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highlights

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October 2 and 3, 1978

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HOW TO USE THE FEDERAL REGISTER

FOR: Any person who must use the Federal Register and Code of Federal Regulations.

WHAT: In cooperation with the Minnesota State Metropolitan Council of the Twin Cities Area, free public workshops (approximately 2½ hours) to present:

1. Brief history of the Federal Register system.
2. Difference between legislation and regulations.
3. Relationship of Federal Register and the Code of Federal Regulations.
4. Important elements of a typical Federal Register document.
5. An introduction to the finding aids of the FR/CFR system.

WHEN: October 2 and 3, 1978, at 9:00 a.m. (Each session identical)

WHERE: Suite 300, Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in government actions. There will be no discussion of specific agency regulations.

RESERVATIONS: Call Chuck McDew, 612–291–6421.

federal register

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[3195-01]

Title 3—The President

PROCLAMATION 4592

Leif Erikson Day, 1978

By the President of the United States of America

A Proclamation

Stories of brave men battling fearful odds fire our imaginations. We honor such men long after the memories of their adventures have been dimmed by time.

So it is with Leif Erikson. His original discovery and exploration of North America was the supreme achievement of a race of men who truly were the masters of the sea. His voyage enlarged mankind's horizons and pointed the way West for the others who were to follow.

Today we honor Leif Erikson, and in honoring him we also honor the human qualities of imagination, courage, and perseverance which characterize both his men of old and Americans of Scandinavian descent today.

As a mark of respect for the achievements of Leif Erikson and his followers, the Congress of the United States, by joint resolution approved September 2, 1964 (78 Stat. 849, 36 U.S.C. 169c), authorized the President to proclaim October 9 in each year as Leif Erikson Day.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Monday, October 9, 1978, as Leif Erikson Day and I direct the appropriate government officials to display the flag of the United States on all government buildings that day.

I also invite the people of the United States to honor the memory of Leif Erikson on that day by holding appropriate exercises and ceremonies in suitable places throughout our land.

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

Jimmy Carter

[FR Doc. 78-25260 Filed 9-5-78; 1:44 pm]

presidential documents

[3195-01]

Executive Order 12078 • **September 5, 1978**

Presidential Commission on World Hunger

By the authority vested in me as President by the Constitution of the United States of America, and in order to create in accordance with the Federal Advisory Committee Act (5 U.S.C. App. I) an advisory commission on the problems of hunger and malnutrition, it is hereby ordered as follows:

1-1. *Establishment of Commission.*

1-101. There is established the Presidential Commission on World Hunger.

1-102. The membership of the Commission shall be composed of not more than 20 persons from among citizens in public and private life as follows:

(a) Sixteen members shall be appointed by the President, who shall designate a Chairman and two Vice Chairmen.

(b) The President of the Senate and the Speaker of the House of Representatives are each invited to designate two Members of their respective Houses to serve on the Commission.

1-2. *Functions of the Commission.*

1-201. The Commission shall develop factual data as to the causes of world hunger and malnutrition. It shall review existing authorities and programs, public and private, national and international, which seek to address the problems of hunger and malnutrition; and, shall assess the extent to which those programs are meeting their objectives, and why.

1-202. In developing its data and assessing existing programs, the Commission shall review existing studies on world hunger and malnutrition, conduct additional studies where necessary, and hold such hearings or inquiries as may be helpful.

1-203. The Commission shall develop recommendations designed to significantly reduce world hunger and malnutrition; and, shall develop various options for harnessing available resources to carry out those recommendations, including policy options for improving the capacity of the United States to reduce the problems of world hunger and malnutrition.

1-204. In developing its recommendations, the Commission shall encourage public participation by holding hearings, issuing reports, and coordinating, sponsoring, or overseeing projects, studies, and other activities related to the understanding of the problems of world hunger and malnutrition. The maximum use shall be made of past and ongoing related government efforts of that nature.

1-205. The Commission shall coordinate its functions with local, state, national, and international agencies and organizations where appropriate.

1-206. An interim report on the status of its work and on its tentative recommendations shall be submitted to the President no later than July 31, 1979.

1-3. *Administrative Provisions.*

1-301. The Commission may establish subcommittees. Private citizens who are not members of the Commission may be included as members of subcommittees.

1-302. The Commission may request any Executive agency to furnish such information, advice, and services as may be useful for the fulfillment of the Commission's functions under this Order. Each agency shall designate an agency liaison with the Commission and shall, to the extent permitted by law and overriding priorities, and within the limits of available funds and personnel resources, furnish such information, advice, and services to the Commission upon the written request of the Chairman of the Commission.

1-303. The Commission is authorized to appoint and fix the compensation of a staff and such other persons as may be necessary to enable it to carry out its functions. The Commission may obtain services in accordance with the provisions of Section 3109 of Title 5 of the United States Code, to the extent funds are available therefor.

1-304. Each member of the Commission and its subcommittees may receive, to the extent permitted by law, compensation for each day he or she is engaged in meetings of the Commission or its subcommittees at a rate not to exceed the daily rate now or hereafter prescribed by law for GS-15 of the General Schedule, and may also receive travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5702 and 5703) for persons employed intermittently in the government service.

1-305. The General Services Administration shall provide administrative services, facilities, and support to the Commission on a reimbursable basis.

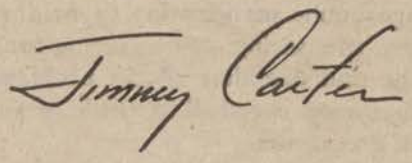
1-306. All necessary expenses incurred in connection with the work of the Commission shall be paid from the appropriation for "Unanticipated Needs" in the Executive Office Appropriations Act, 1978, or from such other funds as may be available.

1-307. The functions of the President under the Federal Advisory Committee Act (5 U.S.C. App. I), which are applicable to the Commission, except that of reporting annually to the Congress, shall be performed by the Administrator of General Services as provided by Executive Order No. 12024 of December 1, 1977.

1-4. *General Provisions.*

1-401. The Commission shall conclude its work and submit a final report to the President at least 30 days prior to its termination, including its recommendations for improving the United States' capacity to reduce the problems of hunger and malnutrition.

1-402. The Commission shall terminate on June 30, 1980, or earlier as directed by the President.



THE WHITE HOUSE,
September 5, 1978.

[FR Doc. 78-25261 Filed 9-5-78; 1:45 pm]

rules and regulations

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

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

[3410-02]

Title 7—Agriculture

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

[Valencia Orange Reg. 605; Valencia Orange Reg. 604, Amendment 1]

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

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period September 8-14, 1978, and increases the quantity of such oranges that may be so shipped during the period September 1-7, 1978. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective September 8, 1978, and the amendment is effective for the period September 1-7, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION:

Findings. Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of Valencia oranges, as hereafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

The committee met on September 5, 1978 to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges continues to be reasonably strong.

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

§ 908.904 [Amended].

Paragraph (a)(1) in § 908.904 Valencia Orange Regulation 604 (43 FR 38797), is hereby amended to read:

(1) District 1: Unlimited.

§ 908.905 Valencia orange regulation 605.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period September 8, 1978, through September 14, 1978, are established as follows:

(1) District 1: Unlimited;

(2) District 2: 450,000 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.

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

Dated: September 7, 1978.

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

[FR Doc. 78-25431 Filed 9-6-78; 11:50 am]

[3410-02]

PART 932—OLIVES GROWN IN CALIFORNIA

Grade and Size Requirements for Certain Olives

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule approves grade and size requirements for processed olives which are used in the production of limited-use style olives (i.e., halved, quartered, segmented, sliced, chopped, or minced canned ripe olives). This action permits use of these olives of sizes too small to be desirable for use as whole or pitted ripe olives to be utilized in production of other styles of olives, thereby benefiting olive users and producers.

EFFECTIVE DATE: September 1, 1978, through August 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: This regulation is issued under the marketing agreement, as amended, and order No. 932, as amended (7 CFR Part 932), hereinafter referred to collectively as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act." The regulation was recommended by the Olive Administrative Committee, which is established under the order as the agency to administer its terms.

Section 932.52 (a)(2) and (a)(3) of the order specify the minimum sizes of processed olives (by variety) that may

be used in the production of whole and pitted styles of canned ripe olives. The minimum sizes are expressed in terms of minimum weights for individual olives. Section 932.52(a)(3) also provides that use of processed olives smaller than the sizes prescribed for whole and pitted style may be established annually for limited use and the subparagraph further provides that each such minimum size may also include a size tolerance as recommended by the committee and approved by the Secretary. Any such tolerances may also be recommended and approved annually. Therefore, this action approves establishment, for olives from the 1978-79 crop, of minimum sizes contained in § 932.52(a)(3) and includes a size tolerance of 25 percent for undersize variety group 1 olives and 20 percent for undersize variety 2 olives. These requirements are the same as have been established each fiscal year since 1971.

This regulation reflects the committee's appraisal of the 1978-79 olive crop and marketing conditions and is its recommendation for the minimum grade and sizes of olives that will provide good quality fruit, of the styles specified, in the interest of consumers and producers.

It is found that amendment of Subpart—Rules and Regulations (7 CFR 932.108-932-161) by amending § 932.153 which contains grade and size requirements and tolerances for processed olives for limited use, is in accordance with the order and will tend to effectuate the declared policy of the act. Therefore, such amendment, as hereinafter set forth, is approved.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective at the time hereinafter set forth, in that: (1) The time intervening between the date when the information upon which this amendment is based became available and the time such amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) the handling of the 1978 crop of olives is expected to begin about the effective time hereof; (3) compliance with the amended rules and regulations will require of handlers no special preparation which cannot be completed by the effective time hereof; and (4) this amendment relaxes restrictions on the handling of olives.

Therefore, § 932.153 of Subpart—Rules and Regulations (7 CFR 932.108-932-161) is amended to read as follows:

§ 932.153 Establishment of grade and size requirements for processed 1978-79 olives for limited use.

(a) *Grade.* On and after September 1, 1978, and handler may use processed olives of the respective variety groups in the production of limited use styles of canned ripe olives if such olives were processed after August 31, 1978, and meet the grade requirements specified in § 932.52(a)(1) as modified by § 932.149.

(b) *Sizes.* On and after September 1, 1978, any handler may use processed olives in the production of limited use styles of canned ripe olives if such olives were processed during the period September 1, 1978, through August 31, 1979, and meet the following requirements:

(1) The processed olives shall be identified and kept separate and apart from any olives processed before September 1, 1978, or after August 31, 1979;

(2) Variety group 1 olives, except the Ascolano, Barouni, or St. Agostino varieties, shall be of a size which individually weigh 1/90 pound: *Provided,* That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/90 pound;

(3) Variety group 1 olives of the Ascolano, Barouni, or St. Agostino varieties shall be of a size which individually weigh 1/140 pound: *Provided:* That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/140 pound;

(4) Variety group 2 olives, except the Obliza variety, shall be of a size which individually weigh 1/180 pound: *Provided,* That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/180 pound;

(5) Variety group 2 olives of the Obliza variety shall be of a size which individually weigh 1/140 pound: *Provided,* That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/140 pound.

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

Dated: September 1, 1978.

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

[FR Doc. 78-25155 Filed 9-6-78; 8:45 am]

[3410-02]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 4; Docket No. AO-160-A54]

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the order based on proposals considered at a public hearing held in October 1977. The amended order modifies the requirements for pooling a distributing plant, and increases the number of days' milk production of a producer that may be diverted monthly to nonpool plants as pooled milk during the months of September through February. These changes are adopted in response to changed marketing conditions.

FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing issued September 1, 1977, published September 8, 1977 (42 FR 45001).

Recommended Decision issued April 21, 1978, published April 27, 1978 (43 FR 17950).

Extension of Time for Filing Exceptions issued May 11, 1978, published May 16, 1978 (43 FR 21004).

Final Decision issued August 9, 1978, published August 14, 1978 (43 FR 35926).

FINDINGS AND DETERMINATIONS

The following findings and determinations are made for the order in this proceeding. They supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed except where they may conflict with those set forth below.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing

agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than October 1, 1978. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Acting Deputy Administrator, Program Operations, was issued April 21, 1978, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 9, 1978. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1978, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

(Sec. 553(d), Administrative Procedure Act (5 U.S.C. 551-559).)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1004.7, the introductory text of paragraph (a) is revised to read as follows:

§ 1004.7 Pool plant.

* * * * *

(a) A plant from which during the month a volume not less than 50 percent in the months of September through February, and 40 percent in the months of March through August, of its receipts described in subparagraph (1) or (2) of this paragraph is disposed of as class I milk (except filled milk) and a volume not less than 15 percent of such receipts is disposed of as route disposition (other than as filled milk) in the marketing area:

* * * * *

§ 1004.12 [Amended]

2. In the introductory text of § 1004.12(d)(2), the number "10" is changed to "15."

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

Effective date: October 1, 1978.

(An approved final impact analysis is available from the Agricultural Marketing Service.)

Signed at Washington, D.C., on August 31, 1978.

P. R. "BOBBY" SMITH,
Assistant Secretary for Marketing Services.

[FR Doc. 78-25072 Filed 9-6-78; 8:45 am]

[3410-02]

[Milk Order No. 4]

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Suspension of Rule

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This order suspends an order provision affecting the regulatory status of fluid milk distributing plants. The suspension makes inoperative for September and October 1978 the requirement that at least 50 percent of a distributing plant's receipts be disposed of as class I milk. This action was requested by a proprietary handler and a cooperative association that operate regulated distributing plants in the market. The suspension, which stems from changed supply-demand conditions, will permit producers who have been regularly supplying milk for the fluid market to continue to have their milk pooled and priced under the order.

EFFECTIVE DATE: September 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6273.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of proposed suspension—Issued August 9, 1978, published August 15, 1978 (43 FR 36106).

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Middle Atlantic marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 36106) concerning a proposed suspension of certain provisions of the order. Interested persons had an opportunity to comment on the proposed suspension in writing. Five cooperatives and a proprietary handler filed comments supporting the suspension. A proprietary handler opposed the suspension.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, the comments received and other available information, it is found and determined that for the months of September and October 1978, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. For the month of September, in § 1004.7(a) the words "not less than 50 percent".

2. For the month of October, in § 1004.7(a) the words "not less than 50 percent in the months of September through February, and 40 percent in the months of March through August.".

STATEMENT OF CONSIDERATION

The suspension will make inoperative for September and October 1978, the provision that at least 50 percent of the receipts of milk at a pool distributing plant be disposed of as class I milk.

The suspension was requested by Michaels Dairies, Inc., a proprietary handler who operates a pool distributing plant, and by Lehigh Valley Cooperative Farmers, a cooperative that also operates a pool distributing plant. The suspension is supported by four other cooperative associations. A proprietary handler opposed the suspension.

This provision of the order was suspended for the period April through August 1978, since the pooling status of some distributing plants was jeopardized by a declining class I utilization of producer receipts resulting from increased production not being matched by class I sales. Removal of the requirement that 50 percent of the receipts at a distributing plant be disposed of as class I milk, through suspension action, permitted the continued pooling of such plants and assured that producers who are regular suppliers of milk for the fluid market would continue to have their milk pooled under the order.

Proponents requesting a continuation of the suspension for September and October indicate a continuing downward trend in class I sales and the class I utilization percentage for the market. Substantially lower class I sales in recent months have more than offset relatively lesser declines in production by Middle Atlantic producers. Because of this, the class I utilization for the market has declined steadily from 59 percent in March to 49 percent in July and has been below year earlier levels in all such months. In view of the declining marketwide utilization, there is every indication that the pooling status of some distributing plants will be in jeopardy during September and October, thus necessitating a continuation of the suspension during such months.

In specific situations, Michaels Dairies, Inc., anticipates a class I utilization percentage below the 50 percent pooling requirement during September and October. The failure of proponent's plant to meet the pooling requirements for such months would result in the milk of producers who are regular suppliers of the market's fluid milk requirements not being priced and pooled under the order.

Lehigh Valley Cooperative Farmers also indicates that its situation is not expected to differ from that reflected by market statistics and that the pooling status of its distributing plant is in jeopardy in the coming months.

Pennmarva Dairymen's Federation, Inc., which represents five cooperative associations whose dairy farmer members supply the Middle Atlantic market, supports the suspension action. The cooperative association members represent a substantial majority of the producers that supply the order 4 market. The federation indicates that the suspension action is necessary to prevent disorderly marketing conditions and to assure that producers who are regular suppliers of the market will have their milk pooled under the order during September and October.

A proprietary handler opposed the suspension on the grounds that it would remove the incentive for producers to be cognizant of supply-demand problems and processors to develop additional class I sales and to keep a balance of class I and class II uses.

Views filed by the handler do not provide a basis to deny the requested suspension. Views filed by proponents of the suspension indicate that the market is experiencing a declining class I utilization. Without suspension action, some distributing plants would be unable to maintain pooling status, which could result in the milk of a large number of dairy farmers not being pooled under the order. Thus, suspension action is necessary for September and October to promote orderly marketing conditions.

The current pooling requirements for distributing plants will be amended on October 1, 1978. The amended order will require that not less than 50 percent of receipts during September through February, and not less than 40 percent of receipts during March through August be disposed of as class I milk for a distributing plant to attain pool plant status. This change in order provisions from September to October necessitates the suspension of different language for the 2 months in order to remove the requirement that not less than 50 percent of a distributing plant's receipts be disposed of as class I milk.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that the suspension does not require of persons affected substantial or extensive preparation prior to the effective date, and notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension.

Therefore, good cause exists for making this order effective September 7, 1978.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of September and October 1978.

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

Effective date: September 7, 1978.

Signed at Washington, D.C. on August 31, 1978.

P. R. "BOBBY" SMITH,
Assistant Secretary for Marketing Services.

[FR Doc. 78-25073 Filed 9-6-78; 8:45 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA instruction 442.13]

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

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

AMENDMENTS

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule with comments requested.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations pertaining to development grants for community domestic water and waste disposal systems to provide an exception to its reasonable user rate provision under certain circumstances. The intended effect is to allow an exception to be considered for areas of extremely low income where comparable systems are not available or the user rates from the comparable systems appear too high. This action is necessary to provide sufficient grant benefits to needy communities in exceptional cases.

EFFECTIVE DATE: September 7, 1978. Comments must be received by October 10, 1978.

ADDRESS: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of

Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Allen L. Turnbull, 202-447-5717.

SUPPLEMENTARY INFORMATION: Section 1823.472 (b), (b)(1), and (b)(3) of subpart P of part 1823 of Chapter XVIII, Title 7, Code of Federal Regulations are amended. The purpose of these amendments is to provide grant benefits to eligible users in justifiable cases for areas of extremely low income when it is necessary to meet the needs of a particular community. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the purpose of the change is to provide necessary grant benefits to eligible users and any delay would be contrary to the public interest. However, the Agency is interested in receiving public comments at the address given above.

Accordingly, § 1823.472 (b), (b)(1), and (b)(3) of subpart P of part 1823 are amended and read as follows:

§ 1823.472 Application processing.

* * * * *

(b) *Determining the need for development grant.* Grants will be used for water and waste disposal projects serving the most financially needy communities to reduce user rates to a reasonable level for farmers, ranchers and rural residents. Other rural users whose needs are met or, if there is no meter, could be met by a single residential-size water meter may also be considered eligible. For example, a user on a waste system may be considered for a grant when the water needs of the waste user are met or could be met by such residential-size meter. This method of computing grants will be used for all water and waste disposal projects. Reasonable user rate is defined as that which is not less than existing prevailing rates in communities being served by an established system constructed at similar user cost having similar economic conditions. User rates shall include charges, taxes, and assessments attributable to the project. An exception to the reasonable user rate may be granted by the FmHA National Office in justifiable cases for areas of extremely low income when it is necessary to meet the needs of a particular community. Such an exception will be considered in cases where comparable systems are not available or the user rates from the comparable systems appear to be too high for the average user of the applicant, and the median income in the applicant service area is less than $4,000. In those cases where it is determined that such an exception should be considered, the FmHA State Director will submit information to the National Office concerning health conditions of the area, median income of the service area, the user rates and median income of other like or most similar communities in the region, employment conditions, and any other information to justify the recommendations for the exception.

(1) Ordinarily, an applicant will be considered for grant assistance only when the debt service portion of the average user rate for either water or waste service, for only those users in the applicant service area, exceeds the following percentages of median incomes:

(i) .75 percent when the median income is under $6,000.

(ii) 1.00 percent when the median income is $6,000 to $10,000.

(iii) 1.25 percent when the median income is over $10,000.

Median income will be determined in accordance with paragraph (b)(4) of this section. Except as provided for in paragraphs (b) and (b)(3) of this section the grant will be limited to an amount necessary to reduce the debt service portion of user cost to the applicable percent level listed above. If the median income is not available, the average income may be used. This procedure shall not be used to result in a rate below that deemed to be reasonable as defined in paragraph (b) of this section. However, an exception to the reasonable user rate may be authorized by the FmHA National Office in accordance with paragraph (b) of this section.

* * * * *

(3) If, after applying the formula described in paragraph (b)(1) of this section, FmHA determines that a reasonable user rate has not been achieved due to unusually high operation and maintenance costs, construction or water acquisition costs, or other factors, FmHA may proceed with a grant in an amount necessary to reduce the user cost to not below a reasonable level as defined in paragraph (b) of this section. However, an exception to the reasonable user rate may be authorized by FmHA National Office in accordance with paragraph (b) of this section.

* * * * *

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

Dated: August 29, 1978.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.

[FR Doc. 78-25119 Filed 9-6-78; 8:45 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

Group Licensing for Certain Medical Uses

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to add a new procedure to its lists of authorized radioactive drugs, reagent kits, and procedures. The amendment adds to these lists the use of technetium 99m labeled human serum albumin microspheres for venography. This action is being taken by NRC because of the recent Food and Drug Administration approval of this radiopharmaceutical for venography.

EFFECTIVE DATE: September 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Patricia C. Vacca, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, 301-427-4232.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the amendment of the Nuclear Regulatory Commission's Regulation, "Human Uses of Byproduct Material," 10 CFR Part 35.

Section 35.100 of 10 CFR Part 35 lists groups of medical uses of radioisotopes that have similar requirements for user training and experience, facilities and equipment, and radiation safety procedures.

The notice of proposed rulemaking that was published in the FEDERAL REGISTER on January 21, 1974 (39 FR 2384) stated that the groups of licensed uses would be amended from time to time to add new radiopharmaceuticals, sources, devices and uses as they are developed. The Food and Drug Administration (FDA) has recently approved a supplement to

"New Drug Application" for technetium-99m as human serum albumin microspheres for venography and this procedure is hereby added to Group III.

Because these amendments relate solely to procedural matters, the Commission has found that good cause exists for omitting notice of proposed rulemaking and public procedure thereon, as unnecessary. Since the amendment relieves licensees from restrictions under regulations currently in effect, it may become effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10 Chapter I, Code of Federal Regulations, Part 35 are published as a document subject to codification.

1. Paragraph (c)(3)(v) of § 35.100 is amended to read as follows:

§ 35.100 Schedule A—Groups of medical uses of byproduct material.

* * * * *

(c) *Group III.* Use of generators and reagent kits for the preparation and use of radiopharmaceuticals containing byproduct material for certain diagnostic uses.

* * * * *

(3) Reagent kits for preparation of technetium-99m labeled;

* * * * *

(v) Human serum albumin microspheres for lung imaging and venography;

(Secs. 81, 161b, Pub. L. 83-703, as amended; 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); sec. 201, Pub. L. 93-438, as amended; 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 24th day of August 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc. 78-25074 Filed 9-6-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-WE-10-AD, Amdt. 39-3295]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aerostar Model 600, 601, and 601P Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: An emergency airworthiness directive (AD) was issued by the Federal Aviation Administration on July 7, 1978, as a result of abnormal fuel quantity indicating system operation on certain Piper Model 600 Series Airplanes. This AD required test, and repair if necessary, to insure that the fuel quantity information presented to the pilot reflects the fuel quantity in the appropriate fuel tank. This publication supersedes that AD in that additional rework information is provided and switch identification is returned to standard.

DATES: Effective date—September 13, 1978. Initial compliance—Within 10 hours time in service after effective date of this AD.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: This amendment supersedes a currently effective airworthiness directive (AD) dated July 7, 1978, issued by airmail letter to operators of Piper Aerostar Model 600 series airplanes made effective immediately upon receipt. That AD required a test for reversed readings of the left-hand and right-hand wing tank fuel quantity indicating system display, and required corrective action, if appropriate.

After issuing the AD dated July 7, 1978 the FAA has received additional rework instructions to correct the cause of fuel quantity indicating reversals which prompted the original AD. This additional rework information is provided in the present AD and the provisions for labeling switch positions as an interim solution have been superseded by action requiring correction of system malfunction and reversion to standard switch identification.

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulation (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

PIPER AEROSTAR: Applies to Piper Aerostar Model 600, 601 and 601P airplanes certificated in all categories, serial numbers 150 through 520.

Compliance required as indicated. To prevent reversed readings of left and right wing tank fuel quantity accomplish the following:

(a) Within 10 hours time in service after the effective date of this AD, unless already accomplished, with LH and RH wing tanks at least 50% depleted from tank capacity:

(1) Read and record fuel quantity indication for LH and RH wing fuel tanks.

(2) Add 10 gallons of fuel to one wing tank only.

(3) Read and record fuel quantity for each wing tank.

(4) Determine that the added fuel registers on the correct wing tank fuel quantity indicator selector position.

(5) If the correct wing tank fuel quantity selector position registers the added fuel, the system is normal and no further action is required under this AD.

(b) If the appropriate wing tank fuel indicator position does not correctly register the added fuel the system may be improperly wired or the selector may be improperly indexed. In this event, prior to further flight: Correct the fuel quantity indicating system malfunction. Refer to figure 1 for details of proper switch installation.

(c) Within 10 hours time in service after the effective date of this AD, on those airplanes with the fuel quantity indicating selector switch relabeled as an interim solution under (B)(2) of the original message of July 7, 1978, correct the fuel quantity indicating system as in (b) of this AD and revert to standard switch labeling.

(d) Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate aircraft to a base for accomplishment of the repair required by paragraph B of this AD.

(e) Equivalent inspections and repairs may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective September 13, 1978.

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

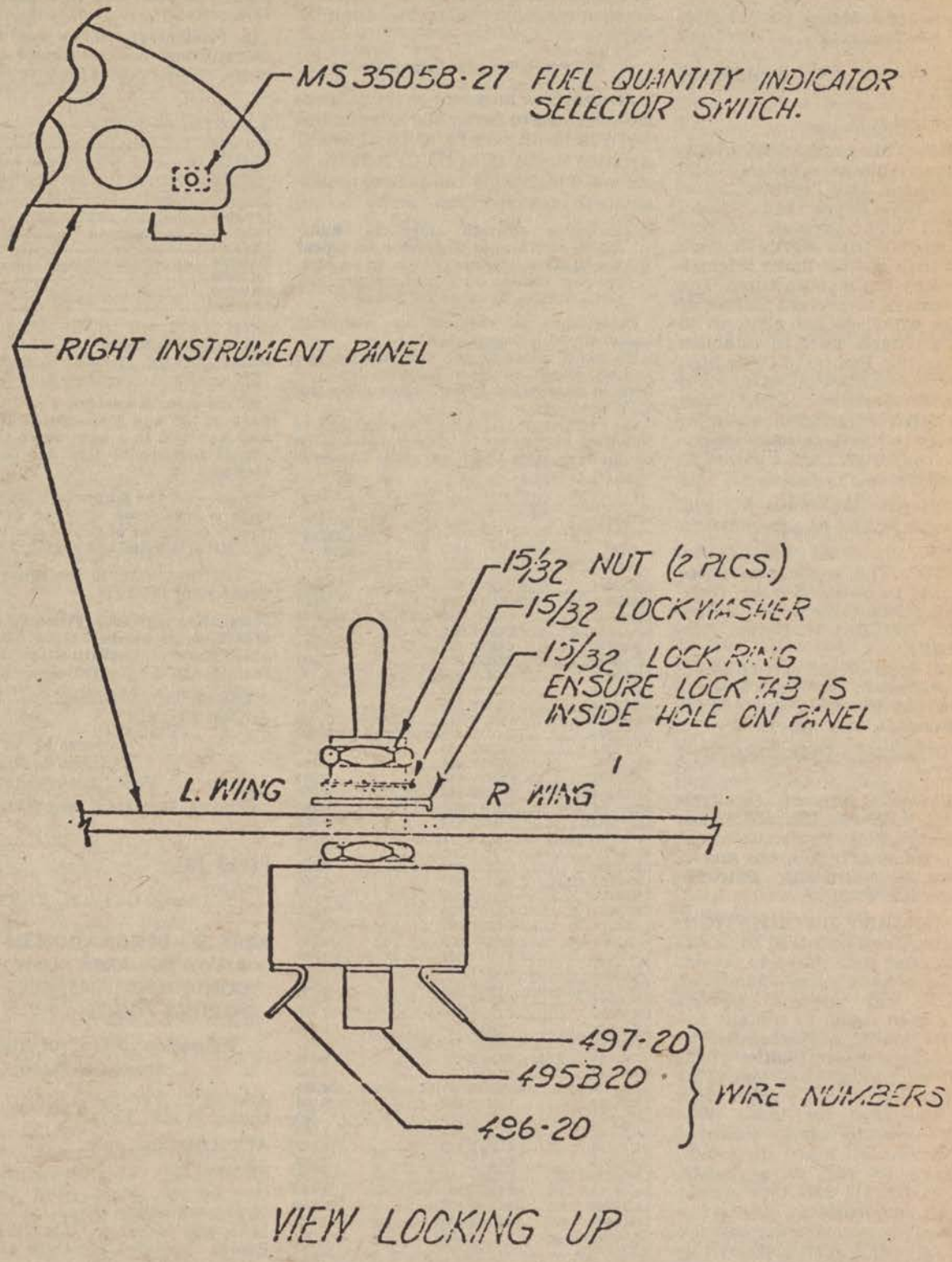
NOTE.—The Federal Aviation Administration has determined that this document is not significant in accordance with the criteria required by Executive Order 12044 and set forth in interim Department of Transportation Guidelines.

Issued in Los Angeles, Calif., on August 28, 1978.

LEON C. DAUGHERTY,
Acting Director,
FAA Western Region.

[FR Doc. 78-25115 Filed 9-6-78; 8:45 am]

Figure 1 of
AD Docket 77-WE-10-AD



[4910-13]

[Docket No. 18268, Amdt. 39-3297]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls-Royce Ltd.—Model RB-211-22B Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires that certain serial numbered Rolls-Royce Ltd., model RB-211-22B high pressure turbine discs be removed from service at cycle times less than the life limits originally declared by the manufacturer. The AD is necessary to prevent failure of those discs which do not conform to the design criteria used to establish the declared life. Failure of these high pressure turbine discs could produce uncontained particles with high energy which could impact on other parts of the aircraft causing serious damage to the aircraft and a hazard to the passengers.

DATES: Effective September 25, 1978. Compliance schedule as prescribed in body of AD.

ADDRESSES: The applicable service bulletins may be obtained from: Technical Publications Department, Rolls-Royce Ltd., P.O. Box 31, Derby, England DE2 8BJ.

A copy of each of the service bulletins is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: The FAA has been informed by Rolls-Royce Ltd. that subsequent to release to service, certain serial numbered RB-211-22B high pressure turbine discs have been found to contain metallic inclusions or ultrasonically detectable material discontinuities which can result in crack propagations. This necessitates establishing a lower than declared life limit for those discs which are known to contain either of these discrepancies. Since the condition is know to exist on a specific quantity of RB-211-22B type design engines, an airworthiness directive is being issued to permanently remove from service certain high pressure turbine discs before or upon reaching a specified number of flight cycles.

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

ADOPTION OF THE AMENDMENT

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

ROLLS-ROYCE LIMITED (formerly Rolls-Royce (1971) Ltd.). Applies to model RB-211-22B engines which have high pressure turbine discs, part number, and serial number as indicated, installed.

Compliance is required as indicated, unless already accomplished.

To insure adequate life limit margin for, and to prevent failure of the high pressure turbine discs listed herein, accomplish the following:

(a) Permanently remove from service the following high pressure turbine discs before or upon reaching the flight cycle life limit shown.

Part No.	Serial No.	Revised life limit flight cycles
LK48423	CQDY 107	2,900
LK48423	CQDY 140	2,900
LK48423	CQDY 130	2,900
LK48423	CQDY 133	2,900
LK48423	CQDY 134	2,900
LK48423	CQDY 233	2,900
LK53204	CQDY 334	4,350
LK53204	CQDY 345	4,350
LK53204	CQDY 389	4,350
LK53204	CQDY 417	3,500
LK53204	CQDY 419	4,350
LK53204	CQDY 426	4,350
LK53204	CQDY 427	3,500
LK53204	CQDY 436	2,500
LK53204	CQDY 449	4,350
LK53204	CQDY 540	4,350
LK53204	CQDY 578	3,000
LK53204	CQDY 579	3,000
LK53204	CQDY 581	4,350
LK53204	CQDY 583	3,500
LK69209 A2	CQDY 592	4,350
LK53204	CQDY 624	2,900
LK53204	CQDY 625	4,350
LK53204	CQDY 627	3,500
LK53204	CQDY 630	3,600
LK53204	CQDY 631	4,350
LK53204	CQDY 655	3,500
LK53204	CQDY 702	4,350
LK53204	CQDY 703	3,500
LK53204	CQDY 712	4,350
LK53204	CQDY 730	3,500
LK69209	CQDY 740	4,350
LK62143	CQDY 757	2,250
LK53204	CQDY 770	4,350
LK53204	CQDY 771	4,350
LK53204	CQDY 805	2,400
LK58998	CQDY 958	2,250
LK58998	CQDY 964	2,250
LK53204	CQDY 965	2,250
LK58998	CQDY 976	2,250
LK58998	CQDY 989	2,250
LK69213	CQDY 996	4,360
LK58998	CQDY 998	2,250
LK58998	CQDY 1002	1,200
LK58998	CQDY 1037	2,250
LK58998	CQDY 1076	2,250
LK58998	CQDY 1140	2,250

NOTE.—Rolls-Royce Ltd. Service Bulletin RB.211-72-4300, Revision 3, dated May 12, 1978, pertains to this same subject.

(b) Permanently remove from service the following high pressure turbine discs before or upon reaching 2,900 flight cycles:

Part No.	Serial No.
LK53203	CQDY 241
LK48424	CQDY 242
LK53203	CQDY 257
LK53195	CQDY 309
LK53204	CQDY 428
LK53204	CQDY 657
LK53204	CQDY 678
LK53204	CQDY 697
LK53204	CQDY 773
LK53204	CQDY 951
LK69210	CQDY 1227
LK69210	CQDY 1419

NOTE.—Rolls-Royce Ltd. Service Bulletin RB.211-72-4304, Revision 2, dated June 3, 1977, pertains to the same subject.

(c) In accordance with the provisions of FAR 21.197 and FAR 21.199 the aircraft may be flown to a base where the disc removals required by this AD may be performed.

NOTE.—For the purpose of this AD a flight cycle is considered to be an operating sequence consisting of engine starting, takeoff operation, landing, and engine shutdown.

This amendment becomes effective September 25, 1978.

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

Issued in Washington, D.C., on August 29, 1978.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc. 78-25113 Filed 9-6-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-NE-19]

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

Alteration of Control Area and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Boston, Mass., and Gloucester, Mass., transition areas, alters control 1141, and adds the Massachusetts and Rhode Island transition areas. The

amendment is required to provide additional controlled airspace for profile descent procedures being instituted at Boston s Logan International Airport, and for the control of military flights along vector routes presently outside controlled airspace.

EFFECTIVE DATE: November 2, 1978

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On June 19, 1978, the FAA published for comment a proposed amendment to part 71 that would alter control 1141, the Gloucester, Mass., transition area, the Boston, Mass., transition area, and also add the Massachusetts transition area and the Rhode Island transition area. The three comments received expressed no objection. Section 71.163 of part 71 was published in the FEDERAL REGISTER on January 3, 1978 (43 FR 348). Section 71.181 of part 71 was published in the FEDERAL REGISTER on January 3, 1978 (43 FR 440).

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

THE RULE

This amendment to part 71 of the Federal Aviation Regulations designates the Massachusetts transition area and the Rhode Island transition area. It also alters the Gloucester, Mass., transition area, the Boston, Mass., transition area, and control 1141. These changes provide controlled airspace for vector routes and military operations at lower altitudes than previously permitted in the Boston and offshore areas. The addition of the Massachusetts and Rhode Island transition areas help to consolidate several areas that were previously designated as 1,200 feet and above.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, §§ 71.163 and 71.181 of part 71 of the Federal Aviation regulations (14 CFR Part 71) as republished (43 FR 348 and 440) are amended, effective 0901 G.m.t., November 2, 1978, as follows:

Under § 71.163 (43 FR 348) control 1141 is amended to read as follows:

"CONTROL 1141

That airspace extending upward from 2,000 feet MSL within tangent lines from the circumference of a 5-mile radius circle centered at Lat. 42°23'23" N., Long. 70°59'10" W., to a 15-mile radius circle centered on the midway point of a direct line between Lat. 42°23'23" N., Long., 70°59'10" W., and the Yarmouth, Nova Scotia, Canada, NDB (Lat. 43°54'40" N., Long. 66°06'12" W.), to a 5-mile radius circle centered on the Yarmouth NDB, excluding the airspace east of 67 degrees west Long.."

Under § 71.181 (43 FR 440) the Boston transition area is amended to delete all after "to 10.5 miles southeast of the NDB."

The Massachusetts transition area is added as follows:

MASSACHUSETTS

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Massachusetts including the offshore airspace within 3 nautical miles of and parallel to the shoreline of Massachusetts and that airspace bound by a line beginning at Lat. 42°41'20" N., Long. 70°30'00" W.; to Lat. 42°15'20" N., Long. 70°30'00" W.; to Lat. 42°10'50" N., Long. 70°03'00" W.; to Lat. 41°38'00" N., Long. 69°45'10" W.; to Lat. 41°20'00" N., Long. 69°45'10" W.; to Lat. 41°09'00" N., Long. 70°00'00" W.; to Lat. 41°10'25" N., Long. 70°12'50" W.; to Lat. 41°04'00" N., Long. 70°42'30" W.; to Lat. 41°12'45" N., Long. 70°42'30" W.; to Lat. 41°08'30" N., Long. 71°04'45" W.; to Lat. 41°25'15" N., Long. 71°04'45" W.; to Lat. 41°25'15" N., Long. 71°04'45" W.; thence along a line 3 nautical miles from and parallel to the shoreline to the point of beginning.

