particular type design," type certification of the Concorde, under the final rule, constitutes an "acoustical change." The rule is based on the specific details of the Concorde type design, that further substantial noise reductions cannot be obtained, prior to the issuance of the type certificate, by the issuance of regulations (consistent with the economic and technological considerations required by section 611(d) of the act). The FAA's reason for not adopting a general rule applying all future subsonic noise reductions to future SST types is the reason for not including future SST types in the provisions of the final rule concerning the issuance of standard airworthiness certificates as stated above in response to EPA's proposal. Namely, that these precise issues are the subject of subsequent detailed noise reduction proposals submitted to FAA by EPA which are being reviewed, in depth by the FAA. Subsequent to the issuance of notice 75-15, EPA submitted these lower noise levels, known as "stage 3", "stage 4", and "stage 5" noise levels, and proposed that they apply equally to subsonic and supersonic aircraft, through the 1985 time period. These proposals were published as notice 76-22, on October 28, 1976 (41 FR 47550). A public hearing on these proposals was held in Washington, D.C. on December 15, 1976. The FAA is currently reviewing public comments submitted to the docket (Docket No. 8231), the hearing transcript, and economic and technological data to determine, in depth, the appropriate response to these detailed EPA proposals. Accordingly, the FAA believes that it would be premature, at this time, to decide whether or not SST's should or should not be subject to all future noise reductions imposed on subsonic aircraft. Nothing in the final rule conditions the FAA's ultimate response to the determination of stage 3-5 noise requirements on SST's. As stated in the preamble to the final rule, the FAA agrees with EPA that every possible effort should be made to achieve the goal of full future compliance, by SST's, with the same noise levels that are applied to subsonic aircraft.

**EPA Proposal 3: Operation**

All SST operations to or from airports in the United States would have been prohibited, unless the airplane to be operated complies with the noise requirements for supersonic airplanes of part 36, "taking into account the date on which substantive productive effort (as defined in the EPA type certification proposal) was commenced on the airplane." Before August 6, 1976, date would be unduly harsh in relation to the limited environmental impact posed by these 16 Concordes.

**EPA Options Considered**

As discussed above, notice 75-15, in addition to containing the specific regulatory proposals discussed above included a discussion of 8 possible regulatory options. EPA has advised the FAA that its proposal in notice 76-1 (treated above as EPA proposal 4) was intended to supersede its earlier discussion of these options in notice 75-15. However, these options were considered in the public hearing conducted in connection with notice 76-1, as well as the hearings conducted under notice 76-1 and 77-23, and were assessed during the development of the final rule. Public discussion of this FAA review is therefore appropriate.

**The Eight Options**

The eight options listed by EPA in the preamble of NPRM 75-15 included the following:

**EPA Option 1: Outright ban.** Prohibits all SST operations in the United States.

**Response.** Public comments from many sectors strongly supported a total ban on all SST's. FAA's careful review of all of these comments and other available data indicates that a total ban on SST's as an option, cannot be reasonably supported.

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Such a ban would disregard those economic and technological considerations that go to the heart of reasonable rule making effecting aircraft design and operations. Further, because there is no noise or environmental impact level specified under this option, no degree of quieting or other improvement would lift the ban. The FAA believes that this kind of a noise abatement regulation cannot be justified as a matter of basic fairness.

**EPA Option 2. Imposition of part 36 requirements.** This would prohibit the operation of all SST's that do not meet the noise limits of part 36.

**Response.** Except for the Concorde airplanes with flight time before January 1, 1980, the approach taken in the final rule is that all SST's are required to meet part 36 noise standards in order to operate in the United States. The exception for these Concorde's is concluded to be reasonable, considering the probable environmental impact of these airplanes as compared with the impact of an outright ban.

**EPA Option 3. Allow SST operation at designated airports with restrictions.** Under this option, current SST operations would be permitted at federally designated airports, subject to certain operating restrictions.

**Response.** The FAA believes that the authority of the airport proprietor is of major importance in determining whether an airport should be admitted. In addition, the air transportation market is more appropriate than a federal designation, as a means of determining which airports should receive SST service.

**EPA Option 4. Impose restrictions on SST operators at SST airports.** This option is the same as option 3, except that market forces would be allowed to determine the airports at which SST operations would be introduced.