The Rhode Island transition area is added as follows:

RHODE ISLAND

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Rhode Island including the offshore airspace within 3 nautical miles of and parallel to the shoreline of Rhode Island and that airspace bounded by a line beginning at Lat. 41°25'15" N., Long. 71°04'45" W.; to Lat. 41°08'30" N., Long. 71°04'45" W.; to Lat. 41°07'43" N., Long. 71°07'36" W.; to Lat. 41°01'50" N., Long. 71°47'00" W.; to Lat. 41°11'15" N., Long. 71°47'00" W.; thence along a line 3 nautical miles from and parallel to the shoreline to the point of beginning.

The Gloucester, Mass., transition area is amended to read as follows:

That airspace east of Gloucester extending upward from 2,000 feet above the surface bounded by a line beginning at Lat. 42°42'30" N., Long. 69°30'00" W.; to Lat. 42°58'45" N., Long. 68°27'06" W.; to Lat. 43°31'06" N., Long. 66°57'13" W.; to Lat. 42°46'27" N., Long. 68°18'10" W.; to Lat. 42°19'02" N., Long. 68°53'01" W.; to Lat. 42°23'40" N., Long. 70°03'45" W.; to Lat. 42°28'00" N., Long. 70°03'45" W.; to Lat. 42°39'00" N., Long. 69°30'00" W.; to the point of beginning.

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

NOTE.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; Mar. 8, 1978).

Issued in Washington, D.C., on August 30, 1978.

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

[FR Doc. 78-25116 Filed 9-6-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-ASW-42]

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

Alteration of Control Zone: Lafayette, La.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is an alteration of the Lafayette, La., control zone. The intended effect of the action is to provide controlled airspace for aircraft executing the newly established instrument landing system (ILS) and nondirectional radio beacon (NDB) instrument approach procedures to the Lafayette Regional Airport. The circumstance which created the need for the action was the establishment of an ILS approach to runway 21 and an NDB approach to runway 03 to provide capability for flight under instrument flight rules (IFR) procedures to these runways.

EFFECTIVE DATE: November 2, 1978.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On July 6, 1978, a final rule was published in the FEDERAL REGISTER (43 FR 29104) stating that the Federal Avi-

ation Administration was altering the Lafayette, La., transition area to provide controlled airspace from 700 feet above the surface for aircraft executing the newly established instrument landing system (ILS) and nondirectional radio beacon (NDB) instrument approach procedures to runways 21 and 03 respectively, at the Lafayette Regional Airport. Alteration of the control zone to provide controlled airspace from the surface is a normal follow-on action. We have determined that the impact of this change on the flying public would be minimal and flying safety enhanced. Consequently, we are omitting the issuance of a notice of proposed rulemaking in this case.

THE RULE

This amendment to subpart F of part 71 of the Federal Aviation regulations (14 CFR Part 71) alters the Lafayette, La., control zone. This action provides controlled airspace from the surface for the protection of aircraft executing the newly established instrument approach procedures to the Lafayette Regional Airport.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, subpart F of part 71 of the Federal Aviation regulations (14 CFR Part 71) as republished (43 FR 355) is amended, effective 0901 G.m.t., November 2, 1978, as follows:

In subpart F, § 71.171 (43 FR 355), the Lafayette, La., control zone is altered to read:

LAFAYETTE, LA.

That airspace within a 5-mile radius of Lafayette, La., Airport (latitude 30°12'00" N., longitude 91°59'40" W.).

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

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

Issued in Fort Worth, Tex., on August 28, 1978.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 78-25109 Filed 9-6-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-NE-07]

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

Alteration of the Concord, N.H., Control Zone; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the FEDERAL REGISTER of August 17, 1978, at 43 FR 36432, the last sentence of the amendment incorrectly stated: "three miles north of the VORTAC." It should have stated: "Three miles northwest of the VORTAC."

EFFECTIVE DATE: September 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803; telephone 617-273-7285.

SUPPLEMENTARY INFORMATION: Airspace docket No. 78-NE-07 was published on August 17, 1978, at 43 FR 36432, and altered the description of the Concord, N.H., control zone to provide more controlled airspace for aircraft executing a new VOR/DME instrument approach procedure which had been developed for the Concord Municipal Airport. The last sentence of the amendment incorrectly stated, "three miles north of the VORTAC." It should have stated, "three miles northwest of the VORTAC."

CORRECTION

Accordingly, pursuant to the authority delegated to me by the Administrator, airspace docket No. 78-NE-07 appearing in the FEDERAL REGISTER on page 36432 in the issue of Thursday, August 17, 1978, is corrected by changing the fourth line of the amendment to read: "three (3) miles northwest of the VORTAC."

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749) (49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Burlington, Mass., on August 29, 1978.

ROBERT E. WHITTINGTON,
Director,
New England Region.

[FR Doc. 78-25114 Filed 9-6-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-SO-54]

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

Alteration of Gulfport, Miss., Contol Zone and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Gulfport, Miss., Control Zone and Transition Area. The name of the Gulfport Municipal Airport has been changed to Gulfport-Biloxi Regional Airport. This action of the city of Gulfport, officially changing the name, requires this to be reflected in the control zone and transition area descriptions.

EFFECTIVE DATE: 0901 G.m.t., November 2, 1978.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7646.

SUPPLEMENTAY INFORMATION: In a regular meeting, the city of Gulfport officially changed the name of the Gulfport Municipal Airport to Gulfport-Biloxi Regional Airport. Therefore, it is necessary to alter the description of the Gulfport, Miss., Control Zone and Transition Area to reflect the name change. Since this alteration is editorial in nature, notice and public procedures hereon are not necessary.

DRAFTING INFORMATION

The principal authors of this document are William F. Herring, Airspace and Procedures Branch, Air Traffic Division, and Keith S. May, Office of Regional Counsel.

ADOPTION OF AMENDMENT

Accordingly, part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 G.m.t., November 2, 1978, as hereinafter set forth:

§ 71.171 [Amended].

In subpart F, § 71.171 (43 FR 355), the Gulfport, Miss., Control Zone is amended as follows:

"* * * Gulfport Municipal Airport * * *" is deleted and "* * * Gulfport-Biloxi Regional Airport * * *" is substituted therefor.

§ 71.181 [Amended].

In subpart G, § 71.181 (43 FR 440), the Gulfport, Miss., Transition Area is amended as follows:

"* * * Gulfport Municipal Airport * * *" is deleted and "* * * Gulfport-Biloxi Regional Airport * * *" is substituted therefor.

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

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

Issued in East Point, Ga., on August 28, 1978.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 78-24911 Filed 9-6-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-RM-16]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Airways and Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments alter certain airways and jet routes due to the relocation of the Denver, Colo., VORTAC (navigation aid) to a point near the Stapleton Airport. Several airways and jet routes are alined via the direct radials between the Denver VORTAC and adjacent VORTAC's and are automatically realined to the relocated Denver VORTAC; however, they are not specifically listed herein because their descriptions do not change.

EFFECTIVE DATE: November 2, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On July 27, 1978, the FAA published for comment a proposal to alter V-4, V-8, V-80, V-85, V-89, V-134, V-160, V-172, V-200, V-207, V-220, V-328, V-356 airways and J-10, J-20, J-24, J-44, J-52, J-56, J-104, J-130, J-157, J-163, J-168, J-170, J-172 jet routes because of the relocation of the Denver VORTAC (43 FR 32438). On August 17, 1978, the FAA published a correction to a Denver radial in the description of V-220 airway and to a Hayden, Colo., radial in the description of jet route No. J-56 (43 FR 36471).

Subsequent to the publication of the proposal, it was determined that slight miscalculations of magnetic values caused 1 degree errors to certain true radials as follows:

1. In V-85 airway the Medicine Bow, Wyo., 164° radial is corrected to 165°.

2. In jet route J-56 the Hayden, Colo., 089° radial is corrected to 090°.

3. In jet route J-170 the Medicine Bow, Wyo., 164° radial is corrected to 165°.

4. Although not mentioned in the proposal, it is also necessary to change the Cheyenne, Wyo., 216° radial to 215° in the description of V-361 airway.

Because these additional changes constitute a minor matter on which the public would have no particular interest, notice and public procedure thereon are unnecessary. Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The only comments received expressed no objection.

THE RULE

These amendments to parts 71 and 75 of the Federal Aviation regulations (14 CFR Part 71 and 75) make the following changes:

1. Realine a segment of V-4 between Laramie, Wyo., and Thurman, Colo., to extend from Laramie via the INT of Laramie 133°T (119°M) and Denver, Colo., 347°T (335°M) radials; Denver; Thurman, including a north alternate from Laramie to Denver via Gill, Colo.

2. Delete the V-4 north alternate between Denver and Thurman.

3. Delete the V-8 south alternate between Denver and Akron, Colo.

4. Delete the segment of V-80 which is west of Akron.

5. Realine a segment of V-85 to extend from Denver to Medicine Bow, Wyo., via the INT of Denver 325°T (313°M) and Medicine Bow 165°T (151°M) radials.

6. Realine a segment of V-89 to begin at the INT of Denver 197°T (185°M) and Kiowa, Colo., 246°T (233°M) radials and extend to Denver.

7. Delete the V-134 south alternate from the FUNDS INT to Denver via the SHREW INT.

8. Realine V-160 to extend from Denver direct to Sidney, Nebr.

9. Delete the segment of V-172 west of North Platte, Nebr.

10. Delete the segment of V-200 east of Kremmling, Colo.

11. Realine the V-207 west alternate segment between Denver and Gill, Colo., via the INT of Denver 004°T (352°M) and Gill 234°T (221°M) radials.

12. Realine the segment of V-220 between Kremmling and Akron via the INT Kremmling 081°T (067°M) and Denver 325°T (313°M) radials; Denver and the INT Denver 058°T (046°M) and Akron 273°T (260°M) radials.

13. Extend V-328 eastward from Kremmling to Denver via the INT of Kremmling 145°T (131°M) and Denver 225°T (213°M) radials.

14. Realine the segment of V-356 which is south of Gill to terminate at the INT of Gill 131°T (118°M) and Denver 058°T (046°M) radials.

15. Realine the segment of V-361 which is southwest of Cheyenne, Wyo., via the Cheyenne 215°T (202°M) radial rather than the 216°T (203°M) radial.

16. Establish a new airway, V-366, from Hugo, Colo., direct to Kiowa.

17. Realine the J-10 segment between Gunnison, Colo., and North Platte via the INT of Gunnison 055°T (041°M) and Denver 225°T (213°M) radials; Denver; INT Denver 058°T (046°M) and North Platte 260°T (249°M) radials.

18. Realine the J-20 segment between Rock Springs, Wyo., and Lamar, Colo., via Denver and Kiowa.

19. Delete the J-24 segment between Hayden, Colo., and Hugo, Colo.

20. Realine the J-44 segment north of Alamosa, Colo., via the INT of Alamosa 003°T (350°M) and Denver 225°T (213°M) radials to the INT of the Denver 225°T (213°M) and Kiowa 266°T (253°M) radials.

21. Realine the J-52 segment between Rock Springs and Lamar via Denver and Kiowa.

22. Realine the J-56 segment between Hayden, Colo., and Denver via INT Hayden 090°T (076°M) and Denver 325°T (313°M) radials.

23. Delete the J-104 segment from Pueblo, Colo., to Denver.

24. Realine the J-130 segment east of Grand Junction, Colo., via the INT of Grand Junction 090°T (075°M) and Kiowa 256°T (243°M) radials; INT Kiowa 256°T (243°M) and Denver 225°T (213°M) radials to the INT of Denver 225°T (213°M) and Kiowa 266°T (253°M) radials.

25. Realine J-157 to extend from the INT of Denver 058°T (046°M) and Gill 151°T (138°M) radials via the INT of

Denver 058°T (046°M) and Scottsbluff, Nebr., 189°T (176°M) radials; Scottsbluff; to Rapid City, S. Dak.

26. Delete the J-163 segment from Hayden to Lamar.

27. Extend J-168 from Lamar via Hugo to Kiowa.

28. Realine the J-170 segment from Medicine Bow via the INT of Medicine Bow 165°T (151°M) and Denver 325°T (313°M) radials to terminate at Denver.

29. Realine J-172 from the INT of Denver 058°T (046°M) and Gill 151°T (138°M) radials via INT Denver 058°T (046°M) and Sidney 189°T (176°M) radials; to Sidney.

V-19, V-81, J-13, J-17, J-60, J-80, and J-116 are designated directly to the Denver VORTAC in part 71 and part 75 of the Federal Aviation regulations and will automatically move with the relocation of the VORTAC. The route changes improve the air traffic flow through and within the Denver area. Relocation of the Denver VORTAC was caused by the expiration of the land lease for the VORTAC. Designated airways over arrival and departure routes reduce flight planning and communication time. Direct routing reduces fuel consumption, and the elimination of airways that are seldom used helps to reduce chart clutter and misinterpretation.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of part 71 and § 75.100 of part 75 of the Federal Aviation regulations (14 CFR Parts 71 and 75) as republished (43 FR 307, 714) and amended (42 FR 58930, 62359, 43 FR 3083, 3545, 16152) is further amended, effective 0901 G.m.t., November 2, 1978, as follows:

1. Under V-4, all text between "Laramie, Wyo.;" and "Hill City, Kans.;" is deleted and "INT Laramie 133° and Denver, Colo., 347° radials; Denver; including a north alternate from Laramie to Denver via Gill, Colo.; Thurman, Colo.; Goodland, Kans.;" is substituted therefor.

2. Under V-8, all text between "Denver, Colo.;" and "Hayes Center, Nebr.," is deleted and "Akron, Colo.;" is substituted therefor.

3. Under V-80, all text before "North Platte, Nebr." is deleted and "From Akron, Colo., to" is substituted therefor.

4. Under V-85, all text before "Casper, Wyo.," is deleted and "From Denver, Colo., via INT Denver 325° and Medicine Bow. Wyo., 165° radials; Medicine Bow;" is substituted therefor.

5. Under V-89, "From INT Denver, Colo., 207°" is deleted and "From the INT of Denver, Colo., 197°" is substituted therefor.

6. Under V-134, "12 AGL to Denver, Colo.;" and all text thereafter is deleted and "12 AGL to Denver, Colo." is substituted therefor.

7. Under V-160, all text after "Denver, Colo." is deleted and ", to Sidney, Nebr." is substituted therefor.

8. Under V-172, all text before "INT North Platte 073°" is deleted and "From North Platte, Nebr., via" is substituted therefor.

9. Under V-200, "Kremmling, Colo.;" and all text therefor is deleted and "to Kremmling, Colo., including a N alternate via Hayden, Colo." is substituted therefor.

10. Under V-207, "INT Denver 359° and Gill 224°" is deleted and "INT Denver 004° and Gill 234°" is substituted therefor.

11. Under V-220, "Denver, Colo., 334° radials; Akron, Colo.," is deleted and "Denver, Colo., 325° radials; Denver; INT Denver 058° and Akron, Colo., 273° radials; Akron;" is substituted therefor.

12. Under V-328, "to Kremmling, Colo." is deleted and "Kremling, Colo.; INT Kremmling 145° and Denver, Colo., 225° radials; to Denver." is substituted therefor.

13. Under V-356, all text after "Gill, Colo.;" is deleted and "to INT Gill 131° and Denver, Colo., 058° radials." is substituted therefor.

14. Under V-361, "Cheyenne, Wyo., 216°" is deleted and "Cheyenne, Wyo., 215°" is substituted therefor.

15. V-366 is added to read as follows: "V-366 From Hugo, Colo., to Kiowa, Colo."

16. Under jet route No. 10, "Denver, Colo., 227° radials; Denver; INT Denver 059° and North Platte, Nebr., 261° radials;" is deleted and "Denver, Colo., 225° radials; Denver; INT Denver 058° and North Platte, Nebr., 260° radials;" is substituted therefor.

17. Under jet route No. 20, "Denver, Colo.;" is deleted and "Denver, Colo.; Kiowa, Colo.;" is substituted therefor.

18. Under jet route No. 24, all text before "Hays, Kans.;" is deleted and "From Myton, Utah, to Hayden, Colo. From Hugo, Colo., via" is substituted therefor.

19. Under jet route No. 44, all text after "Alamosa, Colo.;" is deleted and "INT Alamosa 003° and Denver, Colo., 225° radials; to INT Denver 225° and Kiowa, Colo., 266° radials." is substituted therefor.

20. Under jet route No. 52, "Denver, Colo.;" is deleted and "Denver, Colo.; Kiowa, Colo.;" is substituted therefor.

21. Under jet route No. 56, all text after "Hayden, Colo.;" is deleted and "INT Hayden 090° and Denver, Colo., 325° radials; to Denver" is substituted therefor.

22. Under jet route No. 104, all text after "Socorro, N. Mex.;" is deleted and "Las Vegas, N. Mex.; to Pueblo, Colo." is substituted therefor.

23. Under jet route No. 130, all text after "Grand Junction;" is deleted and "INT Grand Junction 090° and Kiowa, Colo., 256° radials; INT Kiowa 256° and Denver, Colo., 225° radials to INT Denver 225° and Kiowa 266° radials." is substituted therefor.

24. Under jet route No. 157, the text is amended to read as follows: "From the INT of Denver, Colo., 058° and Gill, Colo., 151° radials, via INT Denver 058° and Scottsbluff, Nebr., 189° radials; Scottsbluff; to Rapid City, S. Dak."

25. Under jet route No. 163, the text is amended to read as follows: "From Rock Springs, Wyo., to Hayden, Colo."

26. Under jet route No. 168, the text is amended to read as follows: "From Wichita Falls, Tex., via Lamar, Colo.; Hugo, Colo.; to Kiowa, Colo."

27. Under jet route No. 170, all text after "Medicine Bow, Wyo.;" is deleted and "INT Medicine Bow 165° and Denver, Colo., 325° radials; to Denver." is substituted therefor.

28. Under jet route No. 172, the text is amended to read as follows: "From the INT of Denver, Colo., 058° and Gill, Colo., 151° radials, via INT Denver 058° and Sidney, Nebr., 189° radials; to Sidney."

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

NOTE.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Washington, D.C., on August 30, 1978.

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

[FR Doc. 78-25117 Filed 9-6-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-SO-31]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realines five jet routes (J-43, J-58, J-75, J-86, and J-89) and rescinds a segment of J-119 in an area southeast of St. Petersburg, Fla. The number of uninterrupt-

ed descents into the Miami, Fla., terminal airspace is increased and aeronautical fuel consumption is decreased by this action.

EFFECTIVE DATE: November 2, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On August 3, 1978, the FAA published for comment a proposal to realine segments of jet routes J-43, J-58, J-75, J-86, J-89 and to rescind a segment of J-119 all in the vicinity of Miami, Fla. (43 FR 34158). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The only comment received expressed no objection. Section 75.100 of part 75 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 714) and amended (43 FR 19212).

THE RULE

This amendment to part 75 of the Federal Aviation regulations (14 CFR Part 75) makes the following jet route alterations:

1. Realines a segment of J-43 from Miami, Fla., direct to St. Petersburg, Fla.

2. Realines a segment of J-58 between Sarasota, Fla., and Biscayne Bay, Fla., via the INT of Sarasota 138°T (137°M) and Biscayne Bay 301°T (301°M) radials.

3. Realines a segment of J-75 from Biscayne Bay, Fla., to Lakeland, Fla., via the INT of Biscayne Bay 301°T (301°M) and Lakeland 175°T (174°M) radials.

4. Realines a segment of J-86 from Sarasota, Fla., to Miami, Fla., via the INT of Sarasota 103°T (102°M) and Miami 315°T (315°M) radials.

5. Realines a segment of J-89 from Biscayne Bay, Fla., to Lakeland, Fla., via the INT of Biscayne Bay 301°T (301°M) and Lakeland 166°T (165°M) radials.

6. Rescinds a segment of J-119 from Miami, Fla., to St. Petersburg, Fla.

This action increases the number of uninterrupted transitions from jet routes into the terminal airspace.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 75.100 of part 75 of the Federal Aviation regulations (14 CFR Part 75) as republished (43 FR 714) and amended (43 FR 19212) is further amended, effective 0901 G.m.t., November 2, 1978, as follows:

1. Under jet route No. 43, all text before "Tallahassee, Fla.;" is deleted and "From Miami, Fla., via St. Petersburg, Fla.;" is substituted therefor.

2. Under jet route No. 58, "INT Sarasota 133°" is deleted and "INT Sarasota 138°" is substituted therefor.

3. Under jet route No. 75, "From Miami, Fla., via the INT of the Miami 297°" is deleted and "From Biscayne Bay, Fla., via the Biscayne Bay 301°" is substituted therefor.

4. Under jet route No. 86, all text after "Sarasota, Fla., 286° radials;" is deleted and "Sarasota; INT of Sarasota 103° and Miami, Fla., 315° radials; to Miami." is substituted therefor.

5. Under jet route No. 89, "Biscayne Bay 288°" is deleted and "Biscayne Bay 301°" is substituted therefor.

6. Under jet route No. 119, all text before, "Taylor, Fla." is deleted and "From St. Petersburg, Fla., to" is substituted therefor.

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

NOTE.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Washington, D.C., on August 31, 1978.

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

[FR Doc. 78-25110 Filed 9-6-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-NW-6]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realines jet routes Nos. 54, 501, and 523 to utilize a new navigation aid (VORTAC) at Tatoosh, Wash., rather than the facility at Neah Bay, Wash. This action permits the use of a VORTAC that has been commissioned to improve the route structure and air navigation in this area.

EFFECTIVE DATE: November 2, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On July 20, 1978, the FAA published for comment a proposal to realine J-54, J-501, and J-523 via the Tatoosh VORTAC rather than via the Neah Bay NDB (43 FR 31162). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The only comment received expressed no objection. Section 75.100 of part 75 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 714). Since this action involved, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

THE RULE

This amendment to part 75 of the Federal Aviation regulations (14 CFR Part 75) alters segments of jet routes Nos. 54, 501, and 523 via the Tatoosh VORTAC rather than the Neah Bay NDB. This action improves the route structure in the Neah Bay area by the use of a VORTAC. The high-level routes into Canada are also improved by the action. Specifically, the following alterations are made:

1. Realine J-54 from Olympia, Wash., direct to Tatoosh, Wash.

2. Realine the U.S. segment of J-501 and J-501/HL-501 from Hoquiam, Wash., to Tatoosh, Wash., via the INT of Hoquiam 354°T (332°M) and Tatoosh 162°T (140°M) radials thence direct to Cape Scott, British Columbia, Canada.

3. Realine the U.S. segment of J-523 and J-523/HL-523 from Seattle, Wash., direct to Tatoosh, Wash., direct to Malcomb, British Columbia, Canada.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 75.100 of part 75 of the Federal Aviation regulations (14 CFR Part 75) as republished (43 FR 714) is amended, effective 0901 G.m.t., November 2, 1978, as follows:

1. Under jet route No. 54, "From Neah Bay, Wash., NDB via" is deleted and "From Tatoosh, Wash., via" is substituted therefor.

2. Under jet route No. 501, "Hoquiam, Wash.; Neah Bay, Wash., RBN; Tofino, British Columbia, Canada, RBN;" is deleted and "Hoquiam, Wash., INT Hoquiam 354° and Tatoosh, Wash., 162° radials; Tatoosh;" is substituted therefor.

3. Under jet route No. 523, "to the Neah Bay, Wash., RBN." is deleted and "; Tatoosh, Wash., to Malcomb, British Columbia, Canada." is substituted therefor.

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

NOTE.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Washington, D.C., on August 31, 1978.

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

[FR Doc. 78-25111 Filed 9-6-78; 8:45 am]

[4810-25]

Title 20—Employees' Benefits

CHAPTER VII—JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

PART 901—REGULATIONS GOVERNING THE PERFORMANCE OF ACTUARIAL SERVICES UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Adoption of Provisions Governing Enrollment of Actuaries

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Final rule.

SUMMARY: This rule amends the regulations governing the performance of actuarial services with respect to plans to which the Employee Retirement Income Security Act of 1974 (ERISA) applies. The amendments specify grounds for the suspension or termination of enrollment to perform such service. Such grounds include specified acts of disreputable conduct, failure to discharge duties imposed by ERISA, and failure to satisfy the requirements for enrollment in effect at the time an enrollee applied for enrollment. In addition, a standard of performance required of enrolled actuaries, reflecting the intent of Congress, has been added to those already delineated in the regulations. The rule is intended to provide standards for the exercise of the authority conferred upon the Joint Board by section 3042(b) of ERISA, Title 29, United States Code, section 1242(b).

EFFECTIVE DATE: This revision becomes effective September 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Leslie S. Shapiro, Executive Director, 202-376-0767.

SUPPLEMENTARY INFORMATION: On February 15, 1978, the Joint Board for the Enrollment of Actuaries published a proposed rule (43 FR 6626) to amend the regulations governing the performance of actuarial services under ERISA (20 CFR Part 901). The primary purpose was to provide standards for the exercise of the authority conferred upon the Joint Board to suspend or terminate the enrollment of an individual under this section if the Joint Board finds that such individual: (1) Has failed to discharge his duties under ERISA, or (2) does not satisfy the requirements for enrollment as in effect at the time of enrollment.

Comments on the proposed rule were received from only two sources. One comment referred the Joint Board to a typographical and a grammatical error. The second comment set forth seven suggestions for the Joint Board's consideration. All will be discussed below.

DISCUSSION OF COMMENTS

TYPOGRAPHICAL AND GRAMMATICAL ERROR

In § 901.20(h) of the proposed rule, the word "non-filling" appears. It has been corrected to read "non-filing." In addition, the comma following the words "United States" was improperly used and has been deleted.

CONTEMPTUOUS CONDUCT

The preamble of the proposed rule contains a summary of the grounds for disciplinary action. One ground so summarized is "contemptuous conduct in connection with a matter before Treasury, Labor, or the Pension Benefit Guaranty Corporation." The commenter expressed concern that actuaries who express strong disagreement with actions by governmental officials will be penalized for such disagreement because the term "contemptuous conduct" is not defined. It was suggested that "contemptuous conduct" be changed to "disreputable conduct" for consistency with the language used elsewhere in the proposed rule.

The term "contemptuous conduct" appears in § 901.13(e)(vi) of previously adopted Joint Board regulations. That section states:

> Contemptuous conduct in connection with matters before the Department of the Treasury, or the Department of Labor, including the use of abusive language, making false accusations and statements knowing them to be false, or circulating or publishing malicious or libelous matter.

All of § 901.13(e), which provides the bases for the denial of an application for enrollment to perform actuarial services under ERISA, was incorporated into the proposed rule in § 901.31(a) as grounds for suspension or termination of enrollment.

We believe that the term "contemptuous conduct" denotes a violation of generally accepted principles of ethical conduct. To substitute phrases therefore would be incompatible with § 901.31. In addition, § 901.13(e)(vi) provides a description of the conduct which can be characterized as contemptuous. It can be concluded, therefore, that the term is not without definition. For those reasons, the suggestion has not been adopted. It should be stressed that the regulations are not to be enforced in an arbitrary or capricious manner, and that enrolled actuaries will be accorded full administrative due process before the imposition of a suspension or termination.

FAILURE TO SATISFY REQUIREMENTS FOR ENROLLMENT

Under § 901.31(a) of the proposed rule, the enrollment of an actuary may be terminated if it is found that the actuary did not satisfy the eligibility requirements set forth in § 901.12 or § 901.13 of the Joint Board regulations, whichever is applicable.

A comment expressed concern that an individual who has relied upon the earlier determination of the Joint Board might have his enrollment withdrawn if the Board decided, for example, that it had erred in evaluating his experience.

Section 901.12 of the Joint Board regulations sets out the requirements of eligibility for enrollment for those individuals applying before January 1, 1976. Section 901.13 of the regulations sets out those requirements for those individuals applying for enrollment on or after January 1, 1976. Under § 3042(b) of ERISA, the Joint Board may, after notice and an opportunity for a hearing, suspend or terminate the enrollment of an individual if the Joint Board finds that such individual does not satisfy the requirements for enrollment "as in effect at the time of his enrollment."

It was on the basis of that Congressional mandate that the regulations were proposed, and there does not appear to be authority to qualify it. Its application, as in all disciplinary regulations, must reflect the judgment and fairness of those who have that quasi-judicial role. It therefore is implicit in

all the Joint Board's regulations that a disciplinary action will not be initiated in an arbitrary or capricious manner, and that, except under extraordinary circumstances, § 901.31(a) will not be invoked in the absence of fraud or a material misrepresentation of fact.

DISREPUTABLE CONDUCT

Under § 901.31(c) of the proposed rule, the enrollment of an actuary may be suspended or terminated if it is found that the actuary has engaged in conduct set forth in § 901.13(e)(1) of the regulations. That provision of the regulations delineates six instances of disreputable conduct. The regulations governing enrollment before January 1, 1976, do not contain those instances of disreputable conduct.

A commenter suggests that the regulations should make clear that the most recent eligibility criteria for enrollment cannot be applied retroactively after enrollment because those applications for enrollment made under the pre-1976 regulations were not subject to those instances of misconduct.

We concur with that comment and, for purposes of clarity, have changed "§ 901.13(e)(1)" to "§ 901.13(e)(1) (i)-(vi)."

FALSE OR ALTERED DOCUMENTS

Under § 901.31(c)(2) of the proposed rule, the filing of false or altered documents, affidavits, financial statements or other papers in matters relating to employee benefit plans or actuarial services is an act of disreputable conduct for which disciplinary action against an enrolled actuary may be taken.

A comment received pointed out that an actuary should not be disciplined because he submits information received from his clients or others which he believes is correct. We concur in that comment. The final rule refers to an enrolled actuary who "knowingly" files false or altered information.

FALSE OR MISLEADING REPRESENTATION

Section 901.31(c)(3) provides as an act of disreputable conduct for which an enrolled actuary may be disciplined:

> Knowingly making false or misleading representations, either orally or in writing, on matters relating to employee benefit plans or actuarial services, or failure to disclose information relative thereto.

A comment suggests that the language "failure to disclose information relative thereto" could be construed to refer to employee benefit plans or actuarial services rather than to the representations. That is the very construction intended, namely, that an act of disreputable conduct includes failure to disclose information relative to employee benefit plans or actuarial services.

An act of omission can be as serious a violation of professional responsibility as an act of commission. However, implicit in the Joint Board's view is that such failure also be with the knowledge of the enrolled actuary. For the purpose of clarity, therefore, the regulation is being changed accordingly.

TIME FOR RESPONSE

In § 901.35(b) of the proposed rule, an enrolled actuary who has been served with a complaint concerning suspension or termination must be provided no less than 15 days from the date of service of the complaint to file an answer. A commenter suggests that the 15-day period be changed to 30 days in order to provide adequate time to respond.

The 15-day minimum period parallels those regulations governing practice before the Bureau of Alcohol, Tobacco, and Firearms contained in 31 CFR Part 9 and the regulations governing practice before the Internal Revenue Service contained in 31 CFR Part 10. Those regulations have been effectively used by the Department of the Treasury. The 15-day period is a minimum, and in almost all instances, a longer period of time to answer will be accorded a respondent. However, there can be instances where, because of the gravity of the offense or compelling public interest, it is desirable to use the 15-day answer period. Consequently, it is not practical to change the proposed regulation.

SERVICE BY MAIL

Section 901.36(a) of the proposed rule provides that a complaint may be served on an enrolled actuary by certified mail or by first-class mail. A comment received suggested that "first-class mail" be deleted to make clear that such mail would only be used after a certified mail effort has failed because reliance upon regular delivery by the Postal Service could result in a disciplinary action concerning an actuary who never received a copy of the complaint.

Section 901.36(a) of the proposed rule was based on a parallel provision in the rules found in 31 CFR Part 9 and 31 CFR Part 10. Experience has shown that first-class mail is the only reasonable way to communicate with an individual in many instances. The public interest therefore would not be served by a delay encountered in attempting to establish service by certified mail. Further, there are enrolled actuaries who reside and work outside the United States. Since certified mail is not available to the Joint Board to reach enrolled actuaries in foreign countries, first-class mail is the only manner in which to perfect service. It also should be noted that ordinary procedure used by an administrative law judge and the complainant's attorney will include personal contacts with the affected enrolled actuary before a matter is decided by default. Consequently, it is not advisable or practical to change that provision of the proposed rule.

In view of the above, Title 20 CFR Part 901 is amended as follows:

§ 901.13 [Amended]

1. By amending § 901.13(e)(ii), (iv), and (vi) by adding, "or the Pension Benefit Guaranty Corporation" following the words "the Department of Labor," in each of those provisions.

2. By amending § 901.20 by adding the following paragraph:

§ 901.20 Standards for performance of actuarial services.

* * * * *

(h) *Notification.* An enrolled actuary shall provide written notification of the non-filing of any actuarial document he/she has signed upon discovery of the non-filing. Such notification shall be made to the office of the Internal Revenue Service, the Department of Labor, or the Pension Benefit Guaranty Corporation where such document should have been filed.

3. By adding new Subparts D and E as follows:

Amend the table of contents to read as follows:

Subpart D—Suspension or Termination of Enrollment

Sec.
901.30 Authority to suspend or terminate enrollment.
901.31 Grounds for suspension or termination of enrollment.
901.32 Receipt of information concerning enrolled actuaries.
901.33 Initiation of proceeding.
901.34 Conferences.
901.35 Contents of complaint.
901.36 Service of complaint and other papers.
901.37 Answer.
901.38 Supplemental charges.
901.39 Reply to answer.
901.40 Proof; variance; amendment of pleadings.
901.41 Motions and requests.
901.42 Representation.
901.43 Administrative Law Judge.
901.44 Hearings.
901.45 Evidence.
901.46 Depositions.
901.47 Transcript.
901.48 Proposed findings and conclusions.
901.49 Decision of the Administrative Law Judge.
901.50 Appeal to the Joint Board.
901.51 Decision of the Joint Board.
901.52 Effect of suspension or termination of enrollment, surrender of enrollment certificate.

Sec.
901.53 Notice of suspension or termination of enrollment.
901.54 Petition for Reinstatement.

Subpart E—General Provisions

901.70 Records.
901.71 Special orders.

AUTHORITY: Sec. 3042(b), ERISA, Title 29 U.S. Code, Sec. 1242(b).

Subpart D—Suspension or Termination of Enrollment

§ 901.30 Authority to suspend or terminate enrollment.

Under Section 3042(b) of ERISA the Joint Board may, after notice and opportunity for a hearing, suspend or terminate the enrollment of an enrolled actuary if the Joint Board finds that such enrolled actuary

(a) has failed to discharge his/her duties under ERISA, or

(b) does not satisfy the requirements for enrollment in effect at the time of his/her enrollment.

§ 901.31 Grounds for suspension or termination of enrollment.

(a) *Failure to satisfy requirements for enrollment.* The enrollment of an actuary may be terminated if it is found that the actuary did not satisfy the eligibility requirements set forth in §§ 901.12 or 901.13, whichever is applicable.

(b) *Failure to discharge duties.* The enrollment of an actuary may be suspended or terminated if it is found that the actuary, following enrollment, failed to discharge his/her duties under ERISA. Such duties include those set forth in § 901.20.

(c) *Disreputable conduct.* The enrollment of an actuary may be suspended or terminated if it is found that the actuary has, at any time after he/she applied for enrollment, engaged in any conduct set forth in § 901.13(e)(1)(i)–(vi) or other conduct evidencing fraud, dishonesty, or breach of trust. Such other conduct includes, but is not limited to, the following:

(1) Conviction of any criminal offense under the laws of the United States (including Section 411 of ERISA, 29 U.S.C. 1111), any State thereof, the District of Columbia, or any territory or possession of the United States, which evidences fraud, dishonesty, or breach of trust.

(2) Knowingly filing false or altered documents, affidavits, financial statements or other papers on matters relating to employee benefit plans or actuarial services.

(3) Knowingly making false or misleading representations, either orally or in writing, on matters relating to employee benefit plans or actuarial services, or knowingly failing to disclose information relative to such matters.

(4) The use of false or misleading representations with intent to deceive a client or prospective client, or of intimations that the actuary is able to obtain special consideration or action from an officer or employee of any agency or court authorized to determine the validity of pension plans under ERISA.

(5) Willful violation of any of the regulations contained in this part.

§ 901.32 Receipt of information concerning enrolled actuaries.

If an officer or employee of the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, or a member of the Joint Board has reason to believe that an enrolled actuary has violated any provision of this part, or if any such officer, employee or member receives information to that effect, he/she may make a written report thereof, which report or a copy thereof shall be forwarded to the Executive Director. If any other person has information of any such violation, he/she may make a report thereof to the Executive Director or to any officer or employee of the Department of the Treasury, the Department of Labor, or to the Pension Benefit Guaranty Corporation.

§ 901.33 Initiation of proceeding.

Whenever the Executive Director has reason to believe that an enrolled actuary has violated any provision of the laws or regulations governing enrollment, such individual may be reprimanded or a proceeding may be initiated for the suspension or termination of such individual's enrollment. A reprimand as used in this paragraph is a statement informing the enrolled actuary that, in the opinion of the Executive Director, his/her conduct is in violation of the regulations and admonishing the enrolled actuary that repetition of the conduct occasioning the reprimand may result in the institution of a proceeding for the suspension or termination of the actuary's enrollment. A proceeding for suspension or termination of enrollment shall be initiated by a complaint naming the respondent actuary, signed by the Executive Director and filed in the Executive Director's office. Except in cases where the nature of the proceeding or the public interest does not permit, a proceeding will not be initiated under this section until the facts which may warrant such a proceeding have been called to the attention of the actuary in writing and he/she has been given an opportunity to respond to the allegations of misconduct.

§ 901.34 Conferences.