**Response.** Insofar as this option permits market forces and local noise abatement policies and incentives to determine the classes of air transportation service by specific airports, the FAA agrees with its objectives. However, the FAA believes that the Federal Government should not substitute its judgment for that of the State or local Governments who own and operate nearly all of our Nation's airports.

Moreover, although specific operating procedures at specific airports are an essential aspect of an overall noise abatement program, detailed requiremements for each airport are better handled on an airport-by-airport basis rather than as a general requirement such as that in the final rule. Finally, air traffic control procedures and other nonregulatory procedures to minimize noise impact offer a more flexible approach to localized airport noise problems, while also assuring the highest degree of safety in the consistently changing flight management judgments that must be made by pilots and air traffic controllers.

**EPA Option 5: Impose restrictions on all operators at SST airports.** This is an variant of option 4 under which new operations of all aircraft (not only SST's) must comply with noise abatement operating restrictions.

**Response.** This option is similar in its objectives to the overall noise abatement program of the FAA, except that the kinds of operating restrictions imposed by the FAA (such as the noise abatement preferential runway and arrival and departure procedures of §1.67 of part 91) are not limited to SST airports only. As stated in response to EPA option 4, nonregulatory procedures directed at air traffic controllers and advisory information for pilots are, in many cases, the most effective means of achieving noise abatement objectives consistent with the need for those pilots and air traffic controllers to adapt rapidly and effectively to changing operational circumstances. The FAA has developed, and is consistently improving a wide range of nonregulatory approaches to aircraft noise abatement which apply to all operations at all airports.

**EPA Option 6: Increasingly stringent restrictions on SST source noise.** Under this option, manufacturers of SST's would be required to show compliance with currently projected (or "best effort") levels for the first 20 airplanes, 6 db below this for the second 20 airplanes, 10 db below 'first production' for the third 20 airplanes, and appendix C of part 36 for all subsequent airplanes.

**Response.** This option would be unnecessarily lenient and would unnecessarily broaden the class of noncomplying SST's. The FAA believes that SST's other than Concorde's having flight time before January 1, 1980, should be required at the outset to conform to at least the stage 2 noise limits of part 36 in order to operate in the United States.

**EPA Option 7: No regulation.** Under this option, no regulatory action would be taken in response to the noise of current or future SST's.

**Response.** FAA and EPA have agreed that the total exclusion of an aircraft from all noise abatement type certification, airworthiness certification, and operating rules, merely because it is supersonic, would not adequately discharge the FAA's duty, under § 611 of the Act, to protect the public health and welfare from aircraft noise.

**EPA Option 8: Airport noise regulation.** Under this option, an SST regulation would be delayed until an airport noise regulation is adopted. Such a regulation would "provide the ground rules and procedures for cooperative decisions and actions by local communities, employing land use controls, and airport management, with the collaborative support of the FAA."

**Response.** The issue of inclusion of SST noise abatement rules in an overall airport noise regulation is best resolved in connection with FAA's processing of EPA's proposed airport noise regulation under section 611 of the Act. In response to this EPA proposal, the FAA issued notice 76-24, which was published at 41 FR 51522 on November 22, 1976. A public hearing was held in Washington, D.C. on January 17, 1977. The potential operating and related noise abatement concepts in that NPRM exceed the scope of NPRMs leading to the final rule. In addition, delaying the provisions of the final rule until disposition of EPA's specific regulatory proposals in notice 76-24 would unnecessarily delay the early realization of the noise abatement benefits of the final rule including the night curfew, the acoustical change rule, and the imposition of Part 36 noise limits on future SST types operating in the United States.

(Secs. 307, 313(a), 601(a), 603, and 611, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421(a), 1423, and 1431); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).))

**Issued on June 26, 1978.**

_Langhorne Bond_,

Administrator.

(FR Doc. 78-16189 Filed 6-28-78; 8:45 am)
DEPARTMENT OF TRANSPORTATION
Coast Guard

SAFETY ORIENTATION OF PASSENGERS
Operators of Small Passenger Carrying Vessels Requirements
PROPOSED RULES

Title 46, Code of Federal Regulations as follows:

PART 26—OPERATIONS

1. By adding new sections §§ 26.03-1 and 26.03-2 to Part 26 to read as follows:

§ 26.03-1 Safety orientation.