(a) *In general.* The Executive Director may confer with an enrolled actuary concerning allegations of his/her misconduct whether or not a proceeding for suspension or termination has been initiated against him/her. If the conference results in agreement as to certain facts or other matters in connection with such a proceeding, such agreement may be entered in the record at the request of the actuary or the Executive Director.

(b) *Voluntary suspension or termination of enrollment.* An enrolled actuary, in order to avoid the initiation or conclusion of a suspension or termination proceeding, may offer his/her consent to suspension or termination of enrollment or may offer his/her resignation. The Executive Director may accept the offered resignation or may suspend or terminate enrollment in accordance with the consent offered.

§ 901.35 Contents of complaint.

(a) *Charges.* A complaint initiating a suspension or termination proceeding shall describe the allegations which are the basis for the proceeding, and fairly inform the respondent of the charges against him/her.

(b) *Answer.* In the complaint, or in a separate paper attached to the complaint, notice shall be given of the place at, and time within which the respondent shall file an answer, which time shall not be less than 15 days from the date of service of the complaint. Notice shall be given that a decision by default may be rendered against the respondent if an answer is not filed as required.

§ 901.36 Service of complaint and other papers.

(a) *Complaint.* The complaint or a copy thereof may be served upon the respondent by certified mail, or first-class mail as hereinafter provided, by delivering it to the respondent, or the respondent's attorney or agent of record either in person or by leaving it at the office or place of business of the respondent, the attorney or agent, or in any other manner which may have been agreed to in writing by the respondent. Where the service is by certified mail, the return post office receipt signed by or on behalf of the respondent shall be proof of service. If the certified matter is not claimed or accepted by the respondent and is returned undelivered, complete service may be made upon the respondent by mailing the complaint to him/her by first-class mail, addressed to the respondent at the last address known to the Executive Director. If service is made upon the respondent or his/her attorney or agent in person or by leaving the complaint at the office or

place of business of the respondent, attorney, or agent, the verified return by the person making service, setting forth the manner of service, shall be proof of such service.

(b) *Service of papers other than complaint.* Any paper other than the complaint may be served upon the respondent as provided in paragraph (a) of this section or by mailing the paper by first-class mail to the respondent at the last address known to the Executive Director or by mailing the paper by first-class mail to the respondent's attorney or agent. Such mailing shall constitute complete service. Notices may also be served upon the respondent or his/her attorney or agent by telegraph.

(c) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with a suspension or termination proceeding, and the place of filing is not specified by this subpart or by rule or order of the Administrative Law Judge, the paper shall be filed with the Executive Director of the Joint Board for the Enrollment of Actuaries, Treasury Department, Washington, D.C. 20220. All papers shall be filed in duplicate.

§ 901.37 Answer.

(a) *Filing.* The respondent's answer shall be filed in writing within the time specified in the complaint or notice of initiation of the proceeding, unless, on application, the time is extended by the Executive Director or the Administrative Law Judge. The answer shall be filed in duplicate with the Executive Director.

(b) *Contents.* The answer shall contain a statement of facts which constitute the grounds of defense and it shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint which he/she knows to be true, or state that he/she is without sufficient information to form a belief when in fact the respondent possesses such information. The respondent may also state affirmatively special matters of defense.

(c) *Failure to deny or answer allegations in the complaint.* Every allegation in the complaint which is not denied in the answer shall be deemed to be admitted and may be considered as proven, and no further evidence in respect of such allegation need be adduced at a hearing. Failure to file an answer within the time prescribed in the notice to the respondent, except as the time for answer is extended by the Executive Director or the Administrative Law Judge, shall constitute an admission of the allegations of the complaint and a waiver of hearing, and the Administrative Law Judge may make a decision by default, without a hearing or further procedure.

§ 901.38 Supplemental charges.

If it appears to the Executive Director that the respondent in his/her answer falsely and in bad faith denies a material allegation of fact in the complaint or states that the respondent has no knowledge sufficient to form a belief when he/she in fact possesses such knowledge, or if it appears that the respondent has knowingly introduced false testimony during proceedings for suspension or termination of his/her enrollment, the Executive Director may file supplemental charges against the respondent. Such supplemental charges may be tried with other charges in the case, provided the respondent is given due notice thereof and is afforded an opportunity to prepare a defense thereto.

§ 901.39 Reply to answer.

No reply to the respondent's answer shall be required, but the Executive Director may file a reply at his/her discretion or at the request of the Administrative Law Judge.

§ 901.40 Proof; variance; amendment of pleadings.

In the case of a variance between the allegations in a pleading and the evidence adduced in support of the pleading, the Administrative Law Judge may order or authorize amendment of the pleading to conform to the evidence, provided that the party who would otherwise be prejudiced by the amendment is given reasonable opportunity to meet the allegations of the pleading as amended. The Administrative Law Judge shall make findings on any issue presented by the pleadings as so amended.

§ 901.41 Motions and requests.

Motions and requests may be filed with the Executive Director or with the Administrative Law Judge.

§ 901.42 Representation.

A respondent or proposed respondent may appear at conference or hearing in person or may be represented by counsel or other representative. The Executive Director may be represented by an attorney or other employee of the Treasury Department.

§ 901.43 Administrative Law Judge.

(a) *Appointment.* An administrative law judge, appointed as provided by section 11 of the Administrative Procedure Act, 60 Stat. 244 (5 U.S.C. 3105), shall conduct proceedings upon complaints for the suspension or termination of enrolled actuaries.

(b) *Powers of Administrative Law Judge.* Among other powers, the Administrative Law Judge shall have authority, in connection with any suspension or termination proceeding of an enrolled actuary, to do the following:

(1) Administer oaths and affirmations;

(2) Make rulings upon motions and requests, which may not be appealed before the close of a hearing except at the discretion of the Administrative Law Judge;

(3) Determine the time and place of hearing and regulate its course of conduct;

(4) Adopt rules of procedure and modify the same as required for the orderly disposition of proceedings;

(5) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(6) Take or authorize the taking of depositions;

(7) Receive and consider oral or written argument on facts or law;

(8) Hold or provide for the holding of conferences for the settlement or simplification of the issues by consent of the parties;

(9) Perform such acts and take such measures as are necessary or appropriate to the efficient conduct of any proceeding; and

(10) Make initial decisions.

§ 901.44 Hearings.

(a) *In general.* The Administrative Law Judge shall preside at the hearing on a complaint for the suspension or termination of an enrolled actuary. Hearings shall be stenographically recorded and transcribed and the testimony of witnesses shall be taken under oath or affirmation. Hearings will be conducted pursuant to Section 7 of the Administrative Procedure Act, 60 Stat. 241 (5 U.S.C. 556).

(b) *Failure to appear.* If either party to the proceeding fails to appear at the hearing, after due notice thereof has been sent to the parties, the Administrative Law Judge may make a decision against the absent party by default.

§ 901.45 Evidence.

(a) *In general.* The rules of evidence prevailing in courts of law and equity are not controlling in hearings on complaints for the suspension or the termination of the enrollment of enrolled actuaries. However, the Administrative Law Judge shall exclude evidence which is irrelevant, immaterial, or unduly repetitious.

(b) *Depositions.* The deposition of any witness taken pursuant to § 901.46 may be admitted.

(c) *Proof of documents.* Official documents, records, and papers of the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, the Joint

Board for the Enrollment of Actuaries or the Office of the Executive Director of the Joint Board for the Enrollment of Actuaries shall be admissible into evidence without the production of an officer or employee to authenticate them. Any such documents, records, and papers may be evidenced by a copy attested to or identified by an officer or employee of the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, the Joint Board for the Enrollment of Actuaries, or the Office of the Executive Director of the Joint Board for the Enrollment of Actuaries, as the case may be.

(d) *Exhibits.* If any document, record, or other paper is introduced into evidence as an exhibit, the Administrative Law Judge may authorize the withdrawal of the exhibit subject to any conditions which he/she deems proper.

(e) *Objections.* Objections to evidence shall state the grounds relied upon, and the record shall not include argument thereon, except as ordered by the Administrative Law Judge. Rulings on such objections shall be part of the record. No exception to the ruling is necessary to preserve the rights of the parties.

§ 901.46 Depositions.

Depositions for use at a hearing may, with the written approval of the Administrative Law Judge, be taken by either the Executive Director or the respondent or their duly authorized representatives. Depositions may be taken upon oral or written interrogatories, upon not less than 10 days written notice to the other party, before any officer duly authorized to administer an oath for general purposes or before an officer or employee of the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, or the Joint Board who is authorized to administer an oath. Such notice shall state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of 10 days notice may be waived by the parties in writing, and depositions may then be taken from the persons and at the times and places mutually agreed upon by the parties. When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served upon the other party with the notice, and the copies of any written cross-interrogatories shall be mailed or delivered to the opposing party at least five days before the date of taking the depositions, unless the parties mutually agree otherwise. A party upon whose behalf a deposition is taken must file it with the Administrative Law Judge and serve one copy upon the opposing party. Expenses in the reporting of depositions shall be borne by the party at whose instance the deposition is taken.

§ 901.47 Transcript.

In cases where the hearing is stenographically reported by a Government contract reporter, copies of the transcript may be obtained from the reporter at rates not to exceed the maximum rates fixed by contract between the Government and the reporter. Where the hearing is stenographically reported by a regular employee of the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, or the Joint Board, a copy thereof will be supplied to the respondent either without charge or upon the payment of a reasonable fee. Copies of exhibits introduced at the hearing or at the taking of depositions will be supplied to parties upon the payment of a reasonable fee (31 U.S.C. 483a).

§ 901.48 Proposed findings and conclusions.

Except in cases where the respondent has failed to answer the complaint or where a party has failed to appear at the hearing, the Administrative Law Judge, before making his/her decision, shall give the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor.

§ 901.49 Decision of the Administrative Law Judge.

As soon as practicable after the conclusion of a hearing and the receipt of any proposed findings and conclusions timely submitted by the parties, the Administrative Law Judge shall make the initial decision in the case. The decision should be based solely upon the pleading, the testimony and exhibits received in evidence at the hearing or specifically authorized to be subsequently submitted under the applicable laws and regulations. The decision shall include (a) a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact or law presented on the record, and (b) an order of suspension, termination or reprimand or an order of dismissal of the complaint. The Administrative Law Judge shall file the decision with the Executive Director and shall transmit a copy thereof to the respondent or his/her attorney or agent of record. In the absence of an appeal to the Joint Board or review of the decision upon motion of the Joint Board, the decision of the Administrative Law Judge shall without further proceedings become the decision of the Joint Board 30 days from the date of the Administrative Law Judge's decision.

§ 901.50 Appeal to the Joint Board.

Within 30 days from the date of the Administrative Law Judge's decision, either party may appeal to the Joint Board for the Enrollment of Actuaries. The appeal shall be filed with the Executive Director in duplicate and shall include exceptions to the decision of the Administrative Law Judge and supporting reasons for such exceptions. If an appeal is filed by the Executive Director, a copy thereof shall be transmitted to the respondent. Within 30 days after receipt of an appeal or copy thereof, the other party may file a reply brief in duplicate with the Executive Director. If the reply brief is filed by the Executive Director, a copy of it shall be transmitted to the respondent. Upon the filing of an appeal and a reply brief, if any, the Executive Director shall transmit the entire record to the joint board.

§ 901.51 Decision of the Joint Board.

On appeal from or review of the initial decision of the Administrative Law Judge, the Joint Board for the Enrollment of Actuaries will make the final decision. In making its decision the Joint Board will review the record of such portions thereof as may be cited by the parties to permit limiting of the issues. A copy of the Joint Board's decision shall be transmitted to the respondent by the Executive Director.

§ 901.52 Effect of suspension, termination or resignation of enrollment; surrender of enrollment certificate.

If the respondent's enrollment is suspended, the respondent shall not thereafter be permitted to perform actuarial services under ERISA during the period of suspension. If the respondent's enrollment is terminated, the respondent shall not thereafter be permitted to perform actuarial services under ERISA unless and until authorized to do so by the Executive Director pursuant to § 901.54. The respondent shall surrender his/her enrollment certificate to the Executive Director for cancellation in the case of a termination or resignation of enrollment or for retention during a period of suspension.

§ 901.53 Notice of suspension, termination or resignation of enrollment.

Upon the resignation or the issuance of a final order suspending or terminating the enrollment of an actuary, the Executive Director shall give notice thereof to appropriate officers and employees of the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, and to other interested

departments and agencies of the Federal Government.

§ 901.54 Petition for reinstatement.

Any individual whose enrollment has been terminated may petition the Executive Director for reinstatement after the expiration of five years following such termination. Reinstatement may not be granted unless the Executive Director, with the approval of the Joint Board, is satisfied that the petitioner is not likely to conduct himself/herself thereafter contrary to the regulations in this part, and that granting such reinstatement would not be contrary to the public interest.

Subpart E—General Provisions

§ 901.70 Records

(a) *Availability.* There are made available for public inspection at the Office of the Executive Director of the Joint Board for the Enrollment of Actuaries a roster of all persons enrolled to perform actuarial services under ERISA and a roster of all persons whose enrollments to perform such services have been suspended or terminated. Other records may be disclosed upon specific request, in accordance with the applicable disclosure and privacy statutes.

(b) *Disciplinary procedures.* A request by an enrolled actuary that a hearing in a disciplinary proceeding concerning him/her be public, and that the record thereof be made available for inspection by interested persons may be granted if written agreement is reached in advance to protect from disclosure tax information which is confidential, in accordance with applicable statutes and regulations.

§ 901.71 Special orders.

The Joint Board reserves the power to issue such special orders as it may deem proper in any case within the purview of this part.

§ 901.40 [Deleted]

4. By deleting § 901.40.

Dated: September 1, 1978.

ROWLAND E. CROSS,
Chairman, Joint Board for the Enrollment of Actuaries.

Approved:

RAY MARSHALL,
Secretary of Labor.

ROBERT CARSWELL,
Acting Secretary of the Treasury.

[FR Doc. 78-25172 Filed 9-6-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3723]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of National City, San Diego County, Calif.

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 National City, San Diego County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of National City, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of National City, San Diego County, Calif., are available for review at City Hall, 1243 National Avenue, National City, Calif.

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 National City, Calif.

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sweetwater River..	San Diego & Arizona Eastern RR.	11
	Interstate 5 Freeway	15
	National Ave.....	18
	Highland Ave	21
	Interstate 805.....	35
Paradise Creek	San Diego & Arizona Eastern RR.	12
	D Ave.....	14
	Highland Ave	30
	Sheryl Lane.....	63
	Harbison Ave.....	114
	8th St.....	134
	Honeysuckle Lane.....	166

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

Issued: July 28, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24966 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3533]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Norco, Riverside County, Calif.

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 Norco, Riverside County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is re-

quired 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 Norco, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Norco, Riverside County, Calif., are available for review at City Hall, 3954 Old Hamner, Norco, Calif.

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 Norco, Calif.

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Norco Channel.	Kips Korner Rd	576
	Parkridge Ave	574
Tributary B—South Norco Channel.	Hillside Ave	673663
	Temescal Ave	
	Corona Ave	637
Tributary A—South Norco Channel.	Hamner Ave	593
	Parkridge Ave	582
South Norco Channel.	3d St	656
	Temescal Ave	649
	2d St and Corona Ave	636
	Valley View Blvd	623
	Hamner Ave	609
	Mountain Ave	592
	1st St	584
	Parkridge Ave	581
	River Rd	579
Santa Ana River	Hamner Ave	592
	Adams Ave	588
North Norco Channel.	6th St	629
	Sierra Ave	627
	5th St	622
	4th St	616
	3d St	605
	Hamner Ave	598
	Mountain Ave	591
	Pacific Ave	585
	2d Ave	577
	Western Ave	576
	Parkridge Ave	576

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

Issued: August 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24967 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3979]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Wellington, Larimer County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Wellington, Larimer County, Colo. 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 town of Wellington, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Wellington, Larimer County, Colo., are available for review at Town Hall, 3733 Cleveland Avenue, Wellington, Colo.

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 town of Wellington, Larimer County, Colo.

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Coal Creek	Corporate limits	5,180
Boxelder Creek	Colorado and Southern RR.	5,190
	Cleveland Ave. (downstream side).	5,198
	Cleveland Ave. (upstream side).	5,201

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

Issued: August 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24968 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3682]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Wiggins, Morgan County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Wiggins, Morgan County, Colo. 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 town of Wiggins, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Wiggins, Morgan County, Colo., are available for review at Wiggins Hardware Store, 218 Main Street, Wiggins, Colo.

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 town of Wiggins, Morgan County, Colo.

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, and the Administrator has resolved the appeals presented by the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kiowa Creek	Burlington Northern RR.	*4,552
	do	**4,547
	U.S. Highway 6	*4,545
	do	**4,544
	Interstate 76	4,543

*Upstream side.
**Downstream side.

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

Issued: August 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24969 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-4169]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Schaumburg, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Schaumburg, Cook County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the village of Schaumburg, Cook County, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Schaumburg, Cook County, Ill., are available for review at the Municipal Building, 101 Schaumburg Court, Schaumburg, Ill.

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 village of Schaumburg, Cook County, Ill.

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch of Salt Creek.	Meacham Rd. (upstream).	708
	Schaumburg Rd. (upstream).	723
	Higgins Rd. (upstream)	726
	Woodfield Rd. (upstream).	729
	Golf Rd. (upstream)	730
	Tower Rd. (upstream)	733
	Wiley Rd. (upstream)	738
	Roselle Rd. (upstream)	743
Tributary 3	Plum Grove Rd. (upstream).	727
	Schaumburg Rd. (upstream).	742
Tributary 4	Schaumburg Court (upstream).	745
	Roselle Rd. (upstream)	789
	Schaumburg Rd. (upstream).	794
	Lincoln St. (upstream)	794
Tributary 7	Confluence with the west branch of Salt Creek.	710
	Downstream corporate limits (4,250 ft above mouth).	723
	Upstream corporate limits (5,975 ft above mouth).	726
Salt Creek	Confluence of tributary D of Salt Creek.	720

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Plum Grove Rd. (upstream) (outside corporate limits).	727
Tributary 1.....	Algonquin Rd. (upstream).	724
	Hammond Dr. (upstream).	731
West Branch of the DuPage River.	Springingsguth Rd. (upstream).	797
	Syracuse Lane (upstream).	797
	Braintree Dr. (upstream).	797
	Cambridge Dr. (upstream).	797
	2d Cambridge Dr. (upstream).	798
	Bradford Lane (upstream).	801
Poplar Creek tributary.	Golf Rd. (upstream)	790
	Upstream limit of detailed study (1,270 ft above Golf Rd.).	790

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

Issued: August 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24970 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-4170]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Winfield, Du Page County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Winfield, Du Page County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the village of Winfield, Du Page County, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Winfield, Du Page County, Ill., are available for review at the Village Hall, 27 West 465 Jewell Road, Winfield, Ill.

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 village of Winfield, Du Page County, Ill.

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical
West Branch Du Page River.	Confluence of Winfield Creek.	713
	Upstream of Beecher Ave.	713
	Upstream of High Lake Rd.	715
Winfield Creek	Upstream of Summit Dr.	713
	Upstream of Park St.....	714
	Upstream of Church St..	717
	Upstream of Manchester Rd.	718
	Downstream of Roosevelt Rd.	721

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

Issued: August 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24971 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-4116]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Chapman, Dickenson County, Kans.

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 Chapman, Dickenson County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Chapman, Dickenson County, Kans.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Chapman, Dickenson County, Kans., are available for review at the City Hall, Chapman, Kans. 67431.

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 Chapman, Dickenson County, Kans.

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Smokey Hill River	Approximately 100 ft upstream of Marshall St.	1,113
	Logan Rd. (extended)	1,113
Chapman Creek	At intersection of 4th St. and Anderson St.	1,114
	Approximately 100 ft downstream of the intersection of Marshall St. and Kimberly Lane.	1,115

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

Issued: July 26, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24972 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-4175]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the County of Worcester, Md.

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 Worcester, Md. 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 Worcester, Md.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the county of Worcester, Md., are available for review at the bulletin board of the courthouse, Snow Hill, Md.

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 county of Worcester, Md.

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Coastal Bays	Virginia State boundary	8
	Taylor Landing	7
	Public Landing	7
	Newport Bay	7
	Fassett Point	9
	Snug Harbor	9
	Ocean City Harbor	9
	West Ocean City	9
	Turnvill Creek	6
	Hemphill's dock	6
	Delaware State boundary.	6
Bottle Branch	Harrison Road Bridge	7
	Confluence of Hudson Branch.	12
	Berlin corporate limit	20
Kitts Branch	ConRail RR. (downstream).	10
	ConRail RR. (upstream)	17
	Flower St	18
	State Route 346	21
	U.S. Route 113	24
	ConRail	25
Whaleysville Branch.	U.S. Route 50	25
	State Route 346	32
	Circle Rd	33
	State Route 610	36

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

Issued: August 10, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24973 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3654]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Leland, Washington County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Leland, Miss.

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

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 Leland, Miss.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Deer Creek	Witte Street:	
	(Upstream)	121
	(Downstream)	119
	Breisch St	119
	Deer Creek Dr.	118
	U.S. Highway 61	118
	U.S. Highway 82	115

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

Issued: August 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24974 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3658]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Gering, Scotts Bluff County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Gering, Scotts Bluff County, Nebr.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Gering, Scotts Bluff County, Nebr., are available for review at the office of the city administrator, 1450 10th Street, Gering, Nebr. 69341.

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 Gering, Scotts Bluff County, Nebr.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Platte River.	Intersection of State Highway 71 and northern corporate limits.	3,875

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

Issued: July 20, 1978.

GLORIA M. JIMENEZ.
Federal Insurance Administrator.

[FR Doc. 78-24975 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-4209]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Asbury Park; Monmouth County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in city of Asbury Park, Monmouth County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Asbury Park, Monmouth County, N.J.

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

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 Asbury Park, Monmouth County, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added sec-

tion 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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean	Entire shoreline	9
Westley Lake	do	10
Deal Lake	do	11
Sunset Lake	do	10

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

Issued: August 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24976 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-4213]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the village of Pleasantville, Westchester 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 Village of Pleasantville, Westchester County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the village of Pleasantville, Westchester County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Pleasantville, Westchester County, N.Y., are available for review at the Village Clerk's Office, Pleasantville, 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 the final determinations of flood elevations for the village of Pleasantville, Westchester 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 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sawmill River	Corporate limits downstream.	254
	Bedford Rd. downstream.	258
	Bedford Rd. upstream	262
	Grant St. downstream	270
	Grant St. upstream	272
	Sawmill River Parkway downstream.	291
	Upstream of ConRail bridge—west of Hillview Ave.	299
	Downstream of ConRail bridge—west of Irving Pl.	307
	Corporate limits upstream.	308
Nanny Hagen Brook.	Downstream corporate limit.	265
	Broadway downstream	296
	Broadway upstream	300
	Foot bridge at confluence with tributary No. 2 upstream.	321
	Approximately 840 ft upstream of the confluence with tributary No. 2[1].	338

[1] Designated name for tributary in this study—see map

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

Issued: August 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24977 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-4214]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Tuckahoe, Westchester 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 village of Tuckahoe, Westchester County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the village of Tuckahoe, Westchester County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Tuckahoe, Westchester County, N.Y., are available for review at the village clerk's office, Tuckahoe, 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 the final determinations of flood elevations for the village of Tuckahoe, Westchester 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 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bronx River	Corporate limits (downstream).	94
	Bronx River Parkway access road.	96
	Main St.	104
	Thompson St.	107
	Corporate limits (upstream).	108

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

Issued: August 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24978 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3169]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Unincorporated Areas of Durham County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the unincorporated areas of Durham County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the unincorporated areas of Durham County, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the unincorporated areas of Durham County, N.C., are available for review at the Durham County Soil Conservation Agency, Agriculture Building, and the Durham County Planning Department, Durham, N.C.

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 unincorporated areas of Durham County, N.C.

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Eno River	Approximately 150 ft downstream of State Route 1401.	358
Eno River tributary 3.	Just upstream of State Route 1449.	417
Crooked Creek	Approximately 150 ft upstream of State Route 1003.	422
Crooked Creek tributary 1.	Approximately 500 ft upstream of confluence with Crooked Creek.	454
Sevenmile Creek	Just upstream of dam at State Route 1556.	423
	Just upstream of State Route 1449.	437
Ellerbe Creek	Just upstream of Jimmy Glenn Rd.	269
Little River	Just upstream of State Route 1628.	304
	Approximately 250 ft upstream of U.S. Highway 501.	350
	Just upstream of State Route 1641.	396
Little River tributary 1.	Approximately 150 ft upstream of State Route 1003.	453
Little River North Fork.	Just upstream of State Route 1461.	471
Little River North Fork tributary 1.	Approximately 120 ft upstream of State Route 1464.	463
Little River South Fork.	Approximately 100 ft upstream of State Road 1461.	441
	Just upstream of State Route 1003.	466
Cabin Creek	Just upstream of State Route 1684.	322
Little Lick Creek	Just upstream of State Route 1814.	275
Little Lick Creek tributary 1B.	Just upstream of North Carolina 98.	284
Chunky Pipe Creek.	Approximately 100 ft upstream of State Route 1815.	271
Panther Creek	Just upstream of State Route 1818.	290
Lick Creek	Approximately 150 ft downstream of State Route 1902.	280
	Just upstream of State Route 1905.	293
Lick Creek tributary 1.	Confluence with Lick Creek.	300
Stirrup Iron Creek	Just downstream of G.E. access road.	336
Stirrup Iron Creek tributary A.	Approximately 1,000 ft upstream of State Route 1969.	323
Stirrup Iron Creek tributary B.	Confluence with Stirrup Iron Creek.	322
New Hope Creek tributary 1.	Just downstream of State Route 1113.	262
Northeast Creek	Just upstream of State Route 1102.	251
	Just upstream of North Carolina 54.	259
	Just upstream of State Route 1945.	268

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just downstream of State Route 1121.	280
Northeast Creek tributary C.	Just upstream of State Route 1102.	259
	Just upstream of State Route 1254.	273
Northeast Creek tributary D.	Just upstream of State Route 1103.	245
Northeast Creek north prong.	Just upstream of State Route 1182.	269
Northeast Creek north prong tributary A.	Confluence with Northeast Creek north prong.	282
Burdens Creek.....	Approximately 200 ft downstream of Alston Ave.	256
	Just upstream of Jenkins Rd (State Route 1975).	266
Two Bottle Creek..	Just downstream of North Carolina 54.	271

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

Issued: August 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24979 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-4154]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Lima, Allen County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Lima, Allen County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Lima, Allen County, Ohio, are available for review at the Municipal Building, 219 East Market Street, Lima, Ohio.

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 city of Lima, Allen County, Ohio.

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ottawa River.....	ConRail bridge (upstream).	839
	South Metcalf St. (upstream).	843
	Bellafontaine St. (downstream).	849
	Corporate limits (upstream).	853
Lost Creek.....	Harding Highway Bridge (upstream).	877
	ConRail bridge (upstream).	882
	4th-Street Bridge (upstream).	886
Pike Run.....	Downstream corporate limits.	830
	Brower Rd. (upstream)...	837
	Virginia Rd. (upstream).	843
	Karen Ave. (downstream).	849
	Central Street Bridge (upstream).	861
Pike Run tributary.	Confluence with Pike Run	830
	Upstream corporate limits (upstream).	834

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

Issued: August 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24980 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-4155]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Mahoning County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Mahoning County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for Mahoning County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Mahoning County, Ohio, are available for review at the Office of the County Commission, 120 Market Street, Youngstown, Ohio.

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 Mahoning County, Ohio.

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 in-

dividuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mahoning River (below village of Lowellville).	Lowellville Village limit.	810
	Ohio and Pennsylvania State line.	807
Mahoning River (above city of Alliance).	U.S. Route 62	1,055
	Lake Park Rd	1,052
	State Route 173	1,050
	Fish Creek	1,050
	City of Alliance corporate limits.	1,048
Yellow Creek	Evans Lake Dam (downstream).	1,036
	Western Reserve Rd	1,031
	Walker Mill Rd	1,019
	Village of Poland corporate limits.	1,013
Burgess Run	Calla Rd	1,166
	Youngstown-Pittsburgh Rd.	1,152
	Unity Rd	1,119
	Arrel Rd	1,106
	Collier Lake Dam and Bridge (upstream side).	1,100
	Collier Lake Dam (downstream side).	1,091
	Burgess Lake Dam (upstream side).	1,088
	Burgess Lake Dam (downstream side).	1,068
	Confluence of tributary 1.	1,065
	North Lima Rd	1,039
	Walker Mill Rd	1,028
	Confluence with Yellow Creek.	1,018
Tributary 1—Burgess Run.	Easternmost crossing of Dobbins Rd.	1,103
	Westernmost crossing of Dobbins Rd.	1,098
	State Route 170	1,077
	Confluence with Burgess Run.	1,065
Tributary 3—Burgess Run.	Struthers Rd	1,149
	Arrel Rd	1,125
	Confluence with Burgess Run.	1,102
Mill Creek	Calla Rd	1,011
	Western Reserve Rd	1,008
	Mill Creek Park boundary.	1,003
Bears Den Run	Westminster Ave	1,024
	North Main St	1,022
	Carnegie Ave	1,020
	Oakwood Ave	1,016
	ConRail	1,009
	South Meridian Rd	1,003
Ax Factory Run	Austintown Fitch High School Dr.	1,125
	South Raccoon Rd	1,119
	Moorefield Rd	1,093
	Pembrooke Rd	1,078
	Upstream side of Meridian Lake Dam.	1,056
	Downstream side of Meridian Lake Dam.	1,043
	South Meridian Rd	1,042
Andersons Run	Kirk Rd	1,092
	Raccoon Rd	1,081
	Private drive at confluence of tributary 2.	1,059
	Youngstown-Salem Rd	1,045
	Tippecanoe Rd	1,032
	Upstream side of dam	1,021
	Downstream side of dam	1,013
	Hopkins Rd	997
	Sheban Dr	989
Cranberry Run	Market St	1,038
	Glenwood Ave	1,018
	West Blvd	999
Indian Run	Private Dr	1,125
	State Routes 14 and 46	1,119
	Leffingwell Rd	1,092
	State Route 11	1,065
	Raccoon Rd	1,062
	Upstream side of dam	1,038
	Downstream side of dam	1,031
	Tippecanoe Rd	1,018
	Mill Creek Park boundary.	1,000
Four Mile Run	Lanterman Rd	1,048
	Four Mile Run Rd	970
	I-680	941
Morrison Run	Confluence of tributary 2.	1,024
	Mahoning Ave	1,014
	Upstream side of dam	1,005
	Downstream side of dam	996
	State Route 45	987
	Silica Rd	982
	Ohio Turnpike	970
	Confluence of Clemens Ditch.	943
Clemens Ditch	ConRail	975
	Gladstone Rd	960
	Confluence with Morrison Run.	943
Tributary 1—Morrison Run.	Access Rd	1,009
	ConRail	995
	State Route 45	985
	Confluence with Morrison Run.	976
North Jackson Ditch.	Mahoning Ave	1,018
	Field Dr	1,003
	Farm Lane	993
	Confluence with Morrison Run.	984
Tributary 1—Meander Creek.	Confluence of tributary 1B.	1,008
	Dam upstream of Mahoning Ave. (upstream side).	1,005
	Dam upstream of Mahoning Ave. (downstream side).	996
	Mahoning Ave. (between two dams).	975
	Dam (upstream side)	974
	Dam (downstream side).	966
	Ohio Turnpike	945
	Tributary 1A	919
	Lipkey Rd	918
	Mahoning Ave. State Route 18.	911
Tributary 2—Meander Creek.	Gault Rd	1,000
	Lipkey Rd	960
North Fork	Confluence of Clingeman Ditch.	1,030
	State Route 45	1,021
	Gault Rd	960
Clingeman Ditch	Duck Creek Rd	1,105
	Farm Rd	1,071
	Blott Rd	1,063
	Rosemont Rd	1,038
	Confluence with North Fork.	1,030

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

Issued: August 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24981 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-4156]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Norwalk, Huron County, Ohio

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 Norwalk, Huron County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Norwalk, Huron County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Norwalk, Huron County, Ohio, are available for review at the bulletin board in the city hall, 38 Whittlesey Avenue, Norwalk, Ohio.

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 Norwalk, Huron County, Ohio.

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Branch Huron River.	Norfolk and Western RR.	667
	U.S. Route 20	675
	Old U.S. Route 20	677
Norwalk Creek	State Route 61	678
	Southwest St	692
	Pleasant St. (downstream).	694
	Pleasant St. (upstream).	702
	Benedict Ave. (downstream).	703
	Benedict Ave. (upstream).	709
	Linwood Ave	709
	East Elm St	709

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

Issued: August 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24982 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-4157]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Ottawa, Putnam County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Ottawa, Putnam County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the village of Ottawa, Putnam County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for village of Ottawa, Putnam County, Ohio, are available for review at the city clerk's office, Ottawa, Ohio.

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 village of Ottawa, Putnam County, Ohio.

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Blanchard River	Corporate limits at 19.55 mile mark.	720
	Confluence with Tawa Run.	722
	U.S. 224	724
	State Road 65	725
	B & O RR	725
	Oak St	726
	Corporate limits at 23.22 mile mark.	726
	Corporate limits at 26.24 mile mark.	729
Tawa Run	Confluence with Blanchard River.	722
	Perry St	722
	Walnut St	722
	Locust St	724
	Pratt St	726
	Agner St	731
	Corporate limits at 1.44 mile mark.	731
	Corporate limits at 1.75 mile mark.	731
	Corporate limits at 2.36 mile mark.	735

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

Issued: August 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24983 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3875]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Arapahoe County, 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 Arapahoe County, Colo. It has been determined by FIA, after acquiring additional flood information and after further technical review of the flood insurance rate map for Arapahoe County, 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: September 7, 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 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 080011A panel 21, published on February 13, 1978, in 43 FR 6070, indicates that parcel 009, block 00, as shown on the assessor's map 1983-03--2-00-009, is located within the special flood hazard area. This property is recorded in book 2724, page 406, in the office of the recorder of Arapahoe County, Colo.

Map No. H&I 080011A panel 21 is hereby corrected to reflect that the above property is in zone C and is not within the special flood hazard area identified on August 15, 1977.

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

Issued: August 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24312 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Columbus, Platte Country, Nebr.

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 Columbus, Nebr. 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 Columbus, Nebr., 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: September 7, 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.

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

Map No. H&I 315272 panel 05, published on June 29, 1977, in 42 FR 33220 indicates that lots 2-5, block E, Wilken Acres Addition to the city of Columbus, Nebr., as recorded in plat book 11, page 25, in the office of the register of deeds of Platte County, Nebr., are within the special flood hazard area.

Map No. H&I 315272 panel 05 is hereby corrected to reflect that the above property is not within the special flood hazard area identified on February 27, 1976. The property is zone B.

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

Issued: August 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24313 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-991]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Hazen, N. Dak.

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 Hazen, N. Dak. 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 Hazen, N. Dak., 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 of federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: September 7, 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 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 380067 panel 0001B, published on March 30, 1976, in 41 FR 133411, indicates that lots 1 through 6, block 3, lots 4, and 9, block 5, lots 1 through 6, and 13 through 15, block 6, and lots 1 and 8, block 7, Huber's Second Addition, Hazen, N. Dak., as recorded as document No. 106053, in the office of the register of deeds of Mercer County, N. Dak., are within the special flood hazard area.

Map No. H&I 380067 panel 0001B is hereby corrected to reflect the above property is not within the special flood hazard area identified on December 15, 1977.

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

Issued: August 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24314 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for 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.

EFFECTIVE DATE: September 7, 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: The National Flood Insurance Program, 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 405381B panel 121, published on June 29, 1977, in 42 FR 33226, indicates that lot 8, block 43, Patrick Henry. Addition, Tulsa, as recorded on plat No. 2202, record No. 374127, in the office of the county clerk of Tulsa County, Okla., is within the special flood hazard area.

Map No. H&I 405381B panel 121 is hereby corrected to reflect the above property is not within the special flood hazard area identified on July 30, 1976. The property is in zone B.

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

Issued: August 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24315 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

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 of federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: September 7, 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 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 405381C panels 142 and 149, published on June 29, 1977, in 42 FR 33226, indicates that lots 1 through 9, block 7, lots 1 through 5 and 10 through 14, block 8; lot 1, block 9; lots 1 through 4 and 17 through 28, block 10; and lots 1 through 6, block 12, Sweetbriar East Extended, Tulsa, Okla., as recorded as plat No. 3714, in the office of the Recorder of Tulsa County, Okla., are within the special flood hazard area.

Map No. H&I 405381C panels 142 and 149 are hereby corrected to reflect the above property is within zone C and is not within the special flood hazard area identified on July 30, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

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

Issued: August 9, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24316 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

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, Olka., 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: September 7, 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: The National Flood Insurance Program, 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 405381B panel 140, published on June 29, 1977, in 42 FR 33226, indicates that lot 2, block 4, Amended Walnut Creek, Tulsa, as recorded on book 3972, page 1618, in the office of the county clerk of Tulsa County, Okla., is within the special flood hazard area.

Map No. H&I 405381B panel 140 is hereby corrected to reflect the above property is not within the special flood hazard area identified on July 30, 1976. The property 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 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: August 9, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24317 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Fairfax, 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 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: September 7, 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 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 515525C panel 13, published on June 29, 1977, in 42 FR 33235, indicates that lots 34 through 36, Villa Deste Village, Fairfax County, Va., as recorded in the plat, deed book 4926, page 821, in the office of the clerk of the circuit court of Fairfax County, Va., are within the special flood hazard area.

Map No. H&I 515525C panel 13 is hereby corrected to reflect that the above properties are not within the special flood hazard area identified on May 7, 1976. The properties are in zone C.

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

Issued: August 9, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24318 Filed 9-6-78; 8:45 am]

[6570-06]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

706 Designation

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations on designation of certain State and local fair employment practices agencies so that they may handle employment discrimination charges within their jurisdiction, filed with the Commission. Additionally, changes in nomenclature are made with regard to other, previously designated, agencies.

DATE: Effective September 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard A. Grossman, Coordinator, telephone 202-634-6040, Equal Employment Opportunity Commission, Office of Field Services (State and Local), 2401 E Street NW., Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: Publication of this amendment to § 1601.74(a) effectuates the designation of the following agencies as 706 agencies:

Lincoln (Nebraska) Commission on Human Rights,[1] Commonwealth of Puerto Rico Department of Labor,[2] Augusta/Richmond County (Georgia) Human Relations Commission,[3] Austin (Texas) Human relations Commission,[4] Florida Commission on Human Relations.

Notice of the proposed designation of the foregoing agencies as 706 agencies was published in the May 24, 1978 issue of the FEDERAL REGISTER, 43 FR 22220, with notice that written comments must have been filed with the Commission on or before June 8, 1978. The Commission received three comments from interested persons who raised the question of extending the time allowed for receipt of comments and other procedural issues, but nothing substantive as to finalizing 706 designation of the aforementioned agencies.

In keeping with its new 706 designation, the Florida Commission on Human Relations is no longer designated a notice agency, and that designation is therefore deleted.

In addition to the new designations, corrections are being made regarding three previously designated Agencies. The name "Maine Human Relations Commission" is corrected to read "Maine Human Rights Commission." The Montana Department of Labor and Industry was erroneously listed as a notice agency and is being deleted. Within that Department is the Montana Commission for Human Rights, which has been and is correctly listed as a 706 agency. The "Georgia Office of Human Affairs" is corrected to read "Georgia Office of Fair Employment Practices" under notice agencies.

With the addition of the above mentioned agencies and noted corrections, § 1601.74 (a) and (b) are amended to read as follows:

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[1] The Lincoln (Nebraska) Commission on Human Rights has been designated as a 706 agency for all charges except (1) a charge by an "applicant for membership" alleging a violation of sec. 703(c)(2) of title VII (2) a charge by an individual alleging that a "joint labor-management committee" has violated sec. 704(a) of title VII; and (3) a charge by an individual alleging that a "joint labor-management committee has violated sec. 704(b) of title VII.

For these types of charges, it shall be deemed a "notice agency," pursuant to 29 CFR 1601.71(3).

[2] The Commonwealth of Puerto Rico Department of Labor has been designated as a 706 agency for all charges except (1) charges alleging a violation of title VII on the basis of national origin; (2) charges alleging a "labor union" has violated title VII; (3) charges alleging an "employment agency" has violated title VII; (4) charges alleging violations of title VII by agencies or instrumentalities of the Government of Puerto Rico when they are not operating as private businesses or enterprises; and (5) all charges alleging violations of sec. 704(a) of title VII.

For these types of charges it shall be deemed a "Notice Agency," pursuant to 29 CFR 1601.71(3).

[3] The Augusta/Richmond County (Georgia) Human Relations Commission has been designated as a 706 agency for all charges except (1) charges alleging a violation of sec. 703(c) (2) or (3) of title VII; (2) charges alleging a violation of sec. 704 (a) or (b) of title VII; and (3) charges alleging a violation of title VII by the city of Augusta, by the personnel board of the Richmond County Board of Commissioners, or by elected officials.

For these types of charges it shall be deemed a "notice agency," pursuant to 29 CFR 1601.71(3).

[4] The Austin (Texas) Human Relations Commission has been designated as a 706 agency for all charges except charges alleging a violation of title VII by a government, government agency, or political subdivision of the State of Texas.

For these types of charges it shall be deemed a "notice agency," pursuant to 29 CFR 1601.71(3).

§ 1601.74 Designated 706 and notice agencies.

(a) The designated 706 agencies are:

Alaska Commission for Human Rights
Alexandria (Virginia) Human Rights Office
Allentown (Pennsylvania) Human Relations Commission
Arizona Civil Rights Division
Augusta/Richmond County (Georgia) Human Relations Commission [3]
Austin (Texas) Human Relations Commission [4]
Baltimore (Maryland) Community Relations Commission
Bloomington (Indiana) Human Rights Commission
California Fair Employment Practices Commission
Charlestown (West Virginia) Human Rights Commission
Colorado Civil Rights Commission
Commonwealth of Puerto Rico Department of Labor [2]
Connecticut Commission on Human Rights and Opportunities
Dade County (Florida) Fair Housing and Employment Commission
Delaware Department of Labor
District of Columbia Office of Human Rights
East Chicago (Indiana) Human Relations Commission
Evansville (Indiana) Human Relations Commission
Fairfax County (Virginia) Human Rights Commission
Florida Commission on Human Relations
Fort Wayne (Indiana) Metropolitan Human Relations Commission
Fort Worth (Texas) Human Relations Commission
Gary (Indiana) Human Relations Commission
Howard County (Maryland) Human Rights Commission
Hawaii Department of Labor and Industrial Relations
Idaho Commission on Human Rights
Illinois Fair Employment Practices Commission
Indiana Civil Rights Commission
Iowa Commission on Civil Rights
Kansas Commission on Civil Rights
Kentucky Commission on Human Rights
Lexington-Fayette (Kentucky) Urban County Human Rights Commission
Lincoln (Nebraska) Commission on Human Rights [1]
Madison (Winconsin) Equal Opportunities Commission
Maine Human Rights Commission
Maryland Commission on Human Relations
Massachusetts Commission Against Discrimination
Michigan Civil Rights Commission
Minneapolis (Minnesota) Department of Civil Rights
Minnesota Department of Human Rights
Missouri Commission on Human Rights
Montana Commission for Human Rights
Montgomery County (Maryland) Human Relations Commission
Nebraska Equal Opportunity Commission
Nevada Commission on Equal Rights of Citizens
New Hampshire Commission for Human Rights
New Jersey Division on Civil Rights, Department of Law and Public Safety
New York City (New York) Commission on Human Rights
New York State Division on Human Rights
Ohio Civil Rights Commission
Oklahoma Human Rights Commission
Omaha (Nebraska) Human Relations Department
Oregon Bureau of Labor
Orlando (Florida) Human Relations Department
Pennsylvania Human Relations Commission
Philadelphia (Pennsylvania) Commission on Human Relations
Pittsburgh (Pennsylvania) Commission on Human Relations
Prince Georges County (Maryland) Human Relations Commission
Rhode Island Commission for Human Rights
Rockville (Maryland) Human Rights Commission
St. Paul (Minnesota) Department of Human Rights
Seattle (Washington) Human Rights Commission
Sioux Falls (South Dakota) Human Relations Commission
South Bend (Indiana) Human Rights Commission
South Carolina Human Affairs Commission
South Dakota Division of Human Rights
Springfield (Ohio) Human Relations Department
Tacoma (Washington) Human Rights Commission
Utah Industrial Commission
Vermont Attorney General's Office, Civil Rights Division
Virgin Islands Department of Labor
Washington State Human Rights Commission
West Virginia Human Rights Commission
Wheeling (West Virginia) Human Rights Commission
Wichita (Kansas) Commission on Civil Rights
Wisconsin Equal Rights Division, Department of Industry, Labor, and Human Relations
Wyoming Fair Employment Practices Commission

(b) The designated notice agencies are:

Arkansas Governor's Committee on Human Resources
Georgia Office of Fair Employment Practices
North Dakota Commission on Labor
Ohio Director of Industrial Relations
Raleigh (North Carolina) Human Resources Department, Civil Rights Unit

(Sec. 713(a), 78 Stat. 265 (42 U.S.C. 2000e-12(a)).)

Dated: September 1, 1978.

ELEANOR HOLMES NORTON,
Chair, Equal Employment Opportunity Commission.

[FR Doc. 78-25156 Filed 9-6-78; 8:45 am]

[3810-01]

Title 32—National Defense

Subtitle B—Other Regulations Relating to National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY, DEPARTMENT OF DEFENSE

PART 1804—CONSOLIDATED GRANTS TO INSULAR AREAS

AGENCY: Defense Civil Preparedness Agency.

ACTION: Final rule.

SUMMARY: This document promulgates regulations to provide for consolidation of certain DCPA grants to be made to insular areas. The regulations implement the provisions of Pub. L. 95-134. See supplementary information below.

EFFECTIVE DATE: October 1, 1978.

FOR FURTHER INFORMATION CONTACT:

John W. McConnell, Assistant Director for Plans and Operations, 202-697-8314.

SUPPLEMENTARY INFORMATION: The Defense Civil Preparedness Agency published its proposed regulation covering consolidated grants to insular areas in the FEDERAL REGISTER for Monday, June 19, 1978, 43 FR 26335. Comment on the regulation was invited in writing on or before July 14, 1978. In addition, DCPA mailed copies on May 4, 1978 to an appropriate official of each of the four insular areas which may qualify for grants under the Federal Civil Defense Act. On June 9, 1978, DCPA mailed a copy to the United States Department of the Interior, Office of Territorial Affairs, which forwarded copies of DCPA's letter and proposed regulations to each of the affected insular areas, reminding them of their opportunity for comment. The only responses to these requests for comments on the proposed regulations were received from three of the four affected areas. In all cases, they responded favorably to the regulations as proposed. One participant requested that DCPA grant funds not be consolidated with those of other agencies. DCPA's regulations do not propose such intermingling of

Federal funds. Another letter suggested that DCPA's consolidation of grants include joint funding with the disaster preparedness planning program of the Federal Disaster Assistance Administration, Department of Housing and Urban Development, particularly with regard to joint funding of the particular insular area's disaster control office. Inasmuch as joint funding is provided for under the provisions of OMB Circular A-111 rather than Pub. L. 95-134, DCPA is consulting with the insular areas on the matter of joint funding by Federal agencies separately from implementation of the consolidated grant criteria. Inasmuch as it is a requirement of law that DCPA assure nondiscrimination in its federally assisted programs and, regarding one of its programs (State and local management program, 50 U.S.C. App. 2286) that DCPA provide contributions on the basis of approved plans which under its regulations (32 CFR Part 1807) are required to include an administrative plan, a reference to each of these requirements has been added to the regulations proposed for this part.

Accordingly, title 32, chapter XVIII of the Code of Federal Regulations is amended by adding part 1804 to read as follows:

Sec.
1804.1 Purpose.
1804.2 Definitions.
1804.3 Conditions for a consolidated grant.
1804.4 Allocations.
1804.5 Audits and records.

AUTHORITY: Secs. 201(i), 205, and 401, Federal Civil Defense Act of 1950, 64 Stat. 1245-1257; E.O. 10952, 3 CFR 1959-1963 Comp. p. 479, 26 FR 6577; Order of the Secretary of Defense 37 FR 18636; Pub. L. 95-134, 91 Stat. 1159.

§ 1804.1 Purpose.

The purpose of the regulations in this part is to prescribe the basis under which the Defense Civil Preparedness Agency (DCPA) contributes Federal funds to an insular area through a consolidated grant.

§ 1804.2 Definitions.

Except as otherwise stated when used in the regulations of this part, the meaning of the listed terms are as follows:

(a) Insular areas. The Virgin Islands, Guam, American Samoa, and the Government of the Northern Mariana Islands.

(b) Consolidated grant. A grant by DCPA to any insular area through an allocation which combines funds for the State and local management program and the State and local maintenance and services program for a single Federal fiscal year.

(c) DCPA guidance material. DCPA regulations (32 CFR Chapter XVIII), Civil Preparedness Guide (CPG) 1-3, and Civil Preparedness Circulars (CPC) as presently providing or hereafter amended or revised.

§ 1804.3 Conditions for a consolidated grant.

(a) In order to participate, an insular area must submit a (one-time) administrative plan as provided for in DCPA guidance material (to be maintained in current status) and must sign a (one-time) civil rights assurance (DCPA form 856) and a (one-time) grant agreement agreeing to comply with Federal requirements.

(b) An insular area need not submit an application for a consolidated grant, but must submit an annual program paper which meets the requirements prescribed in DCPA guidance material.

(c) Funds made available under a consolidated grant must be expended for State and local management program expenses and/or State and local maintenance and services program expenses as defined and described in DCPA guidance material. Each participating insular area will determine the proportion in which funds granted to it will be allocated between the two programs.

(d) Participating insular areas need not provide matching funds for consolidated grants.

§ 1804.4 Allocations.

For each Federal fiscal year concerned, the Director, DCPA, shall allocate to each participating insular area an amount not less than the sum of grants for the two programs which the Director, DCPA, has determined such insular area would otherwise be entitled to receive for such fiscal year.

§ 1804.5 Audits and records.

(a) Audits. DCPA will maintain adequate auditing, accounting and review procedures as outlined in DCPA guidance material and OMB Circulars No. A-73 and A-102.

(b) Records. Financial records, supporting documents, statistical records, and all other records pertinent to a consolidated grant shall be retained for a period of three years from submission of final billing and shall be available to the Director, DCPA, and the Comptroller General of the United States, all as prescribed in DCPA guidance material and in accordance with OMB Circular A-102 (42 FR 45828-45891).

Dated: August 29, 1978.

BARDYL R. TIRANA,
Director, Defense Civil Preparedness Agency.

[FR Doc. 78-25106 Filed 9-6-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-199]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Atlantic Intracoastal Waterway (AIWW) Chatham County, Ga.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Chatham County Commissioners and the Georgia Department of Transportation, the Coast Guard is changing the regulations governing the Chatham County Island Expressway Bridge, Atlantic Intracoastal Waterway, mile 579.9, and State of Georgia Memorial Bridge, Atlantic Intracoastal Waterway, mile 582.8, by permitting the draws of each bridge to remain closed during certain periods. This change is being made to accommodate periods of peak vehicular traffic. This action will accommodate the needs of vehicular traffic while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on October 7, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On December 5, 1977, the Coast Guard published a proposed rule (42 FR 61475) concerning this amendment. The Commander, Seventh Coast Guard District, also published these proposals as a public notice dated December 5, 1977. Interested persons were given until January 6, 1978, to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., project manager, Office of Marine Environment and Systems, and Lt. G. S. Karavitis, project attorney, Office of the Chief Counsel.

DISCUSSION OF COMMENTS

Fourteen comments were received. Nine supported the proposal and one had no comment thereon. Four letters objected to the proposal. Three objected on the grounds that this may cause a hardship for the shrimping industry, particularly the closed periods during

the evening hours. These objections have some validity, however, with a scheduled opening during this closed period, it is felt that vessel operators can schedule their return to port to avoid conflict with the closed periods. The remaining objection was based on the premise that it would not be safe to hold up vessel traffic. However, if the pilot is reasonably prudent and handles the vessel carefully, the safety of the vessel should not be in jeopardy.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.404 to read as follows:

§ 117.404 Wilmington River, AIWW, mile 579.9, Chatham County Island Expressway, S.R. 26, Causton Bluff, Ga.; Wilmington River, AIWW, mile 582.8, State of Georgia Memorial Bridge, S.R. 80, Thunderbolt, Chatham County, Ga.

(a) The draw of the Causton Bluff Bridge need not open for the passage of vessels from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, except legal holidays. However, the draw shall open at 8:10 a.m. and 5:20 p.m., if any vessels are waiting to pass, and as outlined in paragraph (c) of this section. At all other times, the draw shall open on signal.

(b) The draw of the Memorial Bridge need not open for passage of vessels from 7:45 a.m. to 9:15 a.m. and 5 p.m. to 6:30 p.m., Monday through Friday, except legal holidays. However, the draw shall open at 8:30 a.m. and 5:45 p.m., if any vessels are waiting to pass, and as outlined in paragraph (c) of this section. At all other times the draw shall open on signal.

(c) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, cruise boats operated on a regular schedule, or vessels in distress. The opening signal from these vessels is four blasts of a whistle, or horn, or by shouting.

(d) The owner of or agency controlling the bridges shall post, on both sides of the bridges, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

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

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

Dated: August 31, 1978.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 78-25191 Filed 9-6-78; 8:45 a.m.]

[4110-12]

Title 41—Public Contracts, Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-56—GOVERNMENT PROPERTY

Procurement Regulations

AGENCY: Department of Health, Education, and Welfare.

AGENCY: Final rule.

SUMMARY: The Office of the Secretary, Department of Health, Education, and Welfare, is amending the departmental procurement regulations concerning Government property to incorporate references to applicable contract clauses now set forth in the Federal Procurement regulations, to make minor clarifications to the text, and to renumber sections within the subparts so that the sections currently designated [Reserved.] are deleted. The amendments serve to clarify and update the regulations on Government property.

EFFECTIVE DATE: These amendments are effective October 13, 1978.

FOR FURTHER INFORMATION CONTACT:

E. S. Lanham, Division of Procurement Policy and Regulations Development, OGP-OASMB-OS, Room 539-H, Hubert H. Humphrey Building, Department of Health, Education, and Welfare, Washington, D.C. 20201, 202-245-6347.

SUPPLEMENTARY INFORMATION: It is the general policy of the Department to allow time for interested parties to participate in the rulemaking process. However, since the amendments are administrative in nature, the public rulemaking process is deemed unnecessary in this instance. The provisions of these amendments are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

NOTE.—The Department of Health, Education, and Welfare 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-107.

Therefore, 41 CFR Chapter 3 is amended as set forth below.

Dated: August 29, 1978.

E. T. RHODES,
Deputy Assistant Secretary
for Grants and Procurement.

The existing part 3-56 is deleted in its entirety and the following is substituted:

Sec.

3-56.000 Scope of subpart.

Subparts 3-56.1—General

3-56.100 Scope of subpart.
3-56.101 Definitions.
3-56.101-1 Property.
3-56.101-2 Government property.
3-56.101-3 Equipment.
3-56.101-4 Facilities contract.
3-56.101-5 Nonprofit organization.
3-56.101-6 Miscellaneous terms.
3-56.102 Responsibility and liability for Government property.
3-56.102-1 Prime contractors.
3-56.102-2 Subcontractors.
3-56.103 Profits and fees.
3-56.104 Use for or by contractors of property owned and operated by the Government.

Subpart 3-56.2—Providing Government Property to Contractors

3-56.201 Providing property.
3-56.202 Use of facilities contracts.
3-56.203 Loans of Government property.
3-56.204 Providing Government property when disposal is limited (nonseverable, etc.).
3-56.205 Offer to furnish Government property "as is".
3-56.206 Changing Government property to be provided.

Subpart 3-56.3—Use of Rental Property of Government Property

3-56.301 Policy.
3-56.302 Authorizing a contractor to use Government property without charge.
3-56.303 Rental of Government property.
3-56.304 Rental rates and policies applicable to the use of Government property.
3-56.305 Rent-free use of Government property on work for foreign governments.
3-56.306 Use of Government property without charge by nonprofit organizations.

Subpart 3-56.4—Competitive Advantage

3-56.401 Policy.
3-56.402 Advertised procurements—use of existing Government property.
3-56.402-1 General.
3-56.402-2 Procedures for use of evaluation factors.
3-56.402-3 Limitations.
3-56.402-4 Rent.
3-56.403 Negotiated procurement—use of existing Government property.
3-56.404 Residual value to the Government of property to be acquired in competitively negotiated procurements.
3-56.405 Solicitations—description of evaluation procedure.

Subpart 3-56.5—Administration of Government Property

3-56.501 Maintenance.
3-56.502 Termination of facilities contracts.
3-56.503 Standby or layaway provision.
3-56.504 Disposition.
3-56.505 Insurance.
3-56.506 Accounting and control of Government property in possession of contractors.
3-56.507 Handbook—Government Property Held by Contractors.

Sec.

3-56.508 Abandonment of Government property.
3-56.509 Property warranty or guaranty.

Subpart 3-56.6—Contract Clauses

3-56.601 Applicability.
3-56.602 Government property clause for fixed-price contracts.
3-56.603 Government property clause for cost-reimbursement type contracts with commercial organizations.
3-56.604 Government property clause for cost-reimbursement type contracts with educational or nonprofit institutions.
3-56.605 Abandonment of Government property clause.
3-56.606 Clause for Government property furnished "as is."
3-56.607 Use and charges clause for facilities contracts.
3-56.608 Maintenance clause for facilities contracts.
3-56.609 Liability clause for facilities contracts.
3-56.610 Examination of records clauses.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

§ 3-56.000 Scope of part.

This part sets forth policies and procedures with respect to providing Government property for use by HEW contractors in connection with the procurement of personal property and nonpersonal services (including construction), and prescribes applicable contract clauses.

Subpart 3-56.1—General

§ 3-56.100 Scope of subpart.

This subpart contains definitions of terms used throughout this part, and statements of general policy concerning the use of Government property in the performance of contracts.

§ 3-56.101 Definitions.

For the purpose of this part, the following terms have the meaning set forth in this section.

§ 3-56.101-1 Property.

(a) *Real property.* Buildings, grounds, and structures including building service equipment permanently installed in or attached to buildings and structures and which become a part of real property for the purpose of rendering the building or structure usable or habitable (includes items normally required for the functional use of buildings and structures, such as heating and air conditioning systems, light fixtures, elevators, fire protection systems, etc.) which, installed, becomes an integral part of real property (i.e., lands and buildings).

(b) *Personal property.* Property of any kind or any interest therein, except real property and records of the Federal Government.

§ 3-3.56.101-2 Government property.

Government property is all property provided at Government expense regardless of the method by which it is acquired, title to which is vested in the Government. Government property is categorized as follows:

(a) Government-furnished property is Government property in the possession of, or acquired directly by the Government and delivered or otherwise made available to, the contractor.

(b) Contractor-acquired property is property procured or otherwise obtained by the contractor through sources other than the Government for performance of an HEW contract, title to which is vested in the Government.

(c) Contractor inventory. (1) Any property acquired by and in the possession of a contractor or subcontractor (including Government-furnished property) under a contract pursuant to the terms of which title is vested in the Government; and (2) any property which the Government by contract clause is obligated or has the option to take over under any type of contract.

§ 3-56.101-3 Equipment.

The term "equipment" means any item of mechanical, electronic, medical, technical, or scientific property as well as office furniture and machines having a useful life expectancy of 1 year or more. Capitalization of equipment is prescribed in Subpart 103-27.54 of the HEW Materiel Management Manual (HEWMMM), covering accounting and control of contractor inventories.

§ 3-56.101-4 Facilities contract.

Facilities contract means a contract under which Government real and/or personal property is provided to a contractor or subcontractor by the Government for use in connection with the performance of a separate contract or contracts for supplies or services. However, it should be noted that the Public Health Service is the only principal operating component that can award a facilities contract providing for the furnishing or acquiring of real property or nonseverable property by a contractor (See § 3-56.204). All other operating components can authorize a contractor to acquire personal property or severable property only.

§ 3-56.101-5 Nonprofit organization.

Nonprofit organization means any corporation, foundation, trust, or institution operated for scientific, educational, or medical purposes, not organized for profit, and no part of the net earnings contributes to the benefit of any private shareholder or individual.

§ 3-56.101-6 Miscellaneous terms.

(a) Provide, as used in the context of such phrases as "Government property provided to the contractor," means either to furnish, as in "Government-furnished property," or to permit the contractor to acquire, as in "contractor-acquired property."

(b) Nonseverable, when used in conjunction with Government property, means property that cannot be removed after erection or installation without substantial loss of value or damage to it or to the premises where installed.

(c) Procurement contract means a Government contract or subcontract for supplies or services of any description, where the Government may authorize, or authorizes, the use of Government property provided under a facilities contract in its performance.

§ 3-56.102 Responsibility and liability for Government property.

§ 3-56.102-1 Prime contractors.

It is the policy not to hold a contractor responsible for loss of property except for loss, destruction, or damage resulting from willful misconduct or lack of good faith of any of the contractor's managerial personnel in maintaining and administering the program for maintenance, repair, protection and preservation of the property, when Government property is provided under:

(a) A facilities contract; or

(b) A negotiated fixed-price procurement contract where the price is not based on:

(1) Adequate price competition,

(2) Established catalog or market prices of commercial items sold in substantial quantities to the general public, and

(3) Prices set by law or regulation (see § 1-3.807-3 of this title); or

(c) A cost-type procurement contract.

§ 3-56.102-2 Subcontractors.

(a) If Government property is provided to a subcontractor directly by the Government, the policy set forth in § 3-56.102-1 shall apply.

(b) If Government property is provided to a subcontractor by a prime contractor, the prime contractor shall be required to hold the subcontractor liable for any loss of or damage to such property. If the prime contract falls under either paragraph (b) or (c) of § 3-56.102-1, the prime contractor may, with the prior approval of the contracting officer, include in any cost-reimbursement type subcontract a provision similar to that referenced in § 3-56.602(b). In any fixed-price-type subcontract meeting the criteria set forth in § 3-56.102-1(b), the prime contractor may include a provision similar

to that referenced in § 3-56.602(b) after obtaining the approval of the contracting officer.

(c) Contracting officers, prior to approving the inclusion of the provisions referred to in paragraph (b) of this section in any subcontract, shall balance the need for the protection and care of Government property against the cost thereof. A prime contractor who provides Government property to a subcontractor shall not be relieved of any responsibility to the Government that he may have under the terms of the contract.

§ 3-56.103 Profits and fees.

No fee is to be provided or allowed a contractor under a facilities contract. Where Government property is provided under a facilities contract, profit or fee shall be considered in the negotiation of the related procurement contract or contracts for products or services consistent with the profit guidelines established in § 1-3.808.

§ 3-56.104 Use for or by contractors of property owned and operated by the Government.

The on-site use for or by contracts of existing Government-owned property (such as test and other facilities) located at installations owned and operated by the Government may be authorized in connection with the performance of Government contracts only when:

(a) There is no commercial capability adequate for the needs; or

(b) Substantial cost savings will result from use of the Government-owned property.

Whenever any such use is authorized, adequate consideration comparable to commercial charges, if any, shall be obtained under the affected contract.

Subpart 3-56.2—Providing Government Property to Contractors

§ 3-56.201 Providing property.

(a) It is HEW policy that property required in the performance of Government contracts will be furnished by the contractor. However, a contractor may be provided Government property or allowed to acquire such property at Government expense if authorized by the principal official responsible for procurement upon determination that:

(1) No practicable or economical alternative exists; e.g., procurement from other sources, utilization of subcontractors, rental of property, or modification of program project requirements, etc.;

(2) The Government receives adequate consideration for providing the property; or

(3) Furnishing Government property is likely to result in substantially lower cost to the Government for the items produced or services rendered when all costs involved (e.g., transportation, installation, modification, maintenance, etc.) are compared with the cost to the Government of the contractor's use of privately-owned property.

(b) The determination that it is necessary to provide a contractor or subcontractor with property will be evidenced by a written justification signed by the contracting officer and the official responsible for management of the program involved and submitted to the principal official responsible for procurement for approval. The justification will:

(1) Explain the necessity for providing property;

(2) Describe the kind, quantity, and estimated cost of the individual items to be provided; and

(3) If necessary, request authorization for the expenditure of appropriated funds for providing the property and furnish a fund citation obtained from the fiscal office.

(c) If the program manager is aware, prior to the request for a contract, that it will be necessary to provide prospective contractors with property, a written justification must accompany the request for a contract to the procurement activity.

(d) If after award of a contract it is determined that property is required or modifications and/or additions to property provided are necessary, a justification as required under paragraph (b) of this section will be executed and provided to the approving authority.

(e) Permanent improvements, other than foundations and similar improvements essential for installation of equipment, may not be made to private property unless authorized by law.

(f) New construction or improvements to real property having general utility shall not be provided with appropriations for research or development unless authorized by law.

(g) Contracting officers shall ensure that solicitation documents:

(1) Require prospective contractors to identify Government-owned property in their possession and/or property acquired from Federal funds, where title vests in the contractor, which is proposed to be used in the performance of the contract (see §§ 3-56.402 and 3-56.403). The prospective contractor must provide written authorization from the cognizant contracting officer of the Federal agency owning the referenced property.

(2) Require prospective contractors to state in writing the property required to fulfill the contract, and the property which they do not have available for the contract, along with the estimated cost and nature of such items, and whether the contractors will furnish the items with their funds.

(3) Inform the prospective contractors of the Government's intention to provide property and list the property to be provided, if any.

§ 3-56.202 Use of facilities contract.

When Government facilities are to be provided to a contractor, a facilities contract shall be used, except as provided below:

(a) The acquisition value of the property (real and personal) to be provided a contractor does not exceed $50,000 (provide for the use of the property in this instance in the procurement contract);

(b) The contract is for the performance of work within an establishment of or installation operated by the Government; or

(c) The contract is for the performance of services involving the operation of a Government-owned facility, and the property provided is to be used only in connection with that contract.

§ 3-56.203 Loans of Government property.

Subpart 103-27.56 of the HEWMMM provides for the loan of personal property to activities outside the Government other than in connection with a procurement or separate facilities contract with HEW. Accordingly, the kinds of loans described in subpart 103-27.56 would not come under the purview of this part 3-56.

§ 3-56.204 Providing Government property when disposal is limited (nonseverable, etc.).

(a) *Nonseverable property.* Government property, other than foundations and similar improvements necessary for the installation of equipment, shall not be installed or constructed on land not owned by the Government in a fashion as to become nonseverable unless the principal operating component doing so is the Public Health Service, the only principal operating component to possess such authority. Accordingly, a contract for research or development, or both, may provide for the acquisition of construction by, or furnishing to, the contractor, of research, developmental or test facilities and equipment and can be awarded by PHS upon a determination by the Assistant Secretary for Health that:

(1) The contract under which such property is provided contains a provision for reimbursing the Government for the fair value of the property at the completion or termination of the contract or within a reasonable time thereafter. (For example, in appropriate cases, such a provision may require the contractor to purchase the property at a value to be determined by ap-

praisal, or at a price equal to its acquisition cost less depreciation at a specified rate considering its estimated useful life, or may require the contractor to reimburse the Government for its scrap or salvage value if the Assistant Secretary for Health determines that its estimated useful life will not extend beyond the expiration of the facilities contract or the completion of the work for which the property was provided.);

(2) The Government has an option to acquire the underlying land; or

(3) The contract under which such property is provided contains an alternate provision that the Assistant Secretary for Health considers to be adequate to protect the interests of the Government.

(b) *Property subject to patent or other proprietary rights.* If patent or other proprietary rights of a contractor may restrict the disposal of Government property, the condition in either paragraph (a)(1) or (a)(3) of this section shall be satisfied before such property is provided.

§ 3-56.205 Offer to furnish Government property "as is."

(a) Government property may be offered on an "as is" basis in any solicitation for fixed-price type contracts, whether the property is in storage or in the possession of a contractor. In this case, the clause set forth in § 3-56.606 shall be used.

(b) Government property may be offered on an "as is" basis for the performance of fixed-price type contracts only if it can be inspected by bidders or offerors prior to the submission of their bids or offers. In such cases, the invitation or proposal shall state:

(1) The availability and location of the property, and the conditions under which it may be inspected;

(2) That the property will be offered in its current condition, f.o.b. present location;

(3) That bidders or offerors must satisfy themselves that the property is suitable for their use;

(4) That any costs of transporting, installing, modifying, repairing, or otherwise making the property suitable for use shall be borne by the successful bidder or offeror;

(5) That evaluations will be made to eliminate any competitive advantage from the use of the property (see subpart 3-56.4);

(6) The bidders or offerors to whom the property is to be offered, if it is not to be offered to all; and

(7) Instructions concerning disposition of Government property at the completion or termination of the contract.

(c) If, in accordance with the policy stated in §§ 3-56.302 and 3-56.303, the successful bidder or offeror is authorized to use property furnished on an "as is" basis, the Government shall furnish the property in its current condition, f.o.b. present location. If a facilities contract is used to furnish Government property offered on an "as is" basis, the contract shall state that the contractor shall not be reimbursed for transporting, installing, modifying, repairing, or otherwise making the property ready for use.

§ 3-56.206 Changing Government property to be provided.

The amount of Government property specified to be provided may be increased by a bilateral modification to the contract. Such an increase shall be made only when approved in accordance with the policies prescribed in this subpart 3-56.2 and when the Government is to receive adequate consideration. Unilateral decreases in, or substitutions for, the Government property specified to be provided by the Government may be ordered by the contracting officer, subject to the equitable adjustment of the contract, in accordance with the Government property clause in the contract.

Subpart 3-56.3—Use and Rental of Government Property

§ 3-56.301 Policy.

It is HEW policy to promote the greatest possible use of available Government property in the performance of Government contracts or subcontracts.

§ 3-56.302 Authorizing a contractor to use Government property without charge.

(a) A contractor may use Government property without charge:

(1) In the performance of:

(i) Prime contracts which specifically authorize use without charge;

(ii) Subcontracts of any tier if the contracting officer having cognizance over the prime contract concerned has authorized use without charge by:

(A) Approving a subcontract specifically authorizing such use;

(B) Including such authorization in the prime contract; or

(C) Otherwise approving such use in writing.

(iii) Contracts with a foreign government if use without charge has been authorized in writing pursuant to § 3-56.305; or

(iv) Research, development, or educational work by nonprofit organizations if the contracting officer having cognizance of such property approves the use in writing after obtaining the authorization required by § 3-56.306.

(2) *Provided*, as to subdivisions (i) and (ii) of paragraph (a)(1) of this section:

(i) The procedures set forth in subpart 3-56.5 are complied with;

(ii) The contracting officer having cognizance of the prime contract determines that the Government will receive adequate consideration for the use of the property through reduced costs for the supplies or services, or otherwise; and

(iii) A concurrence in, or authorization for, the proposed use of the property in accordance with paragraph (b) of this section is obtained.

(b) (1) A contracting officer desiring to authorize use of Government property under the cognizance of another contracting officer may request the latter to give concurrence in its use.

(2) Unless the use of Government property is authorized by the solicitation, each solicitation shall require that any contractor or subcontractor desiring to use Government property in his possession in the performance of the proposed Government contract or subcontract shall request the contracting officer having cognizance of such property to give his written concurrence in such use. Such concurrence shall be given whenever possible and shall contain all information required by § 3-56.402 or § 3-56.403.

(c) Notwithstanding paragraph (a) of this section, a contract may be modified to provide for the use of Government property on a rent-free basis, if the contract is equitably adjusted.

§ 3-56.303 Rental of Government property.

(a) When use of Government property is authorized, rent computed in accordance with § 3-56.304 shall be charged, except where use without charge is authorized under § 3-56.302.

(b) When Government property is no longer required for the performance of Government contracts or subcontracts, it shall not continue to be made available to a contractor for non-Government use.

(c) Each contracting officer having cognizance of Government property shall be responsible for the collection of rent on that property.

§ 3-56.304 Rental rates and policies applicable to the use of Government property.

Except as provided in this paragraph, the rent for all Government property shall be computed in accordance with the criteria set forth in § 3-56.607 (a) and (b). Rent for Government property shall be based on the time such property is available for use. However, if the principal official responsible for procurement determines it to be in the best interest of the Government, rent may be charged on an actual use or other basis. In such cases, the "Use and Charges" clause (§ 3-56.607) should be appropriately modified.

§ 3-56.305 Rent-free use of Government property on work for foreign governments.

Upon the request of a foreign government, or a contractor certifying that he is acting on behalf of a foreign government, the principal official responsible for procurement cognizant of Government property located in the United States, its possessions, or Puerto Rico, may give written approval for its use without charge on contracts of foreign governments or subcontracts thereunder if:

(a) The foreign government would be authorized to place the contract with the activity concerned under the Foreign Assistance Act of 1961, as amended, or such use is authorized by an agreement with the foreign government;

(b) The foreign government's placement of the contract directly with the contractor is consistent with the best interests of the United States;

(c) It appears that the foreign government will place the contract with the contractor whether or not use is authorized, and no competitive pricing advantage will accrue to the contractor by virtue of its use;

(d) The contractor agrees that no charge for the use of the property will be included in the price charged the foreign government under the contract; and

(e) Such use will not interfere with foreseeable requirements of the United States.

§ 3-56.306 Use of Government property without charge by nonprofit organizations.

Using the provisions in subpart 103-27.56, Loan of Government Property, of the HEWMMM, the contracting officer cognizant of government property in the possession of a nonprofit organization may approve the use of the property by the organization without charge, for research, development, or education work, if:

(a) Use is directly or indirectly in the national interest;

(b) Use is not for the direct benefit of a profitmaking organization; and

(c) The Government receives some direct benefit from such use. (The benefit shall, at a minimum, include the furnishing of a report by the contractor on the work for which the property was provided, and may include rights to use the results of the work without charge, or any other benefit that may be appropriate).

Subpart 3-56.4—Competitive Advantage

§3-56.401 Policy.

It is HEW policy to eliminate the competitive advantage to a prospective contractor that might arise from the availability of Government property. This is accomplished by charging rent or by use of rental equivalents in evaluating bids and proposals as provided in § 3-56.402 and § 3-56.403.

§ 3-56.402 Advertised procurements—Use of existing Government property.

§ 3-56.402-1 General.

In formally advertised procurements, the competitive advantage that might accrue to a contractor from the availability and use of Government property shall be eliminated by adding an evaluation factor to each bid for which such use is requested, i.e., a use or rental charge.

§ 3-56.402-2 Procedures for use of evaluation factors.

Where an evaluation factor is used, it shall be equal to the rent, allocable to the contract, which would otherwise have been charged for such use. The invitation for bids shall set forth a description of the evaluation procedure to be followed, as required by § 3-56.405, and it shall require all bidders to submit with their bids:

(a) A list or description of all Government property which the bidder or his anticipated subcontractors propose to use on a rent-free basis, including property offered for use in the invitation for bids, as well as property already in possession of the bidder and his subcontractors under other contracts;

(b) With respect to such property already in possession of the bidder and his proposed subcontractors, identification of the facilities contract (§ 3-56.202) or other instrument under which the property is held, and the written permission for use of the property by the contracting officer having cognizance of the property;

(c) The months during which the property will be available for use, to include the first, last, and all intervening months, and, with respect to any such property which will be used concurrently in performance of two or more contracts, the amounts of the respective uses in sufficient detail to support the proration required by § 3-56.402-3(b); and

(d) The amount of rent which would otherwise be charged for such use, computed in accordance with § 3-56.304.

§ 3-56.402-3 Limitations.

(a) The invitation for bids shall provide that no use of Government property other than as described and permitted pursuant to § 3-56.402-2 shall be authorized, unless use is approved in writing by the contracting officer cognizant of the property, and either rent calculated in accordance with § 3-56.304 is charged or the contract price is reduced by an equivalent amount.