(a) Before getting underway in any vessel carrying 6 or fewer passengers for hire, the master or licensed operator shall ensure that all passengers are:

(1) Informed of the stowage locations of the life preservers;

(2) Instructed how to put on and adjust life preservers;

(3) Informed of the types and location of all lifesaving devices carried aboard the vessel;

(4) Informed of the location of and encouraged to read the Emergency Checkoff List; § 26.03-2.

§ 26.03-2 Emergency instructions.

(a) The operator in charge of any vessel carrying 6 or fewer passengers for hire shall ensure that an emergency checkoff list is posted in a conspicuous, continuously accessible place to serve as a notice to the passengers and a reminder to the crew of precautionary measures which may be necessary in the event of an emergency situation.

(b) Except where any part of the emergency instructions are deemed unnecessary by the Officer-in-Charge, Marine Inspection; the emergency checkoff list must contain not less than the applicable portions of the sample emergency checkoff list which follows:

SAMPLE EMERGENCY CHECKOFF LIST

Measures to be considered in the event of:

(a) Rough weather at sea or crossing hazardous bars.

□ All weatheright and watertight doors, hatches and airports closed to prevent taking water aboard.

□ Bilges kept dry to prevent loss of stability.

□ All passengers seated and evenly distributed.

□ All passengers wearing life preservers in conditions of very rough seas or if about to cross a hazardous bar.

□ An international distress call and a call to the Coast Guard over radiotelephone made if assistance is needed.

(b) Man Overboard.

□ Ring buoy thrown overboard as close to the victim as possible.

□ Lookout posted to keep the victim in sight.

□ Crew member, wearing a life preserver and lifeline, standing by ready to jump into the water to assist the victim back aboard if necessary.

□ Coast Guard and all vessels in the vicinity notified by radiotelephone.

□ Search continued until after radiotelephone consultation with the Coast Guard, if at all possible.

(c) Fire at Sea.

□ Air supply to the fire cut off by closing hatches, ports, doors, and ventilators etc.

FEDERAL REGISTER, VOL. 43, NO. 126—THURSDAY, JUNE 29, 1978
Portable extinguishers discharged at the base of the flames of flammable liquid or grease fires or water applied to fires in combustible solids.

If fire is in machinery spaces, fuel supply and ventilation shut off and any installed fixed CO₂ system discharged.

Vessel maneuvered to minimize the effect of wind on the fire.

Coast Guard and all vessels in the vicinity notified by radiotelephone of the fire and vessel location.

2. By adding the following entries in numerical sequence to the part 26—
Operations Table of Contents:

Sec.
26.03-1 Safety orientation and
26.03-2 Emergency Instructions.

3. By adding the following references in alphabetical sequence to the index for 46 CFR Subchapter "C"—
Uninspected Vessels:

Emergency check-off list .................................. 26.03-2
Safety orientation ........................................... 26.03-1

(46 U.S.C. 1454, 49 CFR 1.46(n)(1).)

PART 78—OPERATIONS

4. By amending existing §78.17-50(b)(5) of Part 78 as follows:

§78.17-50 Fire and boat drills.

(b) * * *

(5) The passengers shall be encouraged to fully participate in these drills and shall be instructed in the use, adjustment and locations of stowage of the life preservers.

(46 U.S.C. 481, 49 CFR 1.46(n)(2).)

PART 185—OPERATIONS

5. By adding a new paragraph (c) to §185.25-1 of Part 185 as follows:

§185.25-1 Emergency instructions.

(c) Safety orientation. Prior to getting underway, the operator in charge of any vessel subject to the regulations in this subchapter shall ensure that all passengers are:

(1) Informed of the stowage locations of life preservers;

(2) Instructed how to put on and adjust life preservers;

(3) Informed of the types and location of all lifesaving devices carried aboard the vessel; and

(4) Informed of the location of and encouraged to read the "Emergency Checkoff List".

6. By adding the following reference in alphabetical sequence to the index for 46 CFR Subchapter "T"—Small Passenger Vessels:

Safety Orientation ........................................... 185.25-1(c)

(46 U.S.C. 390b, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b).)

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


J. B. Hayes,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 78-18149 Filed 6-28-78; 8:45 am]
### CODE OF FEDERAL REGULATIONS
(Revised as of January 1, 1978)

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[A Cumulative checklist of CFR issuances for 1978 appears in the first issue of the Federal Register each month under Title 1. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).]

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