(b) If Government property will be used on other work under one or more existing contracts for which use had been authorized (see §§ 3-56.302 and 3-56.303), the evaluation factor shall be determined by prorating the rent between the proposed contract and the other work. The pro rata share applicable to a proposed contract shall be determined by multiplying the full rental charge for the use of Government property for the period for which rent-free use is requested (i.e., the full charge for the requisite number of rental periods computed in accordance with paragraph (b)(2) of the "Use and Charges" clause, § 3-56.607(a), before application of the credit for rent-free use) by a fraction, the numerator of which is the amount of use of the property requested by the contractor under that contract determined in accordance with paragraph (b)(1)(iv) of the clause in § 3-56.607(a), and the denominator of which is the sum of the previously authorized use of the property by the contractor for the period and the use requested under the proposed contract.

§ 3-56.402-4 Rent.

If the competitive advantage is to be eliminated by charging rent, any bidder or prospective subcontractor may use Government property after obtaining the written approval of each contracting officer having cognizance of the property. Rent shall be charged in accordance with § 3-56.304.

§ 3-56.403 Negotiated procurement—Use of existing Government property.

In negotiated procurements, the competitive advantage arising from the use of Government property shall be eliminated by the use of an evaluation factor established in accordance with § 3-56.402, except when the contracting officer determines that the use of an evaluation factor would not affect the choice of contractors.

§ 3-56.404 Residual value to the Government of property to be acquired in competitively negotiated procurements.

(a) In competitively negotiated procurements that permit the acquisition of property, an evaluation of the residual value of the property to the Government may be made, where practicable, in accordance with paragraphs (b) and (c) of the section. Such an evaluation is appropriate in cases where the contracting officer has determined that the property will have a reasonably foreseeable future usefulness and related residual value to the Government (remaining useful life plus scrap value) beyond the period of use of the award under consideration, and it is

anticipated that the cost of the property as proposed by the several offerors may be a factor in making the award.

(b) The purpose of evaluating the residual value of property is to apportion to each proposal under consideration only that part of the total cost of the property which represents the amount of useful life to be consumed during performance of the resulting contract. Accordingly, the proposed price or cost of such property may be reduced for evaluation purposes by an amount representing the residual value to the Government. In estimating the residual value, the following factors shall be considered:

(1) The useful life of the property to be acquired;

(2) Its adaptability for use by other contractors or by the Government;

(3) The reasonably foreseeable requirements for its future use; and

(4) Its scrap or salvage value.

(c) If the contracting officer decides to consider the residual value in a competitively negotiated procurement, the solicitation shall give notice of this and provide a statement of the reasonably foreseeable future requirements of the Government for the supplies in question, in order to afford offerors the opportunity to consider such residual value as a factor in making their proposals. If the solicitation does not contain the notice and statement but the contracting officer decides to consider the residual value of the property after receipt of the proposals, he shall, during the negotiations, give all offerors within the competitive range a notice and statement as above, and shall permit them to make changes in their proposals as they may consider necessary as a result of the addition of the residual value factor.

§ 3-56.405 Solicitations—Description of evaluation procedure.

Generally, when Government property is offered for use under a competitive procurement, the solicitation should provide that the bidder or offeror will assume all costs related to making the property available (such as transportation costs) to avoid the need for separate evaluation of individual costs. If this is not feasible, or it is otherwise in the Government's interest, the Government may assume certain costs provided they are included in the evaluation of bids or proposals. The rental charges or factors to be used to eliminate the competitive advantage, as well as all costs or savings to be evaluated, shall be clearly shown in the solicitation to insure that all prospective bidders or offerors understand the basis for determining bid prices and cost proposals, and that the bidders or offerors consider these factors when preparing their bids or proposals.

Subpart 3-56.5—Administration of Government Property

§ 3-56.501 Maintenance.

(a) Government property provided under a facilities or procurement contract shall be maintained by the contractor in accordance with sound business practice. These contracts shall provide for specific maintenance requirements in accordance with the "Government property" clause of the contract or by a separate maintenance agreement. (Also see § 103-27.5406, HEWMMM, and § 3-56.507.)

(b) In formally advertised procurements, the minimum specific maintenance requirements which the contractor must meet shall be set forth in the invitation for bids. In competitively negotiated procurements, the specific maintenance requirements shall be negotiated prior to award.

(c) Any maintenance program that is agreed to shall provide specific details for the protection, preservation, maintenance, and repair of the Government property to assure that the interests of the Government will be adequately protected. In addition, the program shall be written to include general language covering other aspects of maintenance which are not specifically provided.

§ 3-56.502 Termination of facilities contracts.

A facilities contract (see § 3-56.202) shall be terminated when the Government property covered thereby is no longer required for the performance of Government contracts or subcontracts, unless it is determined that termination is detrimental to the interest of the Government. The contractor shall not be granted the unilateral right to extend the period of use of the Government property provided under the facilities contract.

§ 3-56.503 Standby or layaway provision.

(a) A facilities contract may include appropriate provisions for maintenance and storage of Government property in standby or layaway status. These provisions shall include specifications for the care and maintenance of the property appropriate for its intended future use.

(b) If the Government is required to pay the contractor for maintenance and storage of Government property in a standby or layaway status, the facilities contract shall identify what constitutes a standby or layaway item, and when and under what circumstances payments will commence and terminate with respect to all or any part of the property.

(c) If the contractor is required to pay a State of local property tax because of his possession of, or interest in, Government property in a standby or layaway status, the facilities contract shall provide that he be reimbursed to the extent provided under § 1-15.205-41.

§ 3-56.504 Disposition.

Disposition of Government property shall be in accordance with applicable regulations and contract provisions. See part 1-8 of the FPR, subpart 103-43.3 of the HEWMMM and § 3-56.508.

§ 3-56.505 Insurance.

When less than 75 percent of the total use of facilities is for Government work, consideration shall be given to requiring the contractor to procure and maintain insurance against loss of, or damage to, the facilities. If necessary, facilities contracts may be modified to require insurance.

§ 3-56.506 Accounting and control of Government property in possession of contractors.

Contracting officers shall insure that all Government property in a contractor's possession is accounted for under the contract for which it is provided, and a system is available, established, and maintained as prescribed by subpart 103-27.54, HEWMMM.

§ 3-56.507 Handbook—Government Property Held By Contractors.

The handook sets forth basic requirements to be observed by contractors in establishing and maintaining control over Government property provided for performance of contracts with this Department. The handbook supplements provisions of the contract that apply to Government property, but does not supersede them. The contract provisions will govern in the event of any conflict with the statements in the handbook. If there is evidence that Government property will be required to perform a contract, the contracting officer shall reference the handbook in the solicitation document and make it available on request. The handbook shall be issued to contractors using Government property at the time of the contract award.

§ 3-56.508 Abandonment of Government property.

There are circumstances when it is to the advantage of the Government to reserve the right to abandon Government property used under a contract. This necessarily includes instances when nonseverable property is involved (see § 3-56.204) or when the provisions of 10 U.S.C. 2353 are evoked. Other circumstances may

occur when the contracting officer has reason to believe that Government property may become fully depreciated or deteriorated beyond economical repair, and removal would cost the Government more than the residual value or the acquisition of a new item. In such circumstances, all determinations by the contracting officer shall be in writing, setting forth the facts which clearly justify that the best interests of the Government will be served by the abandonment of the property. Such action must be approved by the principal official responsible for procurement. The clause in § 3-56.605 should be used whenever it is intended to evoke 10 U.S.C. 2353.

§ 3-56.509 Property warranty or guaranty.

When contractors are provided Government property, the contracting officer shall assure that the contractors are aware of their responsibility for protecting the Government's interest in any warranty or guaranty associated with any item of Government property.

Subpart 3-56.6—Contract Clauses

§ 3-56.601 Applicability.

(a) As used throughout this subpart, the term "fixed-price contract" shall include any advertised or negotiated fixed-price type contract (see § 1-3.404 of this title) and any letter contract which will be converted into a fixed-price type definitive contract, but shall exclude small purchases made under subpart 1-3.6 of this title.

(b) As used throughout this subpart, the term "cost-reimbursement contract" shall include any cost-reimbursement type contract (see § 1-3.405 of this title) and any letter contract which will be converted to a cost-reimbursement type definitive contract, but shall exclude facilities contracts (see § 3-56.202).

§ 3-56.602 Government property clause for fixed-price contracts.

(a) The clause set forth in § 1-7.303-7(a) shall be used in fixed-price contracts when the Government is to furnish, or the contractor is to acquire, Government property and the contract is with a profitmaking organization.

(b) Paragraph (g) set forth in § 1-7.303-7(b) shall be substituted for paragraph (g) set forth in § 1-7.303-7(a) in negotiated fixed-price contracts for which the price is not based on:

(1) Adequate price competition;

(2) Established catalog or market prices of commercial items sold in substantial quantities to the general public; or

(3) Prices set by law or regulation; and

(4) The price does not include any charges or reserve for insurance (including self-insurance) covering damage to Government property.

(c) The clause set forth in § 1-7.303-7(d) shall be used when the contract is without fee or profit and is with an educational or nonprofit institution. The instructions relative to the vesting of title under such contracts are set forth in § 3-16.5002-6(b).

§ 3-56.603 Government property clause for cost-reimbursement-type contracts with commercial organizations.

The clause set forth in § 1-7.203-21(a) of this title shall be used in all cost-reimbursement-type contracts with commercial organizations.

§ 3-56.604 Government property clause for cost-reimbursement-type contracts with educational or nonprofit institutions.

The clause set forth in § 1-7.402-25(b) of this title shall be used in all contracts with educational or nonprofit institutions. The instructions relative to vesting of title under such contracts is set forth in § 3-16.5002-6(a).

§ 3-56.605 Abandonment of Government property clause.

The following clause shall be used when the contracting officer deems it advisable to abandon Government property on the contractor's premises (see § 3-56.508):

ABANDONMENT OF GOVERNMENT PROPERTY

The Government may abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease, and the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of, the Contractor's plant or any portion thereof which is affected by the abandonment of any Government property.

§ 3-56.606 Clause for Government property furnished "as is."

The following clause shall be included in all contracts in which Government property is to be furnished "as is" in accordance with § 3-56.205:

GOVERNMENT PROPERTY FURNISHED "AS IS"

(a) The Government makes no warranty whatsoever with respect to Government property furnished "as is" except that the property is in the same condition when placed at the f.o.b. point specified in the solicitation as when inspected by the Contractor pursuant to the solicitation, or, if not inspected by the contractor, as when last available for inspection under the solicitation.

(b) The contractor may repair any property made available to him "as is." Such repair will be at the contractor's expense except as otherwise provided in this clause. Such property may be modified at the contractor's expense, but only with the written permission of the contracting officer. Any repair or modification of property furnished "as is" shall not affect the title of such property, which remains vested in the Government.

(c) If there is any change in the condition of Government property furnished "as is" from the time inspected or last available for inspection under solicitation, and such change will adversely affect the contractor, the contractor shall, immediately upon receipt of the property, notify the contracting officer of such fact and, as directed by the contracting officer, either: (1) Return such property at the Government's expense or otherwise dispose of the property, or (2) effect repairs to return the property to its condition when inspected under the solicitation, or if not inspected, when last available for inspection under the solicitation. Upon completion of (1) or (2) above, the contracting officer, upon written request of the contractor, shall equitably adjust any contractual provisions affected by the return, disposition or repair, in accordance with the procedures provided for in the "changes" clause of this contract. The foregoing provisions for adjustment are exclusive and the Government shall not be liable for any delivery of Government property furnished "as is" in a condition other than that in which it was originally offered.

(d) Except as otherwise provided in this clause, Government property furnished "as is" shall be governed by the "Government property" clause of this contract.

§ 3-56.607 Use and charges clause for facilities contracts.

(a) The policy on rental of Government property is set forth in § 3-56.304 and the criteria for rates are prescribed in paragraph (b) of this section. The following clause is for use in connection with a facilities contract:

USE AND CHARGES

(a) The contractor may use the facilities without charge in the performance of:

(1) Prime contracts with the Government which specifically authorize use without charge;

(2) Subcontracts held by the contractor under Government prime contracts or subcontracts of any tier thereunder if the contracting officer having cognizance of the prime contract concerned has authorized use without charge by approving a subcontract specifically authorizing such use in writing; and

(3) Other work with respect to which the contracting officer has authorized use without charge in writing.

(b) Subject to the payment of a rental therefor, the contractor may use all or part of the facilities in the performance of work other than that specified in paragraph (a) of this section, as authorized by the contracting officer or as specifically provided in the contract. The amount of rentals to be paid for the right to use the facilities under this paragraph (b) shall be determined in accordance with the following procedure.

(1) The following bases are or shall be established in writing for the rental computation prescribed in paragraph (b)(2) of this section in advance of any use of the facilities provided under this contract:

(i) The rental rates for the right to use the property shall be those established by the contracting officer in (insert reference) of this contract.

(ii) The acquisition cost of the property shall be the total cost to the Government, as determined by the contracting officer, of each item of property, including the cost of transportation and installation, if such costs are borne by the Government. When government-owned special tooling or accessories are rented with any item of the property, the acquisition cost shall be increased to include the price charged the Government for such tooling or accessories. When any item of property has been modernized by substantial rebuilding at Government expense so as to enhance its original capability, the acquisition cost for that item shall include the increased value, as determined by the contracting officer, that such rebuilding and modernization represent. The determination made by the contracting officer under this subparagraph shall be final and conclusive on the contractor.

(iii) The rental period shall be not less than 1 month nor more than 6 months, as may be mutually agreed to.

(iv) For the purpose of computing any credit under paragraph (b)(2) of this section the measurement unit for determining the amount of use of the property by the contractor shall be direct labor hours, sales, hours of use, or any other measurement unit which will result in an equitable apportionment of the rental charge, as may be mutually agreed to.

(2) The contractor shall compute the amount of rentals to be paid for each rental period, using the bases established pursuant to subparagraph (b)(1) of this section. The rental rates shall be applied to the acquisition cost of such of the property as may have been authorized for use in advance pursuant to this paragraph (b), for each rental period. The full charge for each rental period, so determined, shall be reduced by a credit in the amount of such rental as would otherwise be properly allocable to work with respect to which the use of the property without charge is authorized in accordance with paragraph (a) of this section. Such credit shall be computed by multiplying the full rental period by a fraction whose numerator is the amount of use of the property by the contractor without charge during such period, and whose denominator is the total amount of use of property by the contractor during such period.

(3) The contractor shall submit to the contracting officer within ninety (90) days after the close of each rental period a written statement of the use made of the property by the contractor and the rental due the Government hereunder, and shall make available such records and data as are determined by the contracting officer to be necessary to verify the information contained in the statement.

(4) If the contractor fails to submit the statement within the prescribed ninety (90) day period, the contractor shall be liable for the full rental for the period in question, subject to the exception stated in subparagraph (5) below.

(5) If the contractor's failure to submit the statement within the prescribed ninety (90) day period arose out of causes beyond the control and without the fault or negligence of the contractor, the contracting officer shall grant to the contractor in writing a reasonable extension of time in which to make such submission.

(c) Unless otherwise directed in writing by the contracting officer, the contractor shall give priority in the use of the property to the performance of contracts and subcontracts of (insert name of Government agency) and shall not undertake any work involving the use of the property which would interfere with the performance of existing Government contracts or subcontracts.

(d) Concurrently with the submission of the written statement prescribed by paragraph (b)(3) of this section, the contractor should pay the rental due the Government under this clause by check made payable to the HEW organization providing the property. The name of the HEW organization, to which the check would be made payable, should be indicated in the contract. Each check shall be mailed or delivered to the fiscal office designated in the contract. Receipt and acceptance by the Government of the contractor's checks pursuant to this paragraph (d) shall constitute an accord and satisfaction of the final amount due the Government hereunder unless the contractor is notified in writing within one hundred eighty (180) days following such receipt that the amount received is not regarded by the Government as the final amount due.

(e) If the contractor uses any item of the property without authorization, the contractor shall be liable for the full monthly rental, without credit, for such item for each month or part thereof in which such unauthorized use occurs. However, the contracting officer may waive the contractor's liability for such unauthorized use if he determines that the contractor exercised reasonable care to prevent such unauthorized use. In this latter event, the contractor shall be liable only for the rental that would otherwise be due under this clause. The acceptance of any rental by the Government hereunder shall not be construed as a waiver of relinquishment of any rights it may have against the contractor growing out of the contractor's unauthorized use of the property or any other failure to perform this contract according to its terms.

(b) Rental rates will be established under the "Use and Charges" clause for facilities furnished contractors as follows:

(1) For land and land preparation, buildings, structures, and other facilities, a fair and reasonable rental shall be established, based on sound commercial practice.

(2) For personal property and equipment not covered in paragraph (b)(1) of this section, a rental shall be established at not less than the prevailing commercial rate, if any; or, in the absence of such rate, not less than two percent (2 percent) per month of the market value for electronic test equipment and automotive equipment; and not less than one percent (1 percent) per month for all other property and equipment. In those instances when Government-owned production equipment (industrial type) set forth in appendix A of Defense Mobilization Order 8555.1A, Office of Emergency Preparedness, is involved, the schedule of rental rates set forth in the order shall be used. (See 32A CFR Chapter 1, DMO 8555.1A, OEP Policy Guidance on Government-owned Production Equipment.)

§ 3-56.608 Maintenance clause for facilities contracts.

The following clause shall be included in all facilities contracts:

MAINTENANCE OF GOVERNMENT PROPERTY

(a) Except as otherwise provided in the contract, the contractor shall perform normal maintenance of the Government property in accordance with sound industrial practice, including protection, preservation, maintenance, and repair of the property, and with respect to equipment, normal parts replacement.

(b) As soon as practicable after the execution of this contract, the contractor shall submit to the contracting officer in writing a proposed normal maintenance program, including an appropriate maintenance records system, in sufficient detail to show its adequacy as a normal maintenance program. To the extent that the contracting officer and the contractor agree upon such a program, it shall become the normal maintenance obligation of the contractor; and the contractor shall carry it out in satisfaction of (1) his normal maintenance obligation under paragraph (a) above, and (2) his obligation to maintain records under paragraph (e) below.

(c) The contracting officer may at any time specify, by written notice to the contractor, a reduction in the work required by the then current normal maintenance obligation of the contractor. After receipt of such notice, the contractor shall perform only such work as is specified therein. If any such notice causes a decrease in the cost of performing the normal maintenance obligation, appropriate equitable adjustment may be made in any related procurement contract of the contractor which so provides and which is affected by any such decrease.

(d) The contractor shall perform such maintenance work as may be directed by the contracting officer in writing. To the extent that such work is in excess of the contractor's then current normal maintenance obligation under paragraphs (a) through (c) above, such work shall be at Government expense. The contractor shall notify the contracting officer in writing whenever, in accordance with sound industrial practice, the property requires any work in excess of such normal maintenance obligation.

(e) The contractor shall keep records of the work done on the property in performing his obligations under this clause, and shall afford the Government adequate opportunity to inspect all such records. The contractor shall deliver such records to the Government or to third persons, if so directed by the contracting officer, whenever the property to which they relate are disposed of hereunder.

(f) The contractor's obligation under this clause shall continue, with respect to each item of property, until such item is removed, abandoned, or otherwise disposed of, as authorized or directed in writing by the contracting officer, until the expiration of a period of ninety (90) days after the contractor, in form satisfactory to the contracting officer, has accounted for all of the property covered by any notice of termination of the use of property or until the contractor has discharged his obligations under this

contract with respect to such items, whichever last occurs.

§ 3-56.609 Liability clause for facilities contracts.

The following clause shall be included in all facilities contracts:

LIABILITY FOR GOVERNMENT PROPERTY

(a) The contractor shall not be liable for any loss of or damage to Government property, or for expenses incidental to such loss or damage, except that the contractor shall be responsible for any such loss or damage (including expenses incidental thereto) which results from:

(1) Willful misconduct, negligence, or lack of good faith on the part of any one of the contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who have supervision or direction of:

(i) All or substantially all of the contractor's business; or

(ii) All or substantially all of the contractor's operations at any one plant or separate location, in which the Government property is installed or located.

(2) A failure, on the part of the contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in subparagraph (1) above:

(i) To maintain and administer, in accordance with the clause of the contract entitled "Maintenance," a program for maintenance, repair, protection, and preservation of Government property; or

(ii) To take all reasonable steps to comply with any appropriate written directions or instructions which the contracting officer may prescribe as reasonably necessary for the protection of the Government property.

(3) A risk for which the contractor is otherwise responsible under the express terms of this contract;

(4) A risk expressly required to be insured pursuant to paragraph (c) of this clause, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(5) A risk which is in fact covered by insurance or for which the contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement: *Provided*, That if more than one of the above exceptions shall be applicable in any case, the contractor's liability under any one exception shall not be limited by any other exception.

(b) If the contractor transfers Government property to the possession and control of a subcontractor, the transfer shall not affect the liability of the contractor for loss or destruction of or damage to the property as set forth above. However, the contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the property while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the contracting officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(c) Unless expressly directed in writing by the contracting officer, the contractor shall not include as an element of price or cost under any contract with the Government any amount on account of the cost of insurance (including self-insurance) against any form of loss or damage to Government property. Any insurance required under this clause shall be in such form, in such amounts, for such periods of time, and with such insurers (including the contractor as self-insurer in appropriate circumstances, if so approved) as the contracting officer shall require or approve. Such insurance shall contain provision for thirty (30) days prior written notice to the contracting officer of cancellation or material change in the policy coverage on the part of the insurer. A certificate of insurance or a certified copy of each policy of insurance taken out hereunder shall be deposited promptly with said contracting officer. The contractor shall, not less than thirty (30) days prior to the expiration of any insurance required by this contract to be carried by the contractor on the facilities, deliver to said contracting officer a certificate of insurance or a certified copy of each renewal policy to cover the same risks. The insurance shall be in the names of the United States of America, Department of Health, Education, and Welfare, the contractor, and such other interested parties as the contracting officer shall approve, and shall contain a loss payable clause reading substantially as follows:

"Loss, if any, under this policy shall be adjusted with (contractor) and the proceeds, at the direction of the Government, shall be paid to (contractor). Proceeds not paid to (contractor) shall be paid to the (insert name of the appropriate HEW organization, e.g., SSA-HEW, PHS-HEW, and so forth)."

(d) Upon the happening of any loss or destruction of or any damage to the property: (1) The contractor shall immediately notify the contracting officer thereof, and with the assistance of the contracting officer shall take all reasonable steps to protect the property from further damage, separate the damaged and undamaged property, arrange for inspection, and promptly furnish to the contracting officer (and in any event within thirty (30) days after the contractor has determined that loss or destruction of, or damage to the property has occurred) the following:

(i) A list of the lost, destroyed, and damaged property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

(2) The contractor shall make such repairs, replacements, and renovations of the lost, destroyed, or damaged Government property, or take such other actions as the Contracting Officer may direct in writing.

The contractor shall perform its obligation under this paragraph (d) at Government expense, except to the extent that the contractor is responsible for such damage, loss, or destruction under the terms of this clause, and except as any damage, loss, or destruction is compensated by insurance.

(e) The Government is not obligated to replace or repair Government property which has been lost, destroyed, or damaged. In such event the right of the parties to an equitable adjustment in delivery or performance dates, or price, or both, and in any other contractual condition of the related procurement contracts affected thereby shall be governed by the terms and conditions of such contracts.

(f) Except to the extent of any loss or destruction of or damage to Government property for which the contractor is relieved of liability, the property shall be returned to the Government, or otherwise disposed of under the terms of this contract in as good condition as when received by the contractor, as subsequently improved or as they should have been subsequently improved or maintained under the terms of this contract, less ordinary wear and tear.

(g) In the event the contractor is indemnified, reimbursed, or otherwise compensated (excepting any portion of the proceeds, from use and occupancy or business interruption insurance, which represents indemnity for loss or profit, since the insurance premium for such indemnity is not to be borne directly or indirectly by the Government) for any loss or destruction of, or damage to, Government property, he, to the extent and as directed by the contracting officer shall:

(1) Use the proceeds to repair, renovate, or replace the property involved; or

(2) Pay such proceeds to the Government.

(h) The contractor shall do nothing to prejudice the Government's right to recover against third parties for any loss or destruction of, or damage to, Government property, and upon the request of the contracting officer shall furnish to the Government, at Government expense, all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

§ 3-56.610 Examination of records clauses.

Insert the following clauses in all facilities contracts:

(a) Examination of records by the Comptroller General (text of this clause is set forth in FPR § 1-7.103-3).

(b) Examination of records by the Department of Health, Education, and Welfare (text of this clause is set forth in § 3-16.950-314, clause 5).

(c) Accounts, audit and records (text of this clause is set forth in § 3-16.950-314, clause 7).

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[4310-10]

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PROCUREMENT BY FORMAL ADVERTISING AND NEGOTIATION

Miscellaneous Amendments

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: This rule makes miscellaneous changes to the Interior Department's procurement regulations.

These changes are necessary to implement recent amendments to the Federal procurement regulations and regulations issued by the Small Business Administration; and to recognize recent organizational changes made within the Department.

EFFECTIVE DATE: These amendments are effective October 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Opdyke, 202-343-5914.

SUPPLEMENTARY INFORMATION: The changes are as follows:

(a) Section 14-1.704-1 is amended to change the title "Assistant Director for Procurement, Office of Management Services" to read "Chief, Division of Procurement and Grants, Office of Administrative and Management Policy."

(b) The clause in paragraph (b) of § 14-1.705-50 is amended to correct typographical errors.

(c) Section 14-1.706-1 is amended by revising the references to other sections of this title and chapter.

(d) Section 14-1.706-2 is amended by adding instructions concerning submission to the Department of the justification for the decision by the head of the procuring activity disapproving a small business set-aside, and to change the title "Assistant Secretary—Management" to read "Assistant Secretary—Policy, Budget, and Administration."

(e) Paragraphs (a), (b), and (c) of § 14-1.706-5 are amended by revising the instructions and the provision concerning the product or service classification code and small business size standard to be included in each solicitation in excess of $10,000 and in each solicitation of $10,000 or less which is a small business set-aside.

(f) Section 14-1.706-6 is amended to revise the references to the requirement in § 1-1.706(c) of this title that the product or service classification code and small business size standard be stated in solicitations.

(g) Sections 14-1.708, 14-1.708-2 and 14-1.708-3 concerning the applicability and procedures and the conclusiveness of certificates of competency are deleted and reserved. The sections are no longer applicable because the Small Business Administration regulations and the Federal procurement regulation have been changed.

(h) New §§ 14-2.205 and 14-2.205-1 are added. They provide that bidders mailing lists should show the labor surplus area status of small business potential bidders.

(i) Section 14-3.603-1 is amended by redesignating the existing section as paragraph (a) and by adding a new paragraph (b). The new paragraph (b) requires the product or service classification code and the small business size standard to be stated in each solicitation of $10,000 or less which is a small business set-aside.

The primary author of this rule is William Opdyke, Division of Procurement and Grants, Office of Administrative and Management Policy, Department of the Interior, 202-343-5914.

NOTE.—The Department of the Interior has determined that this document does not contain a major rule requiring preparation of an inflation impact statement under Executive Order 11821 or OMB Circular A-107.

Accordingly, pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 201, 41 CFR is amended as stated below.

Dated: August 28, 1978.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

PART 14-1—GENERAL

Subpart 14-1.7—Small Business Concerns

1. Subpart 14-1.7 is amended to delete and reserve §§ 14-1.708, 14-1.708-2 and 14-1.708-3; and to revise § 14-1.704-1, the clause in paragraph (b) of § 14-1.705-50, paragraph (a) of § 14-1.706-1 and §§ 14-1.706-2, 14-1.706-5 and 14-1.706-6 to read as follows:

§ 14-7.704-1 Small business adviser.

The Chief, Division of Procurement and Grants, Office of Administrative and Management Policy, is designated small business adviser for the Department of the Interior. The small business adviser will have the responsibility, as a collateral duty, of implementing small business policy and programs. The adviser will provide advice and assistance to small business representatives in the Bureaus and Offices of the Department and will be the central point of contact for inquiries concerning matters pertaining to the small business program.

* * * * *

§ 14-1.705-50 Surety bond guarantee assistance.

(b) * * *

SURETY BOND GUARANTEE ASSISTANCE

As provided in 13 CFR Part 115, the Small Business Administration may, under certain circumstances, provide assistance to small businesses on surety bonds required hereunder. Further information may be obtained from the contracting officer or the nearest office of the Small Business Administration.

* * * * *

§ 14-1.706-1 General.

(a) Pursuant to §§ 1-1.706-1 and 1-3.201 of this title, and § 14-3.201 of this chapter, it shall be the policy of the Department of the Interior to set aside on a class basis for small business all procurements of construction (including alteration, maintenance, and repair) estimated to cost $750,000 or less, except individual procurements for which small purchase procedures (see Subpart 1-3.6 of this title) are to be used or when emergency repair work is required. Contracting officers may deviate from this class set-aside policy as provided in § 1-1.706-3 of this title. * * *

* * * * *

§ 14-1.706-2 Review of SBA set-aside proposals.

The Assistant Secretary—Policy, Budget and Administration will take all required actions on any appeals made by the Administrator of SBA to the head of the agency under § 1-1.706-2 of this title. When SBA has appealed to the head of the agency, the justification for the decision by the head of the procuring activity disapproving a set-aside shall be promptly forwarded by the head of the procuring activity to the Chief, Division of Procurement and Grants for review and recommended action to be taken by the Assistant Secretary—Policy, Budget and Administration.

§ 14-1.706-5 Total set-asides.

(a) To implement the requirements of §§ 1-1.703-2(g), 1-1.706-5(d) and (e) and 1-1.706-6(c) of this title, that the product or service classification code and the small business size standard shall be set forth in the solicitation, a statement substantially as follows shall be included in each solicitation in excess of $10,000 and in each solicitation of $10,000 or less which is a small business set-aside:

The following product or service classification code(s) and small business size standard(s) apply to this procurement: (Item or Schedule) No. Classification Code Size Standard. (Insert appropriate information from § 1-1.701-1 of this title.)

(b) The statement should be inserted only once for each classification code and size standard applicable to the procurement.

(c) If the articles or services to be procured cannot be identified with an industry for which a classification code and size standard is specifically established, then it shall be assumed that the size standard is 500 employees or less. (See § 1-1.701-1(a)(2) of this title.)

§ 14-1.706-6 Partial set-asides.

The instructions set forth in § 14-1.706-5 shall be observed to implement the requirements of §§ 1-1.703-2(g) and 1-1.706-6(c) of this title that the product or service classification code and the small business size standard shall be set forth in the solicitation.

§ 14-1.708 [Reserved]

§ 14-1.708-2 [Reserved]

§ 14-1.708-3 [Reserved]

PART 14-2—PROCUREMENT BY FORMAL

Subpart 14-2.2—Solicitation of Bids

2. Subpart 14-2.2 is amended by adding new §§ 14-2.205 and 14-2.205-1 as follows:

§ 14-2.205 Bidders mailing lists.

§ 14-2.205-1 Establishment of lists.

The small business policies set forth in § 1-1.702(b) of this title require that bidders mailing lists shall include potential small business concerns that are also potential labor surplus area concerns. To implement that requirement, procuring activities should show on bidders mailing lists the labor surplus area status of small business potential bidders. Labor surplus areas can be determined from the Department of Labor quarterly publication, "Listing of Eligible Labor Surplus Areas Under Defense Manpower Policy No. 4A and Executive 10582."

PART 14-3—PROCUREMENTS BY NEGOTIATIONS

Subpart 14-3.6—Small Purchases

3. Section 14-3.603-1 is amended to read as follows:

§ 14—3.603-1 Solicitation.

(a) When written quotations are solicited for small purchases of $5,000 or more, Standard Form 18, Request for Quotation, shall be used (see subpart 1-16.2 of this title). It is not necessary to furnish prospective suppliers a copy to be retained unless requested by a supplier or it is known that a copy is desired. When standard form 18 is used by a purchasing activity, it constitutes merely a request for price quotations and is not an offer to purchase.

(b) The instructions set forth in § 14-1.706-5 of this chapter shall be observed to implement the requirements of § 1-1.703-2(g) of this title that the product or service classification and small business size standard shall be set forth in each solicitation of $10,000 or less which is a small business set-aside.

[FR Doc. 78-25104 Filed 9-6-78; 8:45 am]

[4910-60]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-139; Amdt. Nos. 172-45, 173-120, 175-5, 176-5]

CONVERSION OF INDIVIDUAL EXEMPTIONS TO REGULATIONS OF GENERAL APPLICABILITY

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: Final rule.

SUMMARY: This action is being taken to incorporate into the Department's Hazardous Materials Regulations a number of changes based on the data and analysis supplied in selected exemption applications, or from existing special permits and exemptions. The need for this action has been created by the public demand to make available new packaging and shipping alternatives that have proven themselves safe under the Department's special permit and exemption programs. The intended effect of these amendments is to provide wider access to the benefits of transportation innovations recognized and shown to be effective and safe.

EFFECTIVE DATE: September 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Regulation, 2100 2d Street SW., Washington, D.C. 20590, 426-0656.

SUPPLEMENTARY INFORMATION: On June 5, 1978, the Materials Transportation Bureau (MTB) published a notice of proposed rulemaking, docket HM-139; notice No. 7 (43 FR 24335) which proposed these amendments. The background and the basis for incorporating these exemptions into the regulations were discussed in that notice. Interested persons were invited to give their views prior to the closing date of July 5, 1978. Primary drafters of this document are Darrell L. Raines and John C. Allen, of the Office of Hazardous Materials Regulation, Exemptions and Regulations Termination Branch, and Evan C. Braude, of the Office of the Chief Counsel, Research and Special Programs Directorate.

There were very few comments received from the public concerning this notice. The majority of the comments received concerned the proposal to add a definition in 49 CFR 171.8 for an "empty tank car." All commenters but two were opposed to the proposed amendment and requested either an extension of the comment period or withdrawal of this particular proposal from HM-139. Several commenters suggested that it be treated as an entirely separate issue in another rulemaking docket. In light of these comments, the Materials Transportation Bureau is withdrawing the proposed amendment to § 171.8 from consideration under HM-139.

Notice No. 7 contained a proposed amendment to § 173.163(a) to authorize DOT specification 56 portable tanks for sodium chlorate and potassium chlorate. This proposal is withdrawn from docket HM-139 since the DOT 56 portable tank was added by docket HM-121 published in the FEDERAL REGISTER on July 20, 1978 (43 FR 31138).

Several comments from the petroleum equipment suppliers industry were received concerning the proposal to authorize shipment of "charged oil well jet perforating guns" aboard private cargo vessels as class C explosives under limited conditions (DOT-E 7932). These comments were directed to the limitation proposed by § 173.110(c)(4) that the total weight of explosive content of the shaped charges assembled in the guns shall not exceed 20 pounds per vessel. It is argued principally that such a limitation results in a waste of time, money and energy since it causes a greater number of trips for a vessel between the offshore drilling site and the onshore shipping location. The Bureau agrees with this argument to the extent that more than 20 pounds per vessel will be allowed, but only under the segregation requirements of § 176.83(b). The 20-pound-per-pallet restriction will be maintained.

Analysis of these amendments and comments thereon indicate that the costs of regulatory enforcement will not be significantly affected, nor will additional costs be imposed on the private sector, consumers, or Federal, State or local governments, since these amendments will authorize the general use of shipping alternatives previously available to only a few users under the exemptions. The safety record or analysis of shipments under the exemptions identified in notice No. 7 demonstrate that significant environmental impacts will not result from any of these amendments. Since these amendments are relaxations of existing rules, and place no additional burden on any person, they are being made effective in less than 30 days

after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Parts 172, 173, 175, and 176 of Title 49 CFR are amended as follows:

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In the hazardous materials table in § 172.101, the following entries are revised to read:

(1) */ W/ A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Labels(s) required (if not excepted)	(5) Packaging (a) Exceptions	(5) Packaging (b) Specific requirements	(6) Maximum net quantity in one package (a) Passenger carrying aircraft or railcar	(6) Maximum net quantity in one package (b) Cargo only aircraft	(7) Water shipments (a) Cargo vessel	(7) Water shipments (b) Passenger vessel	(c) Other requirements
	(change)									
	*	*	*	*	*	*	*	*	*	*
	Charged oil well jet perforating gun (total explosive content in guns not exceeding 20 lb per motor vehicle or special offshore down hole tool pallet).	Class C explosive	Explosive C	None	173.53 173.110	Forbidden	Forbidden	1,2	5	
	*	*	*	*	*	*	*	*	*	*
*	Cigarette lighter (or other similar ignition device).	Flammable gas	Flammable gas	173.21 175.10	173.308	21 ounces	25 pounds	1	1	
*	Cigarette lighter (or other similar ignition device).	Flammable liquid	Flammable liquid	173.21 175.10	173.118	Forbidden	Forbidden	1	1	
	Corrosive liquid, n.o.s.	Corrosive material	Corrosive	173.244	173.245 173.245a	1 quart	1 quart	1	4	For material that meets only the corrosion to skin criteria of 49 CFR 173.240(a)(1), "under deck" stowage is also authorized if the description includes the additional entry specified by § 172.203(l)(3).
	Corrosive solid, n.o.s.	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1	4	For material that meets only the corrosion to skin criteria of 49 CFR 173.240(a)(1), "under deck" stowage is also authorized if the description includes the additional entry specified by § 172.203(l)(3).
	Cyclotetramethylenetetranitramine, wet with not less than 10 percent water. See high explosive.									
	Motor vehicle, etc., including automobile, motorcycle, truck, tractor, and other self-propelled vehicle or equipment powered by internal combustion engine, when offered new or used for transportation and which contain fuel in the engine or fuel tank or the electric storage battery is connected to either terminal of the electrical system.	ORM-C	None	173.120 173.250 173.257 173.306 175.305 176.905				1,2	1,2	
	(Add)									
	Water pump system tank charged with compressed air or nitrogen.	Nonflammable gas	None	173.306		Forbidden	Forbidden	1,2	1,2	

2. In § 172.203, paragraph (i) is amended by adding paragraph (3) to read:

§ 172.203 Additional description requirements.

* * * * *

(i) * * *

(3) The entry "Skin corrosive only" must be included to also authorize "under deck" stowage for corrosive liquid, n.o.s. and corrosive solid, n.o.s. that meet only the corrosion to skin criteria of § 173.240(a)(1).

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

3. In § 173.34 paragraph (e)(10) is amended by adding the following entry at the end of the table:

§ 173.34 Qualification, maintenance, and use of cylinders.

* * * * *

(e) * * *

(10) * * *

Cylinders made in compliance with—	*Used exclusively for—*
DOT-4B240, DOT-4BW240.....	Ethylene imine, inhibited.

* * * * *

4. In § 173.65 the introductory text of paragraph (e) and paragraph (e)(3) are revised to read as follows:

§ 173.65 High explosives with no liquid explosive ingredient nor any chlorate.

* * * * *

(e) Ammonium picrate, cyclotetramethylenetetranitramine, cyclotrimethylenetrinitramine, pentaerythrite tetranitrate (desensitized), picric acid, trinitrobenzene, trinitrobenzoic acid, trinitroresorcinol, trinitrotoluene, or urea nitrate, when wet with not less than 10 pounds of water to each 90 pounds of dry material must be shipped in packagings as follows:

* * * * *

(3) Specification 5B (§ 178.82 of this subchapter). Metal barrels or drums or Spec. 21C (§ 178.224 of this subchapter) fiber drums. Authorized only for cyclotetramethylenetetranitramine, or cyclotrimethylenetrinitramine, each wet with not less than 10 pounds of water to each 90 pounds of dry material in inside containers which must be bags made of at least 10-ounce cotton duck, plastic bags not less than 4 mils thick, rubber, or rubberized cloth and securely closed. The dry weight of cyclotrimethylenetrinitramine or cyclotetramethylenetranitramine in one metal barrel or drum must not exceed 300 pounds and not more than 225 pounds in fiber drums. These bags containing the cyclotrimethylenetrinitramine or cyclotetramethylenetrinitramine must then be placed in a rubber bag, rubberized cloth bag, or bag made of suitable water-tight material which must be securely closed and then placed in the drum. If shipment of cyclotrimethylenetetranitramine is to take place at a time freezing weather is to be anticipated, it must be wet with a mixture of denatured ethyl alcohol or other suitable antifreeze and water of such proportions that freezing will not occur in transit.

* * * * *

5. In § 173.110 the heading is revised and paragraph (c) is added to read as follows:

§ 173.110 Charged oil well jet perforating guns, total explosive content in guns not exceeding 20 pounds per motor vehicle or pallet.

* * * * *

(c) Charged oil well jet perforating guns may be offered for transportation and transported by private offshore oil well supply vessels only when carried in special motor vehicles as prescribed in § 173.80 or on offshore down hole tool pallets provided that:

(1) No blasting caps, electric blasting caps or other firing devices shall be affixed or installed in the guns;

(2) Each shaped charge shall contain not over 4 ounces of explosives;

(3) Each shaped charge, if not completely enclosed in glass or metal, shall be fully protected by a metal cover after installation in the gun; and

(4) The total weight of the explosive contents of shaped charges assembled in guns being carried does not exceed 20 pounds per vehicle or pallet. Each cargo vessel compartment may contain up to 20 pounds of explosive content if the segregation requirements of § 176.83(b)(3) are met. More than one pallet or vehicle, each containing not more than 20 pounds of explosive content, may be stowed "on deck" provided a minimum horizontal separation distance of 10 feet is provided.

6. In § 173.119 paragraph (m)(10) is revised to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

* * * * *

(m) * * *

(10) Specification MC 303 or MC 304: Tank motor vehicle meeting § 178.343-2(c) of this subchapter. If the cargo tank is constructed with bottom outlets, they must meet § 178.342-5(a) of this subchapter. Not authorized for flammable liquids which are also organic peroxides. MC 303 not authorized for transportation by water.

* * * * *

7. In § 173.154 paragraph (a)(20) is added to read as follows:

§ 173.154 Flammable solids, organic peroxide solids and oxidizers not specifically provided for.

(a) * * *

(20) As prescribed in § 173.163(a)(7). Authorized only for sodium chlorate, dry, and hydrated calcium hypochlorite.

8. In § 173.245 paragraph (a)(5) is added to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(5) Specification 5K (§ 178.88 of this subchapter). Nickel barrels or drums. Authorized only for commodities that will not react with nickel and result in container failure.

* * * * *

9. In § 173.245b paragraph (a)(5) is revised to read as follows:

§ 173.245b Corrosive solids not specifically provided for.

(a) * * *

(5) Fiber drum not exceeding 550 pounds net weight and not over 65-gallon capacity. When shipped by water, each drum must include a moisture barrier.

* * * * *

10. In § 173.297 paragraph (a)(5) is added to read as follows:

§ § 173.297 Titanium sulfate solution containing not more than 45 percent sulfuric acid.

(a) * * *

(5) Specification 21P (§ 178.225 of this subchapter). Fiber drum overpack with inside specification 2U (§ 178.24 of this subchapter) polyethylene container not over 15-gallon capacity or specification 2SL (§ 178.35a of this subchapter) polyethylene container not over 55-gallon capacity. Authorized only for solutions containing not over 20 percent sulfuric acid.

11. In § 173.306 paragraph (g) is added to read as follows:

§ 173.306 Limited quantities of compressed gases.

(g) *Water pump system tank.* Water pump system tanks charged with compressed air or limited quantities of nitrogen to not over 40 psig for single-trip shipment to installation sites are

excepted from labeling (transportation by air not authorized) and the specification packaging requirements of this subchapter when shipped under the following conditions. In addition, shipments are not subject to Subpart F of this subchapter, to part 174 of this subchapter except § 174.24 and part 177 except § 177.817.

(1) The tank must be of steel, welded with heads concave to pressure, having a rated water capacity not exceeding 120 gallons and with outside diameter not exceeding 24 inches. Safety relief devices not required.

(2) the tank must be pneumatically tested to 100 psig. Test pressure must be permanently marked on the tank.

(3) The stress at prescribed pressure must not exceed 20,000 psi using formula:

$S = Pd/2t$

where:

S = wall stress in pounds per square inch;
P = prescribed pressure for the tank of at least 3 times charged pressure at 70° F or 100 psig, whichever is greater;
d = inside diameter in inches;
t = minimum wall thickness, in inches.

(4) The burst pressure must be at least 6 times the charge pressure at 70° F.

(5) Each tank must be overpacked in a strong outside container in accordance with § 173.301(k).

12. In § 173.308 paragraph (c) is added to read as follows:

§ 173.308 Cigarette lighter or other similar device charged with fuel.

* * * * *

(c) For transportation by water in a closed transport vehicle or a closed freight container, the following warning must be affixed to the access doors: "WARNING—MAY CONTAIN EXPLOSIVE MIXTURES WITH AIR—KEEP IGNITION SOURCES AWAY WHEN OPENING." The warning must be on a contrasting background and must be readily legible from a distance of 25 feet.

PART 175—CARRIAGE BY AIRCRAFT

13. In § 175.10 paragraphs (a)(11) and (a)(12) are added to read as follows:

§ 175.10 Exceptions.

(a) * * *

(11) Smoke grenades, flares, and pyrotechnic devices affixed to aircraft carrying no person other than a required flight crewmember during any flight conducted at and as a part of a scheduled air show or exhibition of aeronautical skill. The affixed installation accommodating the smoke grenades, flares, or pyrotechnic devices on the aircraft must be approved by the FAA for its intended use.

(12) Hazardous materials which are loaded and carried on or in cargo-only aircraft and which are to be dispensed or expended during flight for weather control, forest preservation and protection, or avalanche control purposes when the following requirements are met:

(i) Operations may not be conducted over densely populated areas, in a congested airway, or near any airport where air carrier passenger operations are conducted.

(ii) Each operator shall prepare and keep current a manual containing operational guidelines and handling procedures, for the use and guidance of flight, maintenance, and ground personnel concerned in the dispensing or expending of hazardous materials. The manual must be approved by the FAA District Office having jurisdiction over the operator's certificate, if any, or the FAA Regional Office in the region where the operator is located. Each operation must be conducted in accordance with the manual.

(iii) No person other than a required flight crewmember, FAA inspector, or person necessary for handling or dispensing the hazardous material may be carried on the aircraft.

(iv) The operator of the aircraft must have advance permission from the owner of any airport to be used for the dispensing or expending operation.

(v) When dynamite and blasting caps are carried for avalanche control flights, the explosives must be handled, and, at all times be, under the control of a blaster who is licensed under a state or local authority identified in writing to the FAA district office having jurisdiction over the operator's certificate, if any, or the FAA regional office in the region where the operator is located.

PART 176—CARRIAGE BY VESSEL

14. In § 176.905 paragraph (k) is revised to read as follows:

§ 176.905 Motor vehicles or mechanical equipment powered by internal combustion engines.

* * * * *

(k) Motor vehicles with fuel in their tanks may be stowed in a closed freight container if the following warning is affixed to the access doors: "WARNING—MAY CONTAIN EXPLOSIVE MIXTURES WITH AIR—KEEP IGNITION SOURCES AWAY WHEN OPENING." The warning must be on a contrasting background and must be readily legible from a distance of 25 feet.

* * * * *

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

NOTE.—The Materials Transportation Bureau has determined that this document constitutes a non-major regulation under Executive Order 12044 and DOT implementing procedures (43 FR 9582). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C., on August 30, 1978.

L. D. SANTMAN,
Acting Director,
Materials Transportation Bureau.

[FR Doc. 78-25165 Filed 9-6-78; 8:45 am]

[4910-60]

[Docket No. HM-144; Amdt. No. 179-24]

PART 179—SPECIFICATIONS FOR TANK CARS

Specification for Pressure Tank Car Tanks: Compliance Reporting

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: The Materials Transportation Bureau (the Bureau) is issuing this amendment to the Department's hazardous materials regulations to require owners of DOT specification 112 and 114 pressure tank cars to provide to the Bureau a listing of those cars bearing the owner's reporting mark and the plans of the owner to retrofit them with safety devices. In addition, the rule requires quarterly reporting concerning the efforts of the owner to meet established compliance deadlines and provides a definition of the term "tank car owner." The purpose of this rule is to monitor the compliance of tank car owners with regulatory deadlines.

EFFECTIVE DATE: This amendment is effective September 7, 1978.

ADDRESS: All written comments received in this proceeding are available for examination during regular business hours in Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

William F. Black, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, 202-426-2748.

SUPPLEMENTARY INFORMATION: The Materials Transportation Bureau published on September 15, 1977, a final rule establishing additional safety requirements for DOT specification 112 and 114 tank cars (42 FR 46306). The requirements included improved couplers, tank head protection and thermal protection. Tank car owners were afforded a four-year period to complete the application of

required protective systems to cars built prior to January 1, 1978. On July 13, 1978, the Bureau published a supplemental amendment shortening the period allowed for retrofit of these cars (43 FR 30057). This rulemaking is issued as a means of facilitating the implementation of the retrofit program.

On June 8, 1978, the Bureau published a notice of proposed rulemaking, Docket No. HM-144; notice No. 78-8 (43 FR 24865). The purpose of that notice was to elicit public comment on a proposed rule which would define "tank car owner" and require owners of DOT specifications 112 and 114 tank cars to provide:

1. A listing of cars owned;
2. Plans of the owner regarding retrofit; and
3. Quarterly reports concerning the owner's efforts to meet established compliance deadlines.

The reasons for considering these compliance reporting requirements were discussed in considerable detail in the Notice. Six submissions were received and have been fully considered by the Federal Railroad Administration (FRA) and the Bureau. After analysis of these comments it has been determined that the rule should be issued in the form proposed.

Three commenters opposed implementation of this reporting requirement. These commenters are shipper-owners of specification 112 and 114 tank cars. Two of these respondents assured DOT that their retrofit activities would be completed within the time limits prescribed. The third respondent suggested that time extensions might be requested to complete the retrofit program. These three believed that implementation of the compliance reporting requirements would be an unnecessary burden on tank car owners.

However, two commenters including one tank car shipper-owner favored the compliance reporting as a method to inform the FRA and the Bureau of retrofit status.

The FRA and the Bureau believe that it is necessary to monitor compliance with the regulatory deadlines. As was stated in the Notice, neglect by a tank car owner or owners to establish an adequate pace of retrofit could result in a failure to meet regulatory deadlines. Such failure could result in an accumulation of unequipped cars which would be prohibited from use in transportation. It will, therefore, be necessary for the FRA, which is responsible for enforcing the tank car regulations, to monitor closely the manner in which tank owners comply with the regulatory deadlines. In the event it appears that any tank car owner has failed to establish a program leading to the timely completion of the retrofit tasks, FRA may find it necessary to institute compliance order proceedings under 49 CFR Part 209 (42 FR 56742; October 28, 1977) or take other, appropriate legal action. The reporting rule contained in this Amendment will provide the FRA with the information necessary to carry out its enforcement mission.

One commenter suggested that use of the "UMLER" (Universal Machine Language Equipment Register) might afford FRA and the Bureau with adequate information. The "UMLER" keeps information concerning the tank car specification of every listed car. However, FRA experience with "UMLER" is that information is at least ninety-days behind events; and "UMLER" would provide no information regarding "shelf coupler" retrofit (which is not a specification change). Nor would "UMLER" indicate owners' plans. Because of the compressed retrofit time schedule and our commitment to rapid completion of this important phase of the retrofit program, it is believed that this reporting system is necessary to obtain the needed information on an accurate, timely basis.

Additionally, one commenter recommended that the quarterly reports received from tank car owners be summarized and published in the FEDERAL REGISTER until full retrofit compliance is met. It is believed that by having these reports available for public inspection, adequate availability of information is afforded regarding the status of the retrofit program. Accordingly, it is not planned to publish quarterly summaries.

One respondent who owns specification 112 and 114 tank cars under more than one reporting mark requested that for purposes of this rule and compliance with the retrofit schedule his several reporting marks be treated as a unit. The FRA and the Bureau concur provided such a request is included when the information required by section 179.105-9(a) is submitted. However, leased tank cars cannot be considered as "owned" by lessees.

One commenter requested that departmental attention be focused on the cause of railroad accidents and that expeditious movement of liquefied petroleum gas not be disrupted. The FRA is taking all feasible action to address the causes of train accidents but believes that compliance reporting is also necessary. Also, the FRA and the Bureau believe that monitoring retrofit compliance will help to assure adequate tank car capacity for the transportation of liquefied flammable gases and anhydrous ammonia.

Accordingly, this rule is adopted as proposed in docket No. HM-144; notice No. 78-8.

Primary drafters of this document are William F. Black, Office of Safety, and Grady C. Cothen, Jr., Office of Chief Counsel, Federal Railroad Administration.

In consideration of the foregoing, part 179 of title 49, Code of Federal regulations is amended as follows:

In § 179.105, paragraph (d) is added in § 179.105-1 and a new § 179.105-9 is added to read as follows:

§ 179.105 Special requirements for Specifications 112 and 114 tank cars.

§ 179.105-1 General.

* * * * *

(d) As used in this section 179.105, "tank car owner" means a person whose reporting mark appears on any specification 112 or 114 tank car.

* * * * *

§ 179.105-9 Compliance reporting.

(a) By October 16, 1978, each tank car owner shall report in writing to the Associate Administrator for Safety, FRA (Attention: RRS-25), the following information concerning specification 112 and 114 pressure tank cars bearing the owner's reporting mark:

(1) The total number of such cars and a list of applicable reporting marks (by consecutive series, where appropriate);

(2) A declaration of intent concerning the number of cars scheduled to be equipped to each of the respective specifications subject to this section (i.e., 112A/114A, 112S/114S, 112T/114T, 112J/114J) and the disposition of any remaining 112/114 cars; and

(3) A description of steps being taken to comply with § 179.105-3 (previously built cars), including—

(i) The number of cars scheduled to be equipped to specifications 112S/114S and 112T/114T, respectively, which have been equipped with a tank head puncture resistance system meeting the requirements of § 179.105-5, and remain to be equipped with a tank head puncture resistance system;

(ii) The number of cars scheduled to be equipped to specification 112T/114T which have been equipped with a thermal protection system that meets the requirements of § 179.105-4, and remain to be equipped with a thermal protection system;

(iii) The number of cars scheduled to be equipped to specification 112J/114J which have been equipped with the thermal protection system and tank head protection system required by §§ 179.105-4 and 179.105-5, and remain to be equipped to specification 112J/114J; and

(iv) The number of cars which have been equipped with a coupler restraint

system meeting the requirements of § 179.105-6, and remain to be equipped with such a system.

(b) By the last day of the calendar month following the end of each quarter, each tank car owner shall submit to the Associate Administrator for Safety, Federal Railroad Administration (Attention: RRS-25), a written progress report updating the information required to be submitted by paragraphs (a)(2) and (a)(3) of this section. The first report shall be submitted by January 31, 1979.

(c) When a tank car owner has equipped all 112 and 114 cars built prior to January 1, 1978 with the devices required by § 179.105 for the type of service in which the cars are to be utilized, the tank car owner shall certify in a final compliance report to the Associate Administrator for Safety, Federal Railroad Administration (Attention: RRS-25), that all 112 and 114 tank cars are properly equipped. Following the submission of that certificate, no further reports shall be required under paragraph (b) of this section, unless the tank car owner subsequently acquires additional cars requiring the application of devices required by § 179.105.

(d) Each tank car owner, including any person attaining to that status at any time prior to December 31, 1980, shall include in the quarterly report required by paragraph (b) of this section a listing by reporting mark of all 112 and 114 tank cars acquired, transferred, or destroyed during the quarter, specifying the action taken with respect to each car. In the case of cars newly acquired, the quarterly report shall also provide the information required by paragraph (a)(2), and (a)(3) of this section.

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

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). An evaluation of the estimated cost and anticipated benefits of this amendment has been prepared in accordance with departmental policies and procedures for simplification, analysis and review of regulations (43 FR 9582) and has been placed in the public docket for this proceeding.

The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942; OMB No. 4R5726.

Issued in Washington, D.C., on August 31, 1978.

L. D. SANTMAN,
Acting Director,
Materials Transportation Bureau.

[FR Doc. 78-25145 Filed 9-6-78; 8:45 am]

[7035-01]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1033—CAR SERVICE

[Revised Service Order No. 1323]

Distribution of Freight Cars

DECIDED AUGUST 31, 1978.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (revised service order No. 1323).

SUMMARY: There is a shortage of tri-level auto rack flatcars on the St. Louis-San Francisco Railway Co. (SL-SF) and on the Union Pacific (UP) Railroads for the shipment of automobiles. Bi-level auto rack cars are available to these railroads but cannot be used because of tariff provisions requiring the use of tri-level cars. Revised service order No. 1323 authorizes the SL-SF and the UP to substitute three bi-level cars for each two tri-level cars ordered by shippers for transporting automobiles.

DATES: Effective 12:01 a.m., September 1, 1978. Expires 11:59 p.m., October 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: There are shortages of tri-level type multi-level auto rack flatcars on the St. Louis-San Francisco Railway Co. (SL-SF) and on the Union Pacific Railroad Co. (UP) required to transport automobiles subject to tariff restrictions requiring the use of such tri-level cars. These railroads have available supplies of bi-level cars of similar type which could be used for transporting these automobiles if tariff provisions permitted. The economic loss suffered by shippers dependent upon the SL-SF and the UP for their car supplies can be alleviated by the substitution of bi-level cars for tri-level cars at the ratio of three bi-level cars for each two tri-level cars ordered.

In the opinion of the Commission, present regulations and practices with respect to the use and supply of auto rack flatcars are ineffective to overcome these shortages of auto rack flatcars and an emergency exists requiring immediate action. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less that 30 days' notice.

It is ordered,

§ 1033.1323 Distribution of freight cars.

[1](a) Subject to the concurrence of the shipper the St. Louis-San Francisco Railway Co. (SL-SF), and the Union Pacific Railroad Co. (UP) may substitute three bi-level auto rack flat cars, listed in the Official Railway Equipment Register, ICC-RER No. 408, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "FA" for each two tri-level auto rack flat cars ordered by the shipper for transporting automobiles.

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

(c) *Rates and minimum weights applicable.* The rates to be applied to shipments for which three bi-level cars have been substituted for two tri-level cars ordered as authorized by section (a) of this order shall be the rates applicable to the larger cars ordered. The minimum weight to be applied to each group of three bi-level cars substituted for two tri-level cars shall be the combined minimum weights applicable to the two tri-level cars ordered.

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

Two tri-level cars ordered. Three bi-level cars furnished authority ICC revised service order No. 1323.

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

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

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

(h) *Effective date.* This order shall become effective at 12:01 a.m., September 1, 1978.

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

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

A copy of this order shall be served upon the Association of American

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[1]Burlington Northern Inc., deleted. St. Louis-San Francisco Railway Co. added.

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

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

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

[FR Doc. 78-25164 Filed 9-6-78; 8:45 am]

[7035-01]

[S.O. No. 1240 Amdt. 5]

PART 1033—CAR SERVICE

Chicago & North Western Transportation Co. Authorized to Operate Over Tracks of the Kansas City Southern Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Extension of emergency order (amendment No. 5 to service order No. 1240).

SUMMARY: This amendment extends for 5 months an emergency order issued April 9, 1976, which authorized the Chicago & North Western Transportation Co. (CNW) to operate an unused yard of the Kansas City, Southern Railway Co. (KCS) at Kansas City, Mo. Increases in traffic on the CNW in the Kansas City area have resulted in severe congestion and delays to shipments in the Kansas City terminals of that line. The adjoining Hennig Street Yard of the KCS is no longer needed by that line because of changes in operating patterns.

Use of this yard by the CNW enables that line to move traffic through Kansas City without the excessive delays previously encountered. Service order No. 1240 is published in full in volume 41 of the FEDERAL REGISTER at page 15698.

DATES: Effective 11:59 p.m., August 31, 1978. Expires 11:59 p.m., January 31, 1979.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Decided August 29, 1978.

Upon further consideration of service order No. 1240 (41 FR 15698, 48343; 42 FR 22367, 44546; and 43 FR 9282), and good cause appearing therefor:

It is ordered: § 1033.1240 Service order No. 1240. (Chicago & North Western Transportation Co. authorized to operate over tracks of the Kansas City Southern Railway Co.) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) Expiration date. The provisions of this order shall expire at 11:59 p.m., January 31, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall expire at 11:59 p.m., August 31, 1978.

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

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

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

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

[FR Doc. 78-250-41 Filed 9-6-78; 8:45 am]

[7035-01]

[S.O. No. 1242, Amdt. 7]

PART 1033—CAR SERVICE

Kansas City Southern Railway Co. Authorized To Operate Over Certain Tracks of Southern Pacific Transportation Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (amendment No. 7 to service order No. 1242).

SUMMARY: Service order No. 1242 authorizes the Kansas City Southern to operate over tracks of the Southern Pacific Transportation Co. at Lake Charles, La. The Kansas City Southern Railway's drawbridge over the Calcasieu River at Lake Charles is unserviceable because of failure of the machinery used to open and close the span, isolating a major industrial district served by the Kansas City Southern from the remainder of the system. Operation of Kansas City Southern trains over the parallel bridge of the Southern Pacific enables the Kansas City Southern to continue service to shippers served by the tracks disconnected from the remainder of the system by failure of the bridge operating mechanism. Service order No. 1242 is published in full in FEDERAL REGISTER volume 41 at page 18053. Amendment No. 7 extends the order for 5 months.

DATES: Effective 11:59 p.m., August 31, 1978. Expires 11:59 p.m., January 31, 1979.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Decided August 29, 1978.

Upon further consideration of service order No. 1242 (41 FR 18053, 31824, 48344; 42 FR 6584, 39221; 43 FR 4432 and 34147), and good cause appearing therefor:

It is ordered: § 1033.1242 Service order No. 1242. (the Kansas City Southern Railway Co. authorized to operate over certain tracks of Southern Pacific Transportation Co.) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) Expiration date. The provisions of this order shall expire at 11:59 p.m., January 31, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., August 31, 1978.

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

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns,

Robert S. Turkington, and John R. Michael.

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

[FR Doc. 78-25044 Filed 9-6-78; 8:45 am]

[7035-01]

[S.O. No. 1316, Amdt. 2]

PART 1033—CAR SERVICE

Chicago & North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. at Appleton, Wis.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (amendment No. 2 to service order No. 1316).

SUMMARY: The tracks of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (Milw) between Menasha, Wis., and Appleton, Wis., have deteriorated and can no longer be used forcing the termination of rail service to shippers in Appleton served by the Milw. The Chicago & North Western Transportation Co. (CNW) connects with the Milw in Appleton and is able to provide service to those shippers by operations over the tracks of the Milw in Appleton. Service order No. 1316 authorizes the CNW to operate over tracks of the Milw in Appleton, Wis., for the purpose of providing continued railroad service to shippers served by those tracks. Service order No. 1242 is published in full in volume 43 of the FEDERAL REGISTER at page 14668. Amendment No. 2 extends this order for an additional 2 months.

DATES: Effective 11:59 p.m., August 31, 1978. Expires 11:59 p.m., October 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Decided: August 29, 1978.

Upon further consideration of service order No. 1316 (43 FR 14668 and 28497), and good cause appearing therefor:

It is ordered: § *1033.1316 Service order No. 1316* (Chicago & North Western Transportation Co. authorized to operate over tracks of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. at Appleton, Wis.) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

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

Effective date. This amendment shall become effective at 11:59 p.m., August 31, 1978.

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

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

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

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

[FR Doc. 78-25042 Filed 9-6-78; 8:45 am]

[7035-01]

[Revised S.O. No. 1332]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Revised Service Order No. 1332).

SUMMARY: There are severe shortages of freight cars throughout the country. Revised Service Order No. 1332 requires all railroads to place, remove, forward, weigh, clean or repair cars within 60-hours in order to expedite the handling of freight cars and to increase their availability for reloading.

DATES: Effective 11:59 p.m., August 31, 1978. Expires 11:59 p.m., October 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Decided August 29, 1978.

There are acute shortages of freight cars throughout the country resulting in failures of carriers to furnish an adequate supply of freight cars to shippers located on their lines. These shortages of freight cars are impeding both the domestic and export movements of agricultural, mineral, forest, and manufactured products, and other commodities. The existing car service rules, regulations, and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1332 Revised Service Order No. 1332.

(a) *Railroad operating regulations for freight car movement.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

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

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 408, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1167-1169 under the headings: "Class 'X'-Box Car Type," "Class 'G'-Gondola Car Type," "Class 'H'-Hopper Car Type," "Class 'F'-Flat Car Type," and those special type cars described under the heading "Class 'L'-Special Car Type" which bear mechanical designations "LC"-Boxcar with roof hatches, "LO"-Covered Hopper Car, and "LU"-Boxcar with doors running substantially the length of the car, including cars bearing mechanical designations modified in the manner described in the various notes thereto.

(iii) *Exception.* Empty cars owned by the Alaska Railroad, while held in the State of Washington, pursuant to instructions of the car owner, are exempt from the provisions of this order.

(iv) *Exception.* Empty cars of private ownership reported and awaiting instructions from the car owner, are exempt from the provisions of this order.

*(v) *Exception.* To alleviate hardships or inequities, including, but not limited to those caused by extreme

weather disruptions, exceptions to this order may be authorized to the carrier by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. Requests for such exceptions may be made only by carriers and shall be sent to Joel E. Burns, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423, with a copy to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C. 20036.

*(vi) *Exception.* Cars held less than seven days because daily train or switching service required for movement from point where held is not scheduled, are exempt from the provisions of this order.

(vii) Actual placement means placing a car in an accessible position for loading or unloading, or placing on an industrial interchange track serving the consignor or consignee. If such placing is prevented by any cause attributable to consignor or consignee and car is placed on the private or other-than-public-delivery tracks serving the consignor or consignee, it shall be considered constructively placed without notice.

(viii) Holidays shall be those listed in Item 525 of Agent D. M. Rogers' Tariff 4-K, ICC H-74, General Car Demurrage Rules and Charges, supplements thereto, or successive issues thereof.

*(ix) *Definitions.* System cars are cars bearing the registered reporting marks of the railroad holding the cars, including any railroad identified as a component part of a system of railroads as defined in the list of "Home Roads" published on page 1112 of the Official Railway Equipment Register, I.C.C.-R.E.R. No 408, issued by W. J. Trezise, or successive issues thereof. Foreign cars are cars bearing the registered reporting marks of a railroad other than the one holding the cars neither of which is listed in the list of "Home Roads" as being a part of the same system. Private cars are cars bearing the registered reporting marks of a company or person other than a railroad.

(x) *Records required.* Carriers shall maintain a written record showing for each car the actual date and time of arrival, forwarding placement, notice, release, removal, designation for repairs, cleaning or weighing, and completion of repairs, cleaning or weighing. It is not intended that carriers make and maintain duplicative records in order to comply with this section. Compliance can be made by augmenting existing records so that they contain all of the required information, but such records shall be maintained at the yard or station where such cars are held, or if held at a non-agency station, at the station responsible for such non-agency station.

(2) *Placing of cars.* *(i) Loaded cars other than cars requiring notice of constructive placement, shall be placed within 60 hours, exclusive of Saturdays, Sundays, and holidays, following arrival at destination, or after arrival at the yard from which cars are dispatched for actual placement.

*(ii) Empty foreign and private cars, other than cars requiring notice of constructive placement, which after placement will be subject to demurrage, storage or detention rules applicable to cars for loading, shall be placed within 60 hours, exclusive of Saturdays, Sundays, and holidays, after arrival at the point where held.

(iii) When delivery of a car, either empty or loaded, consigned or ordered to an industrial interchange track or to an other-than-public-delivery track, cannot be made because of any condition attributable to consignor or consignee, such car shall be held at destination or, if it cannot reasonably be accommodated there, at an available hold point; and constructive placement notice shall be sent or given the consignor or consignee within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or hold point.

(iv) Proper notice for cars placed on public delivery tracks shall be sent or given within 24 hours after placement, exclusive of Saturdays, Sundays, and holidays.

*(v) Cars held at destination for accessorial terminal services described in the applicable tariffs, such as holding for orders or inspection, and cars subject to storage rules applicable to assigned cars, shall be placed on hold, or inspection tracks; and proper notice shall be given within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or at hold point. Time and charges shall be computed following such notice and demurrage, detention or storage charges assessed in accordance with provisions of governing tariffs.

(3) *Removal of cars.* (i) Empty cars must be removed from point of unloading or interchange tracks of industrial plants within 60-hours, exclusive of Sundays and holidays, following unloading or release by consignee or shipper, unless such empty cars are ordered or appropriated by the shipper for reloading within such 60-hour period. Empty foreign or private cars not ordered for loading at point where made empty must be forwarded or set aside to be cleaned, repaired, or weighed, if to be weighed at that point, within 60-hours following removal of empty cars. Empty system cars not required for loading may be held on carrier tracks at any point on the lines of the car owner, after completion of any light repairs, cleaning or weighing that may be required. (See paragraph (a)(5) of the section).

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 60-hours, exclusive of Sundays and holidays, following acceptance by carrier of the shipper instructions covering the cars.

(iii) Cars subject to paragraph (a)(3) (i) and (ii) of this section, not made accessible to the carrier, shall be subject to demurrage until such time as they become, and remain, accessible to the carrier.

(iv) Cars shall not be removed from point of unloading or from industrial interchange tracks, nor released from demurrage or detention status, until all bracing, blocking, dunnage, paper, residue of lading, debris, and other foreign matter directly related to the inbound load have been removed from the car in accordance with the requirements of Rules 14 and 27 of the Uniform Freight Classification, I.C.C. 9, issued by G. F. Earl, supplements thereto, or reissues thereof.

Exception. Dunnage being returned to shipper under provisions of the applicable tariffs may be left in cars released as empty, provided that proper shipper instructions are received by the carrier prior to 5:00 p.m., of the first day which is not a Saturday, Sunday, or holiday, immediately following release of the car.

(4) *Forwarding of Cars.* (i) Loaded cars and empty foreign or private cars shall be forwarded within 60-hours, except cars described in paragraph (a)(4) (ii) or (iii) of this section, or cars described in paragraph (a)(2)(ii) of this section.

(ii) *Exception.* Loaded cars held subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein, while subject to applicable tariffs.

(iii) *Exception:* Cars held for repairs, weighing or cleaning. (See paragraph (a)(5) of this section.)

(5) *Cars held for repairs, weighing or cleaning.* (i) Cars of system, foreign, or private ownership which are held for light repairs or cleaning shall be placed on repair or cleaning tracks within 60 hours after time carded for repairs or cleaning. Light repairs or cleaning shall be accomplished within 24 hours, exclusive of Sundays and holidays, after placement on repair or cleaning tracks; except that when necessary to order material from car owner to make the repairs to foreign or private cars held awaiting such material, repairs shall be completed within 24 hours, exclusive of Sundays and holidays, after receipt of such material at the station at which the repair point is located.

(ii) Light repairs are defined as repairs requiring less than 20 man-hours by repair track forces to complete.

*(iii) Cars which must be weighed shall be weighed and restencilled, if required, within 60 hours, exclusive of Sundays and holidays, after it becomes available for weighing at the point at which weighing is to be accomplished.

(iv) Cars which have been repaired, cleaned or weighed shall become subject to paragraphs (a) (2), (3), or (4) of this section, as applicable, from the date such repairs, cleaning or weighing have been accomplished.

(6) *Movement of freight cars.* (i) No common carrier by railroad subject to the Interstate Commerce Act shall delay the movement of cars by holding such cars in yards, terminals or sidings for the purpose of increasing the time in transit of such cars.

*(ii) Back-hauling cars for the purpose of increasing the time in transit is prohibited.

*(iii) Through cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such cars.

*(iv) The use by any common carrier by railroad, or the acceptance of instructions from the shipper, for the movement of cars over its line via any route other than its shortest available route or its usual and customary fast freight route from point of receipt of the car from consignor, or connecting line, to point of delivery to consignee, or to next connecting line, except for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(7) *Force majeure defence protected.* Nothing in this order shall deny any carrier its defence of force majeure as construed by the courts.

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

(c) *Effective date.* This order shall become effective at 11:59 p.m., August 31, 1978.

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

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

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

By the Commission. Commissioner Gresham would grant an exception for excessive dimension shipments requiring advance clearance and controlled movements. In all other respects, he concurs with the majority; Chairman O'Neal was absent and did not participate, and Commissioner Murphy did not participate.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-25043 Filed 9-6-78; 8:45 am]

[7035-01]

[Ex Parte No. MC-19 (Sub-No. 9(a))]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

HOUSEHOLD GOODS TRANSPORTATION

Agency Relationships

AGENCY: Interstate Commerce Commission.

ACTION: Clarification of regulations.

SUMMARY: The Commission recently modified its regulations governing the agency relationships of household goods carriers (49 CFR 1056.19 and .20). Among other things, the modified regulations specify the information which principal carriers must submit to the Commission upon signing an agency contract. Published at 43 FR 32302; dated July 26, 1978.

This notice is intended to clarify those regulations. The Commission will require principal carriers to file the statement required by 49 CFR 1056.19(e) for agency relationships existing prior to the effective date of the modified regulations, as well as for agency relationships which may enter after that date. Agency statements filed previously with the Commission and still in effect must be updated to conform to 49 CFR 1056.19(e) on or before October 1, 1978, the effective date of the modified regulations.

FOR FURTHER INFORMATION CONTACT:

Joel E. Burns, 202-275-7849.

Decided August 22, 1978.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-25067 Filed 9-6-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

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

PART 26—PUBLIC ENTRY AND USE

Ruby Lake National Wildlife Refuge, Nevada

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule establishes special regulations governing boating use at the Ruby Lake National Wildlife Refuge, Nevada. The previous regulations which were published in the Federal Register on April 21, 1978, and July 25, 1978, were declared invalid by the U.S. District Court for the District of Columbia. The intent is to establish boating regulations consistent with the primary purposes for which the refuge was established by setting horsepower limitations for boats.

EFFECTIVE DATES: Effective on September 7, 1978, through December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Fowler, Division of National Wildlife Refuges, U.S. Fish and Wildlife Service, 18th and C Streets NW., Washington, D.C. 20240, telephone 202-343-4305.

SUPPLEMENTARY INFORMATION: The primary author of this document is Ronald L. Fowler.

BACKGROUND

Final regulations were published in the Federal Register on April 21, 1978 (43 FR 16981). On June 29, 1978, a lawsuit was filed against the Secretary of the Interior, the Assistant Secretary for Fish and Wildlife and Parks, and the Director, Fish and Wildlife Service, *Defenders of Wildlife, et al.* v. *Andrus, et al.*, Civil Action No. 78-1210. Following 2 days of trial on the matter, the district court on July 11 declared the April 21 regulations invalid because the Secretary failed to make a finding that the permitted recreational use would not be inconsistent with the primary purposes for which the refuge was established, and on July 14 ordered that the Department issue regulations consistent with

the purposes for which the refuge was established.

Revised regulations were published in the FEDERAL REGISTER on July 25, 1978 (43 FR 32133). These regulations were again challenged in an action brought by the Defenders of Wildlife (*Defenders of Wildlife, et al.* v. *Andrus et al.*, Civil Action No. 78-1332), and on August 18 were declared invalid by the district court. The Secretary was ordered to issue new regulations within 15 days "which permit secondary uses of Ruby Lake only insofar as such usages are not inconsistent with the primary purposes for which the Refuge was established."

The Ruby Lake Migratory Waterfowl Refuge (now known as Ruby Lake National Wildlife Refuge) was established by Executive Order No. 7923 dated July 2, 1938 "* * * for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife * * *." The Refuge Recreation Act of 1962 (16 U.S.C. 460k), authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area is established. In addition, the Refuge Recreation Act requires that before any area of the refuge system is used for forms of recreation not directly related to the primary purposes and functions of the area, the Secretary must find that: (1) Such recreational use will not interfere with the primary purposes for which the area was established, and (2) funds are available for the development, operation, and maintenance of the permitted forms of recreation.

DISCUSSION

The recreational use authorized by these regulations will not interfere with the primary purposes for which the Ruby Lake National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's environmental impact assessment published in June 1976, public comment received on earlier proposed rules, public comment on the assessment, and evidence presented during the trials of the above lawsuits. Funds are available for the development, operation, and maintenance of the types of recreation permitted by these regulations.

While the Administrative Procedure Act, 5 U.S.C. § 553, requires notice of proposed rulemaking to be published in the FEDERAL REGISTER, such notice may be foregone when the agency finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. In addition, it is the policy of the Department to allow a 30-day period between the publication of a final rule and the date it becomes effective. Since the previous special regulations were declared invalid, regulations governing boating activity are required immediately. Therefore, notice and public procedure is impracticable. Public procedure is also unnecessary since there have been four public hearings held in Nevada on the issue and a public comment period on earlier proposed rules. Further, since the permitted degree of boating activity is compatible with the purposes for which the refuge was established, it would be contrary to the public interest to delay the implementation of the regulations. The Service has determined that there is good cause and it is in the best interest of the public to make this rule effective immediately upon publication.

As provided by 50 CFR 26.33, the Service hereby issues the following special regulations:

§ 26.34 Special regulations concerning public access, use, and recreation for individual national wildlife refuges.

NEVADA

RUBY LAKE NATIONAL WILDLIFE REFUGE

Beginning on September 7, 1978, and continuing until December 31, 1978, motorless boats, boats with electric motors, and boats with motors of 10 horsepower or less will be permitted only on that portion of the Ruby Lake National Wildlife Refuge known as the South Sump. Maps depicting the South Sump are available from the Refuge Manager and are posted at the boat landings. Copies of the maps can also be obtained from: (1) The Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 Northeast Multnomah Street, Portland, Oreg. 97232; and (2) the Area Manager, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room E-2740, Sacramento, Calif. 95825.

Boats may be launched only from landings approved and so designated by the Refuge Manager.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal which would require the preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

Dated: September 1, 1978.

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

[FR Doc. 78-25137 Filed 9-1-78; 3:51 pm]

[4310-55]

PART 32—HUNTING

Opening of the J. Clark Salyer National Wildlife Refuge, N. Dak., to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of J. Clark Salyer National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: September 30, 1978 through December 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Jon M. Malcolm, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak. 58789, telephone, 701-768-2923.

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; migratory gamebirds; for individual wildlife refuge areas.

Hunting of geese is permitted on the J. Clark Salyer National Wildlife Refuge, N. Dak., from September 30, 1978 through December 10, 1978 (Canada geese and white-fronted geese season closes Nov. 12, 1978), and hunting of ducks and coots is permitted from September 30, 1978 through November 26, 1978, and December 2, 1978 through December 3, 1978, only on the area designated by signs as open to migratory waterfowl hunting. This open area comprising 2,850 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. Blinds—Temporary blinds of approved material may be constructed.

2. Retrieving zones—Retrieving zones will be designated by signs. Possession of firearms in retrieving zones is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at anytime.

NOTE.—The U.S. 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.

JON M. MALCOLM,
Refuge Manager.

AUGUST 28, 1978.

[FR Doc. 78-25049 Filed 9-6-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Opening of the J. Clark Salyer National Wildlife Refuge, N. Dak., to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of J. Clark Salyer National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: September 16, 1978 through December 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Jon M. Malcolm, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak. 58789, telephone, 701-768-2923.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; upland game; for individual wildlife refuge areas.

Hunting of Hungarian partridge and sharp-tailed grouse is permitted on the J. Clark Salyer National Wildlife Refuge, N. Dak., from sunrise to sunset September 16, 1978 through December 10, 1978, and hunting of pheasants is permitted from November 27, 1978 through December 10, 1978, only on the area designated by signs as open to hunting. This open area comprising of approximately 25,500 acres, for partridge and grouse, and the entire refuge for pheasants, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. All hunters must exhibit their hunting license, game, and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at anytime.

NOTE.—The U.S. 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.

JON M. MALCOLM,
Refuge Manager.

AUGUST 29, 1978.

[FR Doc. 78-25050 Filed 9-6-78; 8:45 am]

proposed rules

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

[7590-01]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 51]

LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Environmental Survey of the Uranium Fuel Cycle

AGENY: Nuclear Regulatory Commission.

ACTION: Advance notice of intent to update WASH-1248 (supporting document for table S-3, 10 CFR 51.20).

SUMMARY: On April 14, 1978, the U.S. Nuclear Regulatory Commission published in the FEDERAL REGISTER a brief description of a plan to update and revise the supporting documents which described the technical basis for the fuel cycle rule known as table S-3 of the Commission regulation in 10 CFR Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection." This rule assesses and tabulates the environmental effects from the uranium fuel cycle ascribable to an individual nuclear power reactor so that they can be considered in connection with issuance of a construction permit or operating licensing for a light water nuclear power reactor. The supporting documents include WASH-1248, "Environmental Survey of the Uranium Fuel Cycle", with its supplement 1 (NUREG-0116, "Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle") and supplement 2 (NUREG-0216, which presents staff responses to comments on NUREG-0116) and the current Hearing Board record, Docket No. RM-50-3, in the matter of uranium fuel cycle impacts from spent fuel reprocessing and radioactive waste. A preliminary outline of an updated environmental survey report has subsequently been developed. This notice indicates the Commission intention to update these supporting documents and invites comment on the outline and on the study in general, its scope, content, calculational methodology, format, relative emphasis to be given the various components, or other pertinent matters.

DATES: The comment period expires October 20, 1978.

FOR FURTHER INFORMATION CONTACT:

John K. Lerohl, Chief, Technology Assessment Branch, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-427-4138.

SUPPLEMENTARY INFORMATION: The table S-3 fuel cycle rule was promulgated on April 22, 1974 (39 FR 14188) as an amendment to 10 CFR Part 50, "Licensing of Production and Utilization Facilities." The rule included a table (S-3) listing the environmental effects from the uranium fuel cycle activities that are ascribable to the provision of the annual fuel requirement for a light water reactor. All the fuel cycle activities from uranium mining through spent fuel disposal were evaluated. The original intent of the rulemaking was that table S-3 values would be used by the applicant and staff in the environmental review and the preparation of environmental impact statements assessing the overall environmental costs of the licensing of an individual nuclear power reactor. With the use of the values in table S-3, no further discussion (explanation or justification) of those fuel cycle environmental effects was required. The original supporting document, providing justification for the values in the rule, was published as WASH-1248, "Environmental Survey of the Uranium Fuel Cycle," in April 1974.

The fuel cycle rule and its suporting document were prepared to determine the environmental effects generically because the evaluation of issues generically would avoid considering the same environmental issues repeatedly individual reactor licensing proceedings. With the promulgation of the original generic rule, the Commission noted that the study should be reexamined from time to time to accommodate new technology and new information.

Since the initiation of this rule, there have been two major amendments. On March 14, 1977 (42 FR 13804), an interim rule was promulgated to incorporate revised values for the environmental effects from waste management and fuel reprocessing portions of the fuel cycle.[1] Two technical reports, NUREG-0116 and NUREG-0216, were published as supplements to the WASH-1248 survey to support the interim rule. By notice of May 20, 1977, rulemaking proceedings were reopened with the subject matter confined to the environmental effects of spent fuel reprocessing and radioactive waste management in the light water reactor uranium fuel cycle, and to the question whether the outcome of the interim rulemaking should be made permanent for future use, or if it should be altered and in what respects (42 FR 26987). The rule making proceedings are now being completed.

On April 14, 1978, the fuel cycle rule was again amended, principally by removing the value provided in table S-3 for releases of radon during uranium mining and milling operations. The NRC staff has revised upward its estimates of radon releases. The Commission decided that, pending possible generic rulemaking on the radon issue alone at a later date, the estimates of radon releases could henceforth be considered in individual reactor licensing proceedings.

The above amendments to the fuel cycle rule were limited in scope to specific portions of the fuel cycle or to individual effluents and did not fulfill the intent of overall periodic updating prescribed in connection with the original rule promulgated in 1974. Therefore, the Commission is preparing to perform the overall updating of the environmental survey. The current study to update the environmental survey will reevaluate the format and content of the table S-3 to determine the manner for most effectively characterizing environmental effects. The study will also review and evaluate the results from a wide range of applicable NRC and other agency research and analysis programs. The importance of new concepts and technologies, such as centrifuge enrichment, mining by in situ leaching, and spent fuel disposal will be considered. In addition to the subject matter evaluated in depth in the original study, new information is expected to be available to permit a more detailed consideration of matters of occupational exposure of workers, decommissioning of facilities, and the impact of nonradio-

[1] This revision to the rule became necessary when the U.S. Court of Appeals (D.C. Circuit) on July 21, 1976, set aside the portions of the rule relating to waste disposal and reprocessing and remanded for further consideration. On April 13, 1978, the U.S. Supreme Court subsequently reversed and remanded the Appellate Court decision for additional consideration.

logical effluents. A proposed outline of the content of the overall study is provided in the appendix set forth below. Some of the specific subjects to be addressed and for which public comment is particularly invited are the following:

(a) *Characterizing the Industry.* The environmental impact of operating a reactor over its lifetime of 30-40 years must be evaluated in the preparation of the cost/benefit analysis required for licensing the reactor. Thus, the staff plans to consider the cumulative effects from the supporting fuel cycle facilities over that period, based primarily on the application of available or nearly available commercial technology at the present time or conceived for the near term future. Because of the current national policy, the study will assume that the U.S. industry will not reprocess spent fuel and the major study effort will be based upon the assumption of interim storage and disposal of spent fuel. However, an analysis adequate to bound the estimated environmental effects from spent fuel reprocessing has been carried out in the recent Hearing Board record, docket No. RM-50-3, and it is planned that the study will include some consideration of this alternative also.

(b) *Very Long Term Impacts.* When determining the environmental impact from effects that may continue for thousands of years, such as the release of radioactive radon gas from uranium mill tailings, and appropriate time period for meaningful projections and calculations must be chosen. In current individual reactor hearings on radon releases, the NRC staff has used a period of about 500-1,000 years as the upper limit for reasonable projections. For projections beyond that period, some parties have suggested that public recognition be given to the fact that radon releases of some magnitude will probably continue for much longer periods but with indeterminate consequences which the NRC can only attempt to evaluate by comparing the very long term releases with releases from natural background sources.

(c) *Calculation of Population Exposure and Health Effects.* The study will attempt to include the calculation of population exposure and resulting health effects for environmental releases from the uranium fuel cycle. It is recognized that there is much controversy over issues such as the possibility of a threshold for human response at low radiation exposures and low dose rates, and that major national studies are now being directed to improve our understanding of these important issues. It has been proposed that a no-threshold criterion and a linear relationship between response and radiation dose be assumed for the updating study.

(d) *Excluded Subject Matter.* Since the cost/benefit analysis performed for each licensing decision concerning a nuclear power reactor must compare environmental costs of the nuclear plant with costs from alternative actions such as using fossil fuel energy sources, it has been argued that there is some merit to including in table S-3 a comparable analysis for coal. In current reactor licensing actions, the environmental impacts from coal as an alternative energy source are examined and NRC studies are being performed to improve those estimates. However, it is presently believed that to keep the scope of the uranium fuel cycle update studies within manageable bounds, the studies should exclude consideration of alternative actions. A survey of the environmental impact from coal as an alternative energy source is under review in other NRC activities and will be considered separately.

The question of whether or not to include fuel cycle economic costs in a generic rulemaking has been reviewed by the NRC staff. The staff has concluded that the important elements of fuel cycle cost determination are specifically within the control of the individual applicant, are a part of the applicant's submission to the Commission, and are more appropriately covered in individual proceedings. In addition, the staff believes that a generic rule for fuel cycle costs probably would not remain up to date very long, considering the recent history of rapid change in costs of uranium fuel and other fuel cycle services, and therefore, the inclusion of cost data in a generic rulemaking would be inappropriate.

Comments on the outline attached in the appendix and on the aforementioned subjects should be provided by October 1, 1978, to:

John K. Lerohl, Chief, Technology Assessment Branch, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Washington, D.C., this 30th day of August 1978.

For the Nuclear Regulatory Commission.

CLIFFORD V. SMITH, JR.,
Director, Office of Nuclear Material Safety and Safeguards.

APPENDIX—ENVIRONMENTAL SURVEY OF THE URANIUM FUEL CYCLE

PROPOSED CONTENTS

Abstract

Summary, including proposed revised table S-3:

1. Introduction and purpose.
2. Background for this updating.
3. Assumptions and general methodology:
Description of the industry.
Approach.
Scope.
4. Applicable Federal and State regulatory limits and criteria:
4.1 Radiological:
EPA 40 CFR Part 190.
NRC 10 CFR Part 51.
Other Federal Government regulations.
4.2 Nonradiological:
Air quality.
Water quality.
Solid wastes.
5. Description of components of the uranium fuel cycle and analysis of environmental impacts:
Chapter 5 would consist of 10 major sections each concerned with a component of the fuel cycle. Each section would contain the elements with headings or their equivalents as specified in detail under section 5.1 for uranium mining.
5.1 Uranium mining:
Description of the process.
Environmental considerations.
Natural resource use.
Radioactive and chemical effluent releases during normal operations and from accidents.
Occupational exposure.
Decontamination and decommissioning.
Long-term management of radioactive wastes.
Resulting population exposure and health effects.
Summary of environmental impacts.
5.2 Uranium milling.
5.3 Uranium hexafluoride production.
5.4 Uranium enrichment.
5.5 UF_6 conversion and fuel fabrication.
5.6 Interum spent fuel storage.
5.7 Permanent spent fuel disposal.
5.8 Low level waste disposal.
5.9 Transportation.
5.10 Alternate fuel cycle—reprocessing and waste disposal.
6. Overall analysis of fuel cycle environmental impacts:
Identification of major issues and impacts.
Uncertainties in models and analyses.
Analyses of sensitivity to variations in impact parameters.
Cumulative impacts of the nuclear industry.
Conclusions.
7. Proposed fuel cycle rule for 10 CFR 51.20:
Format.
Content.
Applicability.
Rationale.

APPENDICES

(To be determined and to be used principally to provide detailed supporting data and calculations for the discussions presented in §§ 5.1 through 5.10)

[FR Doc. 78-25075 Filed 9-6-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 78-AL-3]

COLORED FEDERAL AIRWAYS

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign a segment of Green Airway G-8 between King Salmon, Alaska, and Kachemak, Alaska, and a segment of Red Airway R-99 between Iliamna, Alaska, and Kachemak. Realignment is necessary because the navigational aid (Iliamna NDB) bearing currently used in the airway structure does not perform satisfactorily to support the airway as currently aligned.

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

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 78-AL-3, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

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 triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before October 5, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket 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 B of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would realign a segment of Green Airway G-8 and Red Airway R-99 in the vicinity of Iliamna, Alaska. After the Iliamna nondirectional beacon (NDB) was relocated, R-99 was realigned in part from Iliamna direct to Kachemak, Alaska. This airway segment now does not flight check satisfactorily. The realignment proposed would provide for adequate signal coverage to support the airway structure. Section 71.101 was republished in the Federal Register on January 3, 1978 (43 FR 305).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §§ 71.103 and 71.107 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 305, 306) as follows:

Under § 71.103 Green Federal Airways, G-8, "King Salmon, Alaska, NDB; INT King Salmon NDB 055° and Kachemak, Alaska, NDB 263° bearings; Kachemak NDB;" would be deleted and "King Salmon, Alaska, NDB; INT King Salmon NDB 055°T (034°M) and Kachemak, Alaska, NDB 269°T (245°M) bearings; Kachemak NDB ;" would be substituted therefor.

Under § 71.107 Red Federal Airways, R-99 would be amended to read as follows: "From King Salmon, Alaska, NDB via Iliamna, Alaska, NDB; INT Iliamna NDB 124°T (102°M) and Kachemak, Alaska, NDB 269°T (245°M) bearings; to Kachemak."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Washington, D.C., on August 29, 1978.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 78-24912 Filed 9-6-78; 8:45 am]

[4910-13]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 78-WA-6]

RESTRICTED AREAS

Proposed Alteration and Establishment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the boundary of R-4501A, establish R-4501C and R-4501D. It also proposes to amend V-88, V-132, V-239, and V-289 airways to exclude R-4501A, R-4501B, R-4501C, and R-4501D during their time of activation. this action would permit the Air Force to jointly use the preestablished Army Restricted Area for training purposes. Joint use of the area by the two military services would contribute to fuel conservation and the safe and efficient use of navigable airspace.

DATE: Comments must be received on or before October 9, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Central Region, Attention: Chief, Air Traffic Division, Docket No. 78-WA-6, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

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 triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before October 9, 1978, will be considered before action is taken on the proposed amendments. 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 Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket 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 a request by the Department of the Army to enlarge R-4501A approximately three square miles on the south and designate a new area (R-4501C), to overlie and be larger than R-4501A. This action and an amendment to eliminate these areas from V-88, V-132, V-239, and V-289 airways would enable the Department of the Army to permit the Department of the Air Force to jointly use this location for training. These actions would provide for the safe and efficient use of the navigable airspace by prohibiting unauthorized flight operations of nonparticipating aircraft within the areas during the time that they are used for military training.

The Commander, U.S. Army Training Center and Fort Leonard Wood, Fort Leonrd Wood, Mo., is the lead agency for the purpose of compliance with National Environmental Policy Act. The Commander, U.S. Army Training Center, Fort Leonard Wood, Attention: ATZT-FE-C, Fort Leonard Wood, Mo. 65473, telephone 314-368-7010, is the office to which comments on the environmental and land use aspects can be addressed. The proposed new restricted area would be designated as joint use. IFR/VFR flight operations in the areas may be authorized/permitted by the controlling agency when the areas are not in use by the using agency. The controlling agency for the proposed R-4501C would be the FAA, Kansas City ARTC Center. V-88S, V-132, V-239, and V-289 would be amended to exclude the restricted areas during their time of use.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend parts 71 and 73 of the Federal Aviation Regulations (14 CFR parts 71 and 73) as republished (43 FR 307 and 690) as follows:

In part 71, under V-88, "R-4501A." is deleted and "R-4501A, R-4501B, R-4501C, and R-4501D during their time of activation." is substituted therefore.

Under V-132, "R-4501A." is deleted and "R-4501A, R-4501B, R-4501C, and R-4501D during their times of activation." is substituted therefor.

Under V-239, "The airspace within R-4501A, R-4501B, R-4501C, and R-4501D is excluded during their time of activation." is added.

Under V-289, "The airspace within R-4501A, R-4501B, R-4501C, and R-4501D is excluded during their time of activation." is added.

In part 73, § 73.45 under R-4501A Fort Leonard Wood, Mo., "Boundaries." is amended to read as follows:

"Beginning at lat. 37°41'06" N., long. 92°09'17" W.; to lat. 37°38'15" N., long. 92°09'17" W.; to lat. 37°37'35" N., long. 92°10'37" W.; to lat. 37°36'15" N., long. 92°10'37" W.; to lat. 37°36'15" N., long. 92°15'21" W.; to lat. 37°39'28" N., long. 92°15'21" W.; to lat. 37°41'07" N., long. 92°14'23" W.; to the point of beginning."

"Designated altitudes." is amended to read as follows: "Surface to but not including 2,200 feet MSL."

"Time of designation." is amended to read as follows; "As specified by NOTAM issued at least 24 hours in advance."

In part 73, § 73.45, R-4501C is added as follows:

"R-4501C FORT LEONARD WOOD, MO.

Boundaries. Beginning at lat. 37°41'00" N., long. 92°16'10" W.; to lat. 37°41'26" N., long. 92°10'15" W.; to lat. 37°40'16" N., long. 92°07'05" W.; to lat. 37°38'20" N., long. 92°06'55" W.; to lat. 37°36'07" N., long. 92°10'27" W.; to lat. 37°35'22" N., long. 92°15'31" W.; to the point of beginning.

Designated altitudes. From 2,200 feet MSL to but not including FL 180.

Time of designation. As specified by NOTAM issued at least 24 hours in advance.

Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.

Using Agency. Commanding General, Fort Leonard Wood, Mo."

In Part 73, § 73.45, R-4501D is added as follows:

"R-4501D FORT LEONARD WOOD, MO.

Boundaries. Beginning at lat. 37°41'06" N., long. 92°09'17" W.; to lat. 37°38'15" N., long. 92°09'17" W.; to lat. 37°37'35" N., long. 92°10'37" W.; to lat. 37°36'15" N., long. 92°10'37" W.; to lat. 37°36'15" N., long. 92°15'21" W.; to lat. 37°39'28" N., long. 92°15'21" W.; to lat. 37°41'07" N., long. 92°14'23" W.; to the point of beginning.

Designated altitudes. From 2,200 feet MSL to but not including FL 180.

Time of designation. As specified by NOTAM issued at least 24 hours in advance.

Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.

Using agency. Commanding General, Fort Leonard Wood, MO."

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.65.)

NOTE.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteia prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Washington, D.C., on August 31, 1978.

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

[FR Doc. 78-25112 Filed 9-6-78; 8:45 am]

[4910-13]

[14 CFR Part 73]

[Airspace Docket No. 78-WA-7]

RESTRICTED AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to increase the designated time of use of restricted area R-3202, south of Mountain Home, Idaho, from 6 hours per day, 5 days per week, to intermittent. This action would give the additional time the Air Force has requested to complete expanded training programs at Mountain Home Air Force Base.

DATE: Comments must be received on or before October 5, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Northwest Region, Attention: Chief, Air Traffic Division, Docket No. 78-

WA-7, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

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 triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before October 5, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of his 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 part 73 of the Federal Aviation Regulations (14 CFR Part 73) that would alter the time of use for restricted area R-3202, subparts A, B, and C, from the current 0700 to 0100 local time, Mondays through Fridays, to intermittent. This action would provide the time necessary for the U.S. Air Force to complete their accelerated training programs. The controlling agency would continue to be the FAA, Salt Lake City ARTC Center; the using agency is Commander, 366th Tactical Fighter Wing, Mountain Home AFB, Idaho. Restricted area R-3202 would be available for use by all civil and military aircraft when not being utilized by 366th Tactical Fighter Wing, or the 124th Tactical Reconnaissance Group, ANG.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.32 of the Federal Aviation Regulations (14 CFR Part 73) as republished (43 FR 682) as follows:

Under § 73.32, Idaho.
R-3202 Saylor Creek, Idaho.

SUBPART A

Time of designation would be amended to read "Intermittent."

SUBPART B

Time of designation would be amended to read "Intermittent."

SUBPART C

Time of designation would be amended to read "Intermittent."

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Washington, D.C., on August 29, 1978.

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

[FR Doc. 78-24910 Filed 9-6-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 223]

[EDR-362; Docket No. 32420, Dated: August 31, 1978]

FREE AND REDUCED-RATE TRANSPORTATION

Exemption for Air Carriers To Provide Free or Reduced-Rate Transportation to Employees of International Air Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: Under existing Board regulations, U.S. carriers may provide free or reduced-rate interstate air transportation to employees of foreign air carriers serving U.S. points, but not to employees of carriers without any U.S. service. This notice, issued in response to a petition from 19 certificated air carriers, proposes a blanket exemption allowing the free or reduced-rate carriage of officers, directors, and employees (and members of their immediate families) of any carrier operating in a foreign country.

DATE: Comments by: October 10, 1978. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 32420, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Robert Klothe, Rates Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5437.

SUPPLEMENTARY INFORMATION: Under section 403(b) of the Federal Aviation Act and part 223 of the Board's economic regulations (14 CFR Part 223), domestic air carriers are authorized to provide free or reduced-rate transportation to a number of categories of persons, including employees of air carriers and foreign air carriers (i.e., carriers holding permits issued by the Board under section 402 of the act) and members of the employees' families. The act makes no provision, however, for the free transportation of employees of air carriers without U.S. service. The Board has now received a petition for rulemaking from 19 certificated air carriers [1] asking us to amend part 223 to provide a blanket exemption from section 403, permitting free or reduced-rate transportation of the directors, officers, and employees of any common carrier by air operating in a foreign country, along with members of the employees' immediate families. [2] The petitioners

[1] Alaska Airlines, Allegheny Airlines, Aloha Airlines, American Airlines, Continental Air Lines, Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Hawaiian Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Pan American World Airways, Inc., Piedmont Aviation, Southern Airways, Inc., Texas International Airlines, Western Air Lines, and Wien Air Alaska.

[2] The petition also proposes language which would provide free transportation to

Footnotes continued on next page

argue that many of the international carriers who do not physically serve a point in the United States nevertheless contribute substantial revenues to U.S. interstate carriers through interline operations. They assert that the proposed amendment would enable U.S. carriers to improve their relations with these international carriers, and thereby increase the generation of traffic from them.

We propose to grant the petitioners' request for an exemption. We have tentatively concluded that the exemption is warranted because of the limited extent of the proposed free and reduced-rate transportation proposed and the unusual circumstances involved. We also tentatively conclude that enforcement of section 403(b) in these circumstances would be an undue burden on the carriers affected. Nevertheless, we do not intend our proposed action in this case to be mistaken as an invitation to other groups desiring free transportation to seek a similar exemption.

The petitioners recognize that section 403(b) expresses a restrictive attitude toward free interstate air transportation. After enumerating specific categories of persons eligible for free and reduced-rate transportation, the section goes on to state that "in the case of overseas and foreign air transportation," the Board may by regulation expand the free-transportation privilege to persons who do not come within the specified categories. However, section 403(b) makes no provision for an expansion in interstate free transportation privileges, and the Board has long taken the position that it has no authority simply to adopt regulations granting free interstate transportation to additional classes of persons.[3]

We believe that the extraordinary grant of an exemption from section 403(b) is justified here, however. As the petitioners point out, when Congress first adopted this section, it could not have foreseen that international air carriers could have a significant effect on the domestic air transportation system, even if they do not have direct service to the United States. Most international carriers do not limit the free transportation privilege to employees of carriers serving their home country, and we understand the U.S. carriers' desire to be able to offer reciprocal benefits. Moreover, the existing regulations create something of an anomaly. Under § 223.2(b)(2) of the Board's economic regulations (14 CFR 223.2(b)(2)), the employees who will be benefited here are already eligible for free or reduced-rate overseas and foreign air transportation. Therefore, they may travel to a great many U.S. destinations even now, as long as they go by way of a Canadian or Mexican city (or through Puerto Rico, the Virgin Islands, etc.). We do not know how many people currently go to this length to comply with the literal requirements of our regulations. On balance, however, we tentatively conclude that an exemption makes sense here. Our conclusion is reinforced substantially by our expectation that only a very limited amount of free or reduced-rate travel is likely to be generated here: the only new travel will be between U.S. points, and relatively few persons will be affected.

PROPOSED RULE

It is proposed to add a new subsection (h) to § 223.2 of the Board's economic regulations (14 CFR § 223.2), to read as follows:

§ 223.2 Persons to whom free and reduced-rate transportation may be furnished.

In addition to the persons specified in subparts B and C of this part:

* * * * *

(h) Any air carrier authorized to engage in interstate air transportation is hereby exempted from section 403 of the act and part 221 of the Board's economic regulations to the extent necessary to enable it to provide free or reduced-rate transportation to directors, officers, and employees, and members of their immediate families, of any person operating as a common carrier by air, or in the carriage of mail by air, or conducting transportation by air, in a foreign country.

(Secs. 204, 403, 416, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 as amended, and 771 (49 U.S.C. 324, 1373, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-25163 Filed 9-6-78; 8:45 am]

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"other classifications of persons listed in sec. 403(b)(1) of the act." The petition does not explain any need for this request, however, and we do not propose to grant it here.

[3] For one example, see order 72-3-76. Congress has recently amended sec. 403(b) to permit the Board to adopt regulations prescribing conditions under which carriers may grant reduced-rate transportation to handicapped and retired persons. Pub. L. 95-163.

[6320-01]

[14 CFR Part 250]

[EDR-363; Docket No. 33348; Dated: September 1, 1978]

ADVERTISING DISCLOSURE OF NONCOMPLIANCE WITH OVERSALE RULES

Proposed Rules

AGENCY: Civil Aeronautics Board.

ACTION: Proposed rule.

SUMMARY: The Board is proposing a rule requiring U.S. carriers operating internationally and foreign route air carriers that have not filed tariffs implementing the Board's new rules for compensating bumped passengers to include in any advertisement the fact that they have not complied with U.S. Government rules for consumer protection on oversold flights. We are considering this action to avoid surprise and confusion to consumers.

DATES: Comments by: September 22, 1978.

ADDRESSES: Twenty copies of comments should be sent to Docket 33348, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Jacob Goldberg, Trial Attorney, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202-673-5019.

SUPPLEMENTARY INFORMATION: By Regulation ER-1050, May 30, 1978, the Board revised its rules for the protection of passengers on oversold flights. The principal requirements of the new rules are: (1) Air carriers must minimize the number of passengers involuntarily denied boarding, by, among other things, requesting volunteers for denied boarding before bumping any passengers against their will; (2) increased levels of compensation payable by carriers to involuntarily bumped passengers; and (3) greater public notice of the boarding procedures used by carriers in the event of overbooked flights. Carriers were required to file tariffs implementing the rules by July 20, 1978, and the rules will become effective on September 3, 1978.[1]

[1] However, by separate order, the Board is issuing a limited waiver delaying the effectiveness of the new rules for 30 days, only

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At this time, a number of carriers engaged in foreign air transportation, particularly foreign carriers, have not yet filed the tariffs required by the revised Part 250 (14 CFR Part 250) to provide the higher levels of denied boarding compensation and set forth procedures for securing volunteers. As ER-1050 made clear, the oversale rules of Part 250 apply to all U.S. and foreign route carriers engaging in foreign air transportation, as well as to domestic operations of the U.S. carriers. In fact, the Board specifically emphasized the importance to the traveling public of maintaining these consumer protections in international operations:

> We adhere to our tentative conclusion that these new rules should be given the same extra-territorial application as our existing oversale regulations. Although oversales on international flights had declined slightly at the time EDR-334 was issued, the rate of oversales in international operations is in fact higher than that for domestic flights; in addition, more recent data show a significant increase in bumpings from international flights, in both absolute and relative terms. Moreover, the arguments now raised in opposition to applying our oversale regulations to international operations are essentially the same as those raised and rejected when Part 250 was first given extra-territorial effect, in order to extend an umbrella of protection to U.S. travelers abroad. (Footnotes omitted.)

We tentatively conclude that noncompliance with the tariff filing requirements of Part 250 is an unfair and deceptive practice and an unfair method of competition in air transportation under section 411 of the act. Consumers, of course, are entitled to rely on carrier compliance with Board regulations established for their protection. And, given the widespread publicity and public information attending the denied boarding compensation rules, they undoubtedly are and will be relying on it in this instance. The present situation is, therefore, inherently deceptive and unfair. Unless we require affirmative notice, consumers will have no effective ability to distinguish nonconforming carriers, or even to know that there are carriers which are not, in effect, committed to furnishing the standards of consumer protection set forth in the Board's rules and offered by most carriers. To avoid surprise and confusion on the part of passengers, we are proposing to require foreign route air carriers and U.S. route carriers operating internationally that have not complied with the tariff filing requirements of Part 250 to insert a notice of their noncompliance in all their advertisements in any communication medium in the United States or its possessions and territories. Thus, the proposed rule would require all such advertisements in any printed publication, or on radio or television circulated, heard, or carried in the United States or its possessions and territories, to contain the statement that the carrier does not comply with U.S. Government rules for consumer protection on oversold flights. In addition, carriers would be required to include the same disclosure with all tickets sold in the United States.

We are providing for a period of 15 days from the date of publication of this notice for the submission of comments. We find that such a relatively short comment period is necessary because the new bumping rules will soon become effective, and the traveling public should be alerted as soon as possible to the actual circumstances prevailing in the industry. Moreover, if adopted, the rule would become effective immediately for the same reasons.

Accordingly, the Civil Aeronautics Board proposes to amend Part 250 of its Economic Regulations (14 CFR 250) as set forth below.

1. The table of contents would be amended by adding a new § 250.12 as follows:

Sec. 250.12
Public disclosure of noncompli ance with rules for consumer protection on oversold flights.

2. A new § 250.12 would be added as follows:

§ 250.12 Public disclosure of noncompliance with rules for consumer protection on oversold flights.

(a) Every carrier engaged in foreign air transportation that does not have on file with the Board tariffs conforming with §§ 250.3 and 250.4 shall include prominently and clearly in any advertisement placed in any printed publication, or on radio or television circulated, heard or carried in the United States, its territories and possessions, the following statement:

> We do not conform to the U.S. Government rules for consumer protection on oversold flights.

(b) Each such carrier shall include with each ticket sold by it or its agents in the United States, its territories and possessions the notice set forth in paragraph (a) of this section. This statement shall be printed on a separate piece of paper and inserted with the ticket in the ticket envelope.

(c) It shall be the responsibliity of each such carrier to insure that travel agents authorized to sell air transportation for that carrier comply with the provisions of paragraph (b) of this section.

(Secs. 204, 403, 404, 411, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1324, 1373, 1374, 1381))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-25285 Filed 9-6-78; 8:45 am]

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for international flights inbound to the U.S. That waiver was granted to allow time for an orderly resolution of the apparent confusion on the part of some foreign carriers and governments over the extra-territorial effect of the Part 250 rules, and is contingent on the carriers having in effect during that period tariffs conforming to Part 250 before its recent amendment. Order 78-9-6.

[6320-01]

[SPOR-50B, Docket 29165, Dated: August 30, 1978]

[14 CFR Part 380]

PUBLIC CHARTERS

Consumer Protections for Charter Participants; Simplified Prospectus Filing Procedures

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Board is proposing to make sure that charter participants can obtain refunds when there are major changes in the charter packages they have purchased. In addition, there would be new disclosure requirements for charter advertising and specific requirements for the contracts between charter operators and participants. The Board also proposes to simplify the procedures under which operators must file prospectuses before marketing charters. Finally, it seeks comment on a possible requirement that operators obtain permits before marketing charters. This proposal is the second stage of a rulemaking proceeding begun by the Board in 1976.

DATES: Comments by October 23, 1978; reply comments by November 7, 1978.

Comments and other relevant information received after these dates will be considered by the Board only to the extend practicable.

Requests to be put on Service List by September 18, 1978. Docket Section prepares the Service List and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 29165, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Mark Schwimmer, Civil Aeronautics Board, Office of the General Coun-

sel, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: In an April 1976 petition, the Board's former Office of the Consumer Advocate (OCA) [1] asked for a variety of consumer protection rules for charter participants. It asked us to (1) prescribe the terms of the contracts between direct air carriers and charter operators and between the operators and charter participants, (2) impose a wide range of liabilities on charter operators, and (3) establish a system of licensing for charter operators.

We set out our preliminary views on the petition in SPDR-50, an advnace notice of proposed rulemaking.[2] On the basis of the comments on that notice and in light of our further experience in administering passenger charters, we have tentatively decided to amend our new Public Charter regulation [3] to entitle participants to refunds when there are major changes in their charter packages. We also propose to improve participants' awareness of what they will get, what they will not get, and what risks may be involved when they purchase charter trips. We would do this by (1) requiring charter advertising to include certain information, (2) requiring charter operators to obtain signed contracts from prospective participants before collecting any money from them, (3) requiring those contracts to contain certain provisions, (4) establishing a minimum print size for the contracts, with a larger size for some of the more important terms, and (5) requiring a space on the contract form for participants to request details of optional insurance. These requirements would not apply to foreign-originating charters arranged by U.S. charter operators, to permit effective competition with such charters arranged by foreign charter operators, over whom we have already declined to exercise jurisdiction.[4] In connection with these rule changes we would simplify the procedures for filing Public Charter prospectuses. Finally, we might require operators to obtain permits before marketing charters. We expect to adopt a final rule in this proceeding by January 15, 1979.

[1] OCA has since been consolidated with the Bureau of Enforcement into a new Bureau of Consumer Protection.

[2] October 7, 1976 (41 FR 45024, October 14, 1976).

[3] 14 CFR Part 380. (SPR-149, 43 FR (36604), August 18, 1978.) We are not proposing to amend the ABC, TGC, ITC, OTC, or SGC rules (Parts 371, 372a, 378, 378a, and 373), which will have been revoked by the time these amendments become effective. This notice does not propose to amend the Overseas Military Personnel Charter rule, Part 372, since we are not aware of significant consumer problems with these charters. Since affinity charters are not sold directly to individual members of the public, no consumer protection requirements are being proposed for them at this time, either.

[4] 14 CFR 380.23(a).

Major Changes

The OCA petition suggested that participants be entitled to withdraw from a charter and receive a complete refund if there is a change in any of the following components: Price, origin, destination, hotel, air carrier, ground arrangements, or itinerary. The operator's need to protect months before departure for ground arrangements and plance capacity, however, makes undertainty and changes unavoidable. The issue is how to allocate the burden of this uncertainty between operator and participant. Positions at either extereme—either complete cancellation rights in the participant for any change or complete freedom of the operator to make changes at will—would be unwise. In SPDR-50 we invited suggestions for criteria to distinguish between changes that are major enough to give participants refund rights and those that are not.

Several commenters disagreed with this approach, recommending instead that we leave the actual refund-for-changes policy to the marketplace. The Airline Charter Tour Operators Association stated that what is significant to one passenger may not be significant to another. Brendan Tours and Duncan Tours stated that in many cases a charter operator selling higher-priced tours may have more liberal refund policies than others selling lower-priced tours. Similarly, American Express suggested that we require the charter operator to state its policies in the operator-participant contract; operators could then vary the policy and consumers could shop for the one most suitable to them.

Other commenters, however, agreed that we should define some changes that would in any case entitle the participants to a refund at their option. ASTA gave as an example a change from a beachfront hotel to one that is 15 miles from the beach. International Travel Arrangers suggested that flight dates and cities of departure and destination be considered in this category, but that operators be permitted to substitute hotels that are "equal or better" than those contracted for. OCA's comment suggested that optional refunds be required for any of the following "major" changes: Price, origin, destination, hotel, air carrier, charter operator, and departure delays of more than 4 hours (domestic) or 6 hours (international). Minor changes not in this group would be those in: Restaurants, rented car, sightseeing arrangements, bus company, tour guide company, daily schedule of events, and taxes.

If charter participants were always able to make fully informed choices among all the market options available to them, they would not need to be protected by refund rules. The present requirement would suffice—that operator-participant contracts state "the right to refunds in the event of change in itinerary and the procedure for obtaining such refunds."[5] The market itself would establish the optimal balance between operators' flexibility and participants' certainty. The complaints received by OCA indicate that this approach has not worked, however. Some of the complaints may be attributed to participants' not having been fully aware of the risks they agreed to take when signing up for the charter. Charter trips have characteristics that, though not unique, taken together tend to distinguish them from most other consumer transactions that work relatively smoothly and might not require refund rules.

(1) After housing and automobiles, long-distance vacation trips are among the largest purchases that consumers make. The charter price itself is only a partial measure of the thousands of dollars that a family commonly invests in, for example, a 2-week transatlantic vacation.

(2) A charter trip is a service, not a tangible product, and as such is not available for inspection before purchase, or for return or repair in response to dissatisfaction.

(3) The value of the service, more than most others, is measured by the subjective reaction of the participants. A dislocation in the trip, even if it only affects a part of the services provided, such as a hotel, can for many people detract substantially from, or destroy, the value of the entire trip.

(4) Charters, especially foreign ones, usually involve unfamiliar surroundings, often a strange language, and a different set of behavior patterns in the people the participants deal with. In those circumstances a change of plans is more distressing to many people. They probably have higher expectations that their tour operator and air carrier will "take care of them" and thus reasonably rely on the operator for relief. Charter consumers feel more victimized when they realize that they are not getting what they thought they paid for.

(5) Unlike most other services, charters must be paid for in advance. This removes one of the main forms of negotiating leverage of disgruntled consumer, and forces the consumer into the undesirable position of a plaintiff (at least potentially) seeking a recovery of a sum too large to ignore but too small to justify paying a trial lawyer.

(6) The operator-participant relationship is a complex one, and the

[5] 14 CFR 380.32(f).

complexity is reflected in the contract. Although some of the murkiness can be removed by improved drafting and typesetting, we still anticipate that a large fraction of the public will be unable or unwilling to take the time to understand all aspects of the contract. In such a setting disclaimers drafted by operators' lawyers are most likely to be subject to abuse, and consumers are least likely to be able or willing to shop among operators for the best deal.

(7) In contrast with most major service purchases, because of the way charters are sold the operator who is responsible for furnishing the services does not deal directly with the participant, but is a distant figure often several stages away from the travel agent whom the participant sees. As a result, good will and customer satisfaction may not be as great a factor in the charter business as in others. A dissatisfied charter participant seeking redress must often pursue it from an unknown business in a distant city.

These distinguishing characteristics of charters make it unlikely that improved disclosure of risks, by itself, would substantially reduce the problems that consumers have been experiencing. Accordingly, this notice proposes some substantive requirements for operator-participant contracts. By requiring the contracts to define certain changes as major, we would in effect be preventing operators from reserving the right to make them freely. To the degree that costs would increase for operators who make those changes often, this approach may be viewed as cutting off the extreme low end of the scale of price/service options available to charter consumers. The changes that would be defined as major are so fundamental that, in our tentative judgment, few consumers would freely contract away their right to object to them. Those few must be balanced against the larger number who would not be reached by even the most stringent disclosure requirements that could be devised.

We propose to define the following changes in dates, cities, hotels, and prices as "major changes," which would trigger the refund rights discussed below. These would be minimum standards only; operators would be free to include other changes as well:

Dates. A change in the departure or return date shown in the operator-participant contract would be considered major. There would be an exception for flight delays, however, since even a short delay could change the date of a flight scheduled to leave late at night. We have already proposed in EDR-343[6] to allow the direct air carrier a certain period to transport the passengers.[7] At the end of that period, the charter operator would be entitled to arrange alternate transportation for the delayed passengers on scheduled service at the direct carrier's expense. To allow the operator to make those alternate arrangements without the passage of midnight turning the delay into a major change, we now propose to exclude date changes resulting merely from flight delays, *if* the participant is transported on a flight that departs within 6 hours after the delay period allowed the direct carrier by the flight delay rules.

Cities. A change in the origin or destination city of any leg of the charter would be considered major, unless the change would affect only the order in which cities on a tour are to be visited.

OCA's comment urged us to prohibit "area-origination" filings, under which operators advertise a charter in several different cities as if it will depart from each, when in reality there will only be a single flight. In some cases, passengers have been told at the last minute that their flight will leave from another city, to which they must travel by bus. Several reply commenters argued that the area marketing approach is essential to operators' flexibility, and that prohibiting these filings would reduce the availability of charters from cities that do not ordinarily generate much traffic.

Although some protection in this area appears to be called for, an outright ban on area filings does not appear necessary. A January 4, 1978, interpretative letter to air carriers and charter operators announced that the Board would reject charter prospectuses naming alternative origin or destination cities, unless the solicitation materials clearly disclosed the true nature of the flight arrangements the operator had made with the direct air carrier. The purpose of the letter was to maintain the operators' marketing flexibility while eliminating deception of participants. We now propose to formalize the treatment of area filings in one of two ways.

Cities Option I: This approach would prohibit operators from insisting that participants accept origin or destination cities that differ from those they signed up for. Operators would continue to be able to contract with carriers for alternative origin and destination cities. Likewise, they could continue to test the market in different departure cities and for multiple destinations. However, the operator's contract with each participant could name only one origin city and one destination city.[8] The Operator's selection of the actual cities would constitute a major change for those participants whose contracts named other cities. They would thus be entitled to cancel with a full refund, as discussed below. Moreover, we would explicitly require all solicitation materials to state that the actual origin or destination city, as applicable, has not yet been selected.

Cities Option II: Under this approach, contracts with individual participants could name alternative cities. As long as the actual cities were among those named in the contract, the operator would not have to offer a refund to participants who would have preferred to fly from or to different cities. This operator flexibility would be coupled with a more stringent disclosure requirement. Rather than say merely that the actual cities have not yet been selected, all advertising would have to name the possible cities and say that the selection would be at the charter operator's option. This statement, along with a more specific description of the participant's lack of cancellation rights, would also have to appear in the contract.

The text set out below under the heading 'The Proposed Rule" follows Option I. If we decide to adopt Option II, the definition of "major change" and the requirements for contracts and advertising would be revised accordingly. The contract statements about alternative cities would be added to the list of important terms that must appear in larger type than the rest of the contract. Further discussion of print sizes appears below under the leading "Operator-Participant Contracts."

We specifically invite comments on these two approaches to area filings, and the possibility of combining them. For example, Option I could be supplemented by the requirement to name all possible cities in all advertisements. Commenters may also wish to discuss whether area-origination filings should be treated differently from area-destination filings.

Hotels. The substitution of any hotel not named in the operator-participant contract would be considered a major change. That contract could, however, name alternative hotels.

A frequent complaint of charter passengers is that, instead of the hotel they expected, they have been sent to another that is unfavorably located or poorer in quality. Booking practices in the hotel industry often make it impossible, however, for a charter operator to guarantee in advance that participants will be accommodated at a particular hotel. Moreover, those practices are necessary since preliminary bookings must be made long before operators know the actual number of participants.

[6] December 22, 1977 (42 FR 64905, December 29, 1977).

[7] Six hours, although we specifically asked for comment on other, longer periods as well.

[8] More than one destination city could be named, of course, for a multi-stop tour that would visit each city.

The operator's typical response to this uncertainty has been to reserve the right, in his contracts with participants, to substitute hotels that are "similar," "comparable," or "of equal or superior quality." The vagueness of these contract clauses has, as a practical matter, given operators vitually unlimited freedom to make substitutions. Some operators make them only when necessitated by truly unforeseen circumstances, while others do it regularly as a "bait and switch" tactic. In any case, the current remedies for hotel changes are inadequate. Even if the participant proved, in a suit for breach of contract, that the substituted hotel was inferior to the one contracted for, the amount of damages ordinarily awarded in such cases—the difference in value between the services promised and those actually provided—would be too low to make the lawsuit worthwhile.

The proposed definition of major hotel changes, which would in effect prohibit open-ended substitution clauses in operator-participant contracts, should not unduly limit charter operators' flexibility. Since operators would be free to specify alternative hotels, the practical effect of this definition would merely be to require operators to be sure when they begin marketing a charter that they have backup arrangements with enough hotels to accommodate the expected number of participants. At the same time, participants would be put on notice of the full range of possibilities. To minimize the chance of deception, we also propose to require charter solicitation material, if it names any hotel, to either name all the possible hotels or include a statement that substitutions may be made.

We have also considered requiring the operator to certify in the prospectus that he has binding commitments for enough hotel rooms to accommodate a sold-out charter. The variety of possible contractual arrangements with hoteliers, ranging from the absolutely binding to the standby, appears to make it difficult to define which are binding enough. We do invite comments, however, on the advisability of such a requirement.

Price. We propose to define increases of 10 percent or more in the price to a participant as major changes, if made by the 10th day before departure. The definition would be stated in terms of the aggregate increase from the price named in the operator-participant contract, to protect against a series of smaller increases. Increases after the 10th day before departure would be prohibited completely.

Many charter operators already offer greater price protection. Some operator-participant contracts, for example, state that prices will be firm 45 days before departure, and allow participants to withdraw without penalty if there is any increase before then. Our definition would only establish a minimum level of price protection; operators would be free to continue to provide more.

This approach would protect participants against last-minute price increases, and against precipitous increases at all times, while allowing the operator to preserve the flexibility to respond to increases in his costs, most notably direct carriers' charter price increases.

Remedies for Major Changes

We propose to require the charter operator to notify each participant of any major change within 7 days after he first knows that the change will be made, but in any event before departure even if it is less than 7 days away. Notification would be considered made when it is received by the participant.

Upon being notified before departure of a major change, a participant would have 7 days to cancel and receive a full refund. If the notification is less than 7 days before departure, however, the participant would have to decide by departure whether to cancel. He would receive the refund within 7 days after canceling. The operator would not be precluded from offering additional options, like a partial refund for the participant who still wants to fly but prefers to make his own hotel arrangements instead of accepting a substitution.

No matter how diligent the operator, there may be situations beyond his control where major changes are necessary and he does not learn of them until after departure. In these cases it would be unduly harsh to require a full refund, particularly when participants have already received a portion of the services that they have paid for. On the other hand, as we have already noted, participants should not be forced to accept these changes without any practical recourse. We propose to require the operator to give the participant the option to reject the change and take a partial refund. The refund would be due 7 days after the end of the charter.

The major changes that might occur after departure are substitutions of hotels and changes in a flight leg's date or its origin or destination city. The participant would be entitled to reject the hotel or the flight change, and make his own arrangements instead. The refund would be the portion of his payments allocable to the originally planned hotel or flight leg. Allocation of the price paid by the participant among the various components of a tour package would be a question of fact in each case. For example, a change in the return leg of a round-trip air-only charter would entitle him to a refund of one-half the total price.

This partial refund scheme should not be viewed as legitimating all post-departure changes where refunds are offered. It would merely establish a minimum set of participant remedies where those changes occur. We would require operator-participant contracts to state specifically that the rights and remedies set forth in the contract are in addition to any others the participant may have under applicable law. When there are major changes the operator could, however, specify that acceptance of a refund would constitute a waiver of those other remedies.

Substantively, this remedy scheme is not much different from what is already available to participants at common law. If the supplier does not perform the service promised, the purchaser may reject the offer of substituted performance and, at the very least, obtain a refund for the services not provided. The proposed requirement of § 380.32 to have the remedy scheme explicitly incorporated in the written contracts would make it (1) more likely that participants could assert their refund rights on the spot when there are major changes, and (2) easier for them to pursue these rights later in small claims court, if necessary, without having to hire a lawyer.

Since the operator's contractual obligations would not translate automatically into regulatory obligations, § 380.33 would directly require the operator to notify and remedy for major changes as promised in his contracts with participants. Thus a failure to offer a partial refund in place of a substituted hotel, for example, would also be a violation of this regulation. The bureau of Consumer Protection could thus seek injunctive relief in Federal court or begin an administrative enforcement proceeding against the operator. The possibility of such Bureau intervention, even if limited as a practical matter to large-scale or persistent violations, should serve as an additional inducement to faithful performance by charter operators.

The proposed scheme for major changes is not intended to limit the performance guarantees that operators offer. They could offer additional consumer protection in several ways. First, they could define "major changes" in their operator-participant contracts more broadly than the rule requires. For example, a major price change could be defined as any increase 10 days or more before departure, instead of a 10-percent increase. Similarly, the 10 days might be replaced by a larger number, such as 30 or 45. Another possibility would be for

the operator to include as major changes some others that are not listed in the rule at all, such as changes in sightseeing arrangements. Finally, additional consumer benefits could be provided independently of the refund-for-changes scheme. For example, the contract might provide that, if there is bad weather at the charter destination, participants would receive credit toward another tour offered by that operator.

Solicitation Materials

To minimize deception and assist consumers in making informed purchases of charter transportation, certain information should be disclosed to prospective participants not only in the operator-participant contracts but also in any solicitation materials. We propose to define "solicitation material" broadly, to include all advertising, brochures, and any other materials used by or on behalf of a charter operator to solicit participation in a Public Charter.

All solicitation materials would be required to contain the direct air carrier's name,[9] the charter operator's name, and a statement that the flight is a charter. That statement need not be a full declaratory sentence, as long as it is clear to the reader (or the viewer or listener, depending on the advertising medium) that the flight is a charter. The comments on SPDR-50 generally supported inclusion of the operator's name. Several objected, however, to a requirement to include also his address, as too costly and as likely to encourage people to bypass travel agents and try to book directly with the operator even though he may wish to sell only through agents. Liberty Travel stated that such a requirement would divert from the agent sales that are generated by the agent's own advertising. In light of these comments we have tentatively concluded that the extra benefit to consumers of having the address is not worth the burden it would impose on marketing. While inclusion of the name is essential so that the consumer will know in advance whom he is dealing with, the address will be available in the operator-participant contract.

Charter transportation often involves conditions not associated with unrestricted scheduled air transportation, such as penalties for cancellations by participants and the risk of cancellations or changes by operators. Although these conditions will be set out in the operator-participant contracts, it is important to alert prospective participants to the existence of those contracts at an early stage. We propose, therefore, to require solicitation materials to include a statement referring to the contract for further information about conditions applicable to the charter. This would correspond to the statements like "Restrictions apply; see your travel agent" that now appear in advertising of special fares on scheduled services. This requirement would apply only to advertising that states prices for flights. It appears to be unnecessary for ads that are so general that they do not even mention prices.

We are also proposing to require that solicitation materials disclose information about (1) uncertain origin or destination cities, and (2) the possibility of hotel substitutions. As discussed above, under the heading of "Major Changes," these requirements would come into play only in specific situations: The first in cases of area filings, and the second in cases where one or more but not all of the possible hotels are named in the ad.

Operator-Participant Contracts

We propose to prohibit the collection of any money from prospective participants until they have signed operator-participant contracts.[10] While the rules currently require these contracts to exist, and specify some of the terms, they do not actually require the contracts to be executed at the time of booking. We are aware of many cases in which participants have never been given a copy of the contract, and other cases in which they have received a copy—and all the vital consumer protection information that it contains—shortly before departure. Only if participants have an opportunity to inspect the terms of the agreement in advance can they make informed purchases. It is not enough to require, as Uni-tours has suggested, that a copy be mailed to the participant along with the operator's acknowledgement of the booking. By then the participants have already paid and become psychologically committed to the purchase, even if as a legal matter they are entitled to withdraw upon discovering conditions they consider unsatisfactory.

In addition, we do not believe that operators should have the right to hold a participant's deposit, without that person's specific permission, if there is no available space on the participant's desired flight. We therefore propose to require operators to send back all the participant's money within 2 business days after receiving it if the charter and all the specific alternatives that the participant has chosen are fully booked. The money could be retained only if the participant, after being notified that no space was available, authorized the operator to do so while the operator tried to make other arrangements.

Overbooking by charter operators would thus be prohibited, except under arrangements specifically consented to by participants. Although the high cancellation charges usually imposed on charter participants make the arguments for allowing unconsented overbooking much less compelling than with scheduled service, such overbooking might still provide economic benefits if connected with an adequate remedy scheme for participants who must be bumped. We invite commenters to submit specific suggestions for a remedy scheme. It could be analogous to that of Part 250 for scheduled service, but the differences in timing of charter bookings and cancellations appear to call for significant differences in the details of the remedy. We will not establish such a remedy scheme without first publishing a further notice of proposed rulemaking about it.

To make sure that small print does not deter prospective participants from reading the contracs, we propose to require the contract forms to be printed in 7-point or larger type. The following information is particularly important, and so would have to appear in bold-face type at least 50 percent larger than the rest: The charter operator's name and address, the operator's cancellation rights, that the participant's cancellation rights are limited, the refund procedures for major changes, and that checks must be made payable to the escrow account (if a depository bank is used).

We also propose to supplement the present requirement that operators notify participants through the contracts of the availability of trip cancellation, health, and accident insurance. It has been our experience that participants often do not purchase this inexpensive insurance, either because they are unaware of its existence, or because they have not taken the trouble to request information about it from the operator. To alleviate this problem, we would require the contracts to contain, in addition to the notification of availability, a space on the form for participants to check to

[9] This is already required (14 CFR 380.28(h)).

[10] Operators would not be required to obtain a complete copy of the contract signed by the participant. The typical practice up to now has been for operators to provide brochures that contain (1) promotional material about a series of flights or tours, (2) the text of the contract, and (3) a "booking" or "reservation" form for the participant to indicate which flight and ground options he desires, sign, detach from the rest of the brochure, and send along with a check back to the operator or travel agent. This practice could continue. Strictly speaking, the detached form is not a contract. The participant's signing and mailing of the booking form usually constitutes an offer, and the operator's acknowledgement of booking constitutes an acceptance. The offer and acceptance together create a contract.

indicate that they wish to receive further information about the insurance. Such a requirement should impose little if any burden on charter operators, while increasing public awareness that insurance protection is available. Participants could then decide whether the coverage is worthwhile for them.

MISCELLANEOUS CONSUMER PROTECTION PROVISIONS

When charter operators cancel flights, they are requried by the current rule to notify participants in writing withn 15 days after the cancellation and in any event by the 10th day before scheduled departure. If the cancellation occurs less than 10 days before departure, the notification need not be in writing but it must be made as soon as possible. We propose to reduce the 15-day limit to 7 days. This would better serve the paticipant's interest in speedy notification of the need to make other arrangements, while still allowing the operator enough time to use ordinary mail.

There are currently no limits on the time for operators to make refunds to participants. As with participant cancellations for major changes, we propose to require that refunds be made within 7 days after operator cancellations, participant substitutions, and any other types of cancellations for which the participant is entitled to a refund. The refund would be considered made only when received by the participant. For operator cancellations, it would have to be made by departure even if the 7-day period might extend later, because the participant's need for the money is acute in those situations.

We also propose to require operators of international flights to disclose in the operator-participant contracts that additional restrictions may be imposed by foreign governments, and that if landing rights are denied, the flight will be cancelled with full refunds. A number of countries have imposed restrictions on U.S.-originating charters (such as advance purchase requirements, limited substitutions, and minimum prices) beyond those contained in our rules. Also, some governments will not accept U.S. charters at all, or will grant landing rights only on an *ad hoc* basis. These restrictions and possible non-acceptance can seriously disrupt unknowing participants' travel plans. The disclosure requirement would help alleviate the distress caused by such disruptions.

This notice also proposes to correct an oversight in the recent Public Charter rulemaking (Docket 32242). The original proposal in that Docket[11] inadvertently omitted any specific reference to the amount of the surety bond to be required of charter operators under the bond-and-escrow option. Since that proposal was drafted as an amendment of Part 371, *Advance Booking Charters* (unlike the final rule, which appears in Part 380), the amount of the bond was to be $5,000 per flight up to a maximum of $50,000 for a series of 10 or more air-only charters, and $10,000 per flight up to a maximum of $100,000 for a series of 10 or more optional-ground-package charters, as in the ABC rule. The final rule[12] specified these amounts for Public Charters since a higher level had not been proposed. The Public Charter, however, is replacing not only the ABC, but the Inclusive and One-Stop-Inclusive Tour Charters (ITC and OTC), among others, which had bonds of $10,000 per flight up to a maximum of $200,000 for a series of 20 or more. Most charter operators already have bond coverage at this higher level. In light of generally rising prices and the fact that the bond amount typically covers only a fraction of the total charter prices in an operator's program, we now propose to restore the $10,000-$200,000 scheme for all Public Charters, regardless of whether ground packages are included. This provision would also be redrafted to make it clear that when a bond covers a series of flights, the coverage of the total bond extends to each flight in the series.

PROSPECTUS FILING REQUIREMENTS

Present filing procedures: Under our existing rules, before a charter operator may advertise or sell a charter program to the public, the operator and the direct air carrier involved must first file with the Board a charter prospectus containing a surety bond, charter contract (between the operator and the carrier), operator-participant contract, depository agreement (where applicable), and sample solicitation material covering the charter program.[13] Our staff then has 15 days to review these documents to make sure that they comply with our regulations. If the filing does not comply, the staff rejects it and advertising of the program cannot begin until the necessary changes or corrections are made. If a prospectus does comply, the charter program may be advertised at the end of the 15-day review period.[14] After a program has been accepted for advertising, any later changes must be filed as amendments to the prospectus and, with certain exceptions, are subject to the same 15-day review and acceptance or rejection by the staff.

We recognize that compliance with these filing procedures is often time-consuming and costly. All of the required documents, some of which may be quite long, must be filed in duplicate in each prospectus. Amendments adding new flights or changing ground accommodations or other aspects of the program sometimes require as much additional paperwork as the original prospectus. Often the documents submitted in new prospectuses are duplications of documents filed in previous ones. Ultimately, of course, the cost of meeting these filing requirements must be borne by the charter passenger in the form of higher prices.

In examining our filing requirements, we recognize that most of the details of the documents filed in the prospectus are already contained or specified elsewhere in our regulations. Thus, for example, § 380.34 prescribes in detail the specific provisions that must be included in the depository agreement and surety bond. In fact, Appendix A to Part 380 prescribes the exact format in which the bond must be written. The Economic Regulations prescribe the information that must be included in each operator-carrier contract. In addition, Part 380 describes in general terms the information that is to be included in the operator-participant contract and the solicitation material. Moreover, the consumer protection amendments that we are proposing today will reduce the need for close staff inspection of the charter documents. In this context, the requirement to submit documents in prospectuses, the terms of which are spelled out in detail elsewhere, now appears to be duplicative and unnecessary.

Proposed filing system: We have tentatively decided to replace the documents included in a charter prospectus with simple statements from the charter operator, direct air carrier, depository bank, and surety company that the necessary contracts or agreements have been entered into and that these contracts comply with our regulations. These statements would eliminate the need to file actual copies of all the documents described above, substantially reducing the paperwork burden on the charter operator. We would, however, continue to have our staff review these statements and would prohibit advertisements of charter programs until the review was completed. Since the review would be simpler, we are also proposing to shorten the 15-day review period to 10 days.

The first statement, signed by the charter operator and the direct carrier, would include the proposed flight schedule, listing the origin and destination cities, dates, types of planes,

[11] SPDR-64, March 14, 1978 (43 FR 11215, March 17, 1978).

[12] SPR-149, August 14, 1978 (43 FR 36604, August 18, 1978).

[13] 14 CFR 380.28.

[14] 14 CFR 380.25(a).

number of seats, and charter price for each flight. It would also include a statement that the operator and carrier had entered into a contract covering the flight schedule, that the contract complied with all applicable Board regulations, and that a copy of the schedule had been sent to the depository bank (if any) and the surety company. If one operator's charter series were to be performed by several different direct carriers, there would be separate statements of this first type to cover the portion of the flight schedule being performed by each.

The charter operator and the surety company would sign a statement that they had entered into a surety bond covering the proposed flight schedule that complied with § 380.34 and that the surety company had received a copy of the schedule. The statement would include the amount of the bond, the number assigned to it by the surety, and the amount of any outstanding claims against it. If there were any outstanding claims, the operator and the surety would also have to state that they had executed a rider increasing the bond by the amount of the claims, or that the surety would separately pay any claims for which it may be liable without impairing the bond or reducing the amount of its coverage.

If a depository bank was used, the prospectus would have to include a third statement, signed by the operator, the direct carrier, and the bank. It would state simply that they had entered into a depository agreement covering the proposed flight schedule that complied with § 380.34, and that the bank had received a copy of the schedule.

Forms for these three statements would be set out in Appendices B, C, and D to Part 380.

We would also eliminate the need to file amendments to prospectuses, except for those that (1) modified the filed flight schedule (by adding or canceling a flight or changing a date or city) or (2) changed or added a direct carrier, surety company, or depository bank. Changes in other aspects of the charter would not have to be filed. Affected participants, of course, would have to be notified of "major changes."

Permits for Charter Operators

We believe that the most fruitful response to the many consumer complaints received about charters and to the widespread violations of such consumer protection devices as the escrow rules is to establish regulations that accommodate the realities of the marketplace but also prevent overreaching by unscrupulous operators. The requirements proposed above represent such an attempt.[15]

Under these new rules, the workings of the marketplace should largely determine how the charter industry operates. On the other hand, some Board enforcement will undoubtedly be necessary. Previous enforcement efforts have taught us that at any given time there are always a few unscrupulous charter operators prepared to continue consumer abuses as long as it is profitable to do so. Unfortunately, the enforcement mechanisms now available are not entirely adequate to deal with such operators. Our enforcement options are largely limited to either seeking injunctive relief against a violator in Federal court or issuing an administrative order following a hearing before an administrative law judge or the full Board. Since an administrative order must, itself, ultimately be enforced by a Federal court if compliance is not forthcoming, we have focused on seeking injunctions, and subsequent contempt actions as necessary.[16] These efforts, while designed to aid the consumer, are frequently expensive and time consuming. Moreover, our only recourse against persistent violators is to bring a succession of enforcement actions. Meanwhile, these few malfeasors continue to abuse the public.

It is the existence of these enforcement inadequacies that causes us to consider a licensing scheme. We wish to state clearly that if a proposal promised to restrict entry to the marketplace significantly or to cause a significant increase in regulatory burden on the industry or the Board, we would reject it out of hand. Because the permit scheme proposed in this rulemaking, however, appears not to suffer from these drawbacks and may be a means of better protecting the consumer, we feel obligated to solicit public comment, and to consider seriously whether this or a similar proposal should be adopted.

Usually, the decision to propose a rule reflects a tentative conclusion that the rule ought to be adopted. If the public comments or intervening events do not persuade us otherwise, the rule is ordinarily adopted as proposed. On the question of charter operator licensing, however, our posture is different. In SPDR-50, we expressed a general disinclination to impose licensing requirements, for several reasons which were largely supported by the subsequent comments.[17] First, the screening potential of licensing would be minimal at best, since the really important qualities in a potential new entrant—personal integrity and business acumen—would be undetectable by any reasonable application requirement. Also, its value as an enforcement tool appeared negligible, since a license to do business could be removed only in extreme cases after lengthy hearings and other opportunities for the respondent to defend itself. Finally, the licensing procedure itself would be costly to the industry, the Board, and therefore ultimately to the public, as one more round of paperwork to be processed on all sides.

Our general reluctance to establish a licensing requirement continues, as part of our overall philosophy of avoiding unneeded regulatory burdens. For several reasons, however, this notice invites further comment on the subject. First, the discussion in SPDR-50 may have discouraged interested persons from commenting in favor of licensing. Second, the lack of a specific plan for commenters to consider kept comments at a theoretical level. Also, the permit scheme set out below may meet many of the objections that have been expressed in the past. Unlike most systems of licensing, it is not designed to restrict market entry as much as to remove persistent offenders. Its flexibility as an enforcement device has also been improved by additional remedies short of revocation. Finally, the special nature of the retail charter market, which is discussed above under the heading "Major Changes", may justify treating it differently from other markets like air freight forwarding.

Under the permit scheme, which is modeled after the operating authorization provisions governing air freight forwarders and overseas military personnel charter operators, each Public Charter operator would be required to fill out a short form (see proposed Appendix E), to be filed every 2 years, listing the principals of the operator and any compliance problems.[18] Upon receipt of a Public Charter operator permit, an operator would continue to be exempt from the requirement of the Act that all persons engaged in air transportation obtain a certificate from the Board that they are "fit, willing, and able" to perform the transportation involved. Initially, virtually

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[15] See also escrow revisions, proposed in SPDR-63, November 22, 1977 (42 FR 61408, December 2, 1977).

[16] See, e.g., *C.A.B.* v. *Deluxe Travel, Inc., et al.*, No. 74-C915 (E.D.N.Y. 1978); *C.A.B.* v. *H&H Tours, Inc. et al.*, No. 78-C1689 (E.D.N.Y. 1978); *C.A.B.* v. *Union Travel Services Inc., et al.*, No. 78-1232 (N.D. Ill. 1978); *C.A.B.* v. *Reindeer Lake Enterprises, Inc., et al., No. 3-78-3-78-5* (D. Min. 1978); *C.A.B.* v. *Global International, et al.*, No.—(E.D.N.Y., 1978); *C.A.B.* v. *Mid American Travel Services, Inc.*, No. 77-225 (E.D. Ark. 1977); *C.A.B.* v. *Tour Travel Enterprises, Inc., et al.*, No. 76 C-4693 (N.D. Ill., 1976); *C.A.B.* v. *Fraser, et al.*, No. 76-4349 (D. Mass. 1976).

[17] OCA and the American Society of Travel Agents, however, favored licensing.

[18] In light of the escrow and bonding provisions, no showing of financial fitness would be required.

anyone would be able to receive a permit. Only persons who have previously entered the marketplace and established a record of lack of compliance—normally, operators whose permits have previously been revoked or suspended by the Board—would be barred,[19] either when they request continuation of their permit authority at the end of 2 years or upon initiation of a revocation proceeding by the Board. Of course, revocation of a permit would come only after notice to the operator and a full opportunity to show why such a denial would not be in the public interest. Moreover, actual revocation would be an unusual sanction, to be applied only in the most aggravated circumstances.

The Public Charter operator permit requirements would apply only to operators that are U.S. citizens. Foreign charter operators are already required to obtain foreign air carrier permits under section 402 of the Federal Aviation Act to perform U.S.-originating charters, and we have declined to exercise jurisdiction over foreign operators performing foreign-originating charters.

The permit provisions would complement the simplified prospectus filing procedure proposed in this notice. One impetus for that simplification is the view that there should be less pervasive oversight of the industry by the Board, and more self-policing. While we believe that few permits would actually be revoked, the availability of revocation against those who take advantage of this more liberal approach would, nevertheless, provide a counterbalance in favor of the consumer, and might well encourage more effective self-policing. Moreover, if we were obliged to revoke the permit of a persistent and willful violator, the majority of tour operators who do comply with the Board's regulations would benefit, since these malfeasors damage the reputation of the entire industry.

Short of revocation, the proposed scheme would provide for a number of more moderate remedies, including suspension for a period of time, partial suspension, or the imposition of additional conditions on an operator's permit designed to cure particular abuses. Since most enforcement cases would be brough administratively, administrative law judges could develop greater expertise to deal with persistent problems in the industry.[20] These judges would be able to fashion consumer protection devices from the range of sanctions available.[21] Compliance with administrative orders wold also be more likely than in the past because of the threat of suspension or revocation. Litigation time and expense might also be reduced under this scheme by the development of limited enforcement actions, seeking only the imposition of an additional condition on a permit. Both the public and the industry would gain from such economies. Moreover, because these remedies fall short of the finality of removal of a license, they could be readily used in an enforcement proceeding.

In short, the proposed "licensing" requirements might provide important benefits to the traveling public and to the industry, while imposing negligible additional regulatory burdens. We are convinced that a minimal permit requirement designed to increase compliance with consumer protection rules, such as that proposed here, is an idea worthy of serious public attention. Accordingly, while we are not necessarily wedded to this particular scheme, or for that matter any licensing scheme, we propose adoption of the permit requirements set out in this notice and solicit comments on their benefits and costs, as well as on alternative forms of licensing that might offer greater benefits or fewer burdens. One alternative might be to deny an exemption to tour operators against whom an injunction or administrative order has issued. The operator would then be required to seek a certificate under section 401 of the Act if it wishes to continue operations. Naturally, this is only one in a range of possible alternatives, which we invite commenters to explore fully.

The Proposed Rule

In light of the above, the Civil Aeronautics Board proposes to amend Part 380 of its Special Regulations (14 CFR Part 380) as follows:

1. The Table of Contents would be amended by redesignating §§ 380.24 and 380.25, adding new §§ 380.30 and 380.31, redesignating § 380.32, and adding new § 380.33, Subpart F, and Appendices B through E, to read:

PART 380—PUBLIC CHARTERS

Sec.

* * * * *

Sec.
380.24 Prohibition against operations without an effective permit.
380.25 Prospectus filing and related requirements.

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380.30 Solicitation materials.
380.31 General requirements for operator-participant contracts.
380.32 Specific requirements for operator-participant contracts.
380.33 Major changes in itinerary or price; refunds.

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Subpart F—Public Charter Operator Permit

380.60 Application for permit.
380.61 Restrictions on issuance of permit.
380.62 Issuance of permit.
380.63 Effective period and biennial filing requirement for continuation of permit.
380.64 Conditions on permit.
380.65 Prohibition against holder of permit having tainted officers, owners, or employees.
380.66 Nontransferability of permit.
380.67 Suspension of permit.
380.68 Revocation of permit.
Appendix A— * * *
Appendix B—Statement of Charter Operator and Direct Air Carrier.
Appendix C—Statement of Charter Operator and Surety Company.
Appendix D—Statement of Charter Operator, Direct Air Carrier, and Depository Bank.
Appendix E—Application for Public Charter Operator Permit.

§ 380.2 [Amended].

§ 380.40 [Amended].

2. In §§ 380.2 and 380.40, "380.25(a)(1) and (2)" would be replaced by "380.25".

3. Section 380.2 would be further amended by adding the following definition of "solicitation material":

§ 380.2 Definitions.

* * * * *

"Solicitation material" includes all advertisements in print or electronic media, brochures, and any other materials prepared or distributed by or on behalf of a charter operator to solicit participation in a Public Charter.

§ 380.12 [Amended].

4. In § 380.12, *Cancellation by charter operator and notice to participants,* "15 days" would be replaced by "7 days".

5. In § 308.18, paragraph (e) would be amended to read:

[19] Previouls revocation or suspension by the Board of a charter operator permit granted to an applicant or one of its principals would create a presumption that the applicant is not willing to comply with the Board's charter regulations, requiring it to prove otherwise. Additional compliance information that an applicant would have to furnish includes (1) cease and desist orders or injunctions issued against it or its principals in connection with the organization and operation of Public Charters, and (2) previous revocation or suspension of any operating authority of any type issued by the Board. This information would not create a presumption of lack of compliance, but it would be considered on a case-by-case basis.

[20] An additional benefit would be to bring before us in a forceful manner the more egregious consumer problems with charters, better permitting us to judge whether the regulations are adequate or wise.

[21] For example, a condition could be added to the permit of an operator who persistently fails to place money properly in escrow that the operator must meet full bonding requirements.

§ 380.18 Charters for special events.

* * * * *

(e) The 10-day waiting period specified in § 380.25(a) of this part shall not apply to operations under this section to the extent that it would prohibit advertising or sale of the charter after the Board has notified the charter operator that advertising or sale may begin.

6. Section 380.20 would be amended in part to read:

§ 380.20 Exemption.

Charter operators (other than foreign charter operators) are relieved from the following provisions of the Act to the extent necessary to enable them to organize and arrange Public Charters. This exemption applies only if and so long as they comply with this part and hold effective Public Charter operator permits issued under § 380.62.

* * * * *

7. In § 380.23, the list of sections in paragraph (b) would be amended to read:

§ 380.23 Charters that originate in a foreign country.

* * * * *

(b) Notwithstanding the other provisions of this part, a charter operator who is a citizen of the United States shall not be subject to the following requirements with respect to Public Charters that originate in a foreign country:

§ 380.25
§ 380.28
§ 380.30-35
Subpart F

8. Section 380.24 would be amended to read:

§ 380.24 Prohibition against operations without an effective permit.

No person shall engage in air transportation as a charter operator by organizing, providing, selling, offering to sell, or soliciting or otherwise advertising a charter or charters unless there is in force a Public Charter operator permit issued under § 380.62 of this part or a foreign air carrier permit issued under section 402 of the Act authorizing him to engage in that air transportation.

9. Section 380.25 would be amended to read:

§ 380.25 Prospectus filing and related requirements.

A charter operator may organize and operate a Public Charter only in accordance with this part, and subject to the following conditions:

(a) No charter operator shall operate, sell, receive money from any prospective participant for, or offer to sell or otherwise advertise a charter or series of charters until at least 10 days after he has filed with the Board (Special Authorities Division, Bureau of Pricing and Domestic Aviation) a Public Charter prospectus as described in § 380.28.

(b) If within 10 days after the filing the Board notifies the charter operator that it has rejected the prospectus for noncompliance with this part, the prohibitions set forth in paragraph (a) of this section shall continue until the Board notifies him that it has accepted the prospectus.

(c) The following deviations from a filed prospectus may be made only in accordance with paragraph (d) of this section:

(1) The addition or cancellation of any flight;

(2) A change in any flight date, origin city, or destination city; and

(3) A change in or addition of any direct air carrier, surety company, or depository bank.

(d) The charter operator shall amend the prospectus to reflect any change described in paragraph (c) of this section. The amendment shall be filed in the manner and form used for the original prospectus. It shall become effective 10 days after filing unless the operator is notified otherwise.

(e) The charter operator shall notify the depository bank (if any) and the surety company of any change described in paragraph (c)(1) or(c)(2) of this section not later than when he files a prospectus amendment to reflect the change. If the surety company is unable to adjust the bond as required by the change, it shall notify the Board (Special Authorities Division, Bureau of Pricing and Domestic Aviation) of this fact within 2 business days after receiving notice of the change from the charter operator.

(f) Not later than the scheduled date of departure, the charter operator shall transmit to the direct air carrier(s) his statement affirming that each participant has entered into a contract with the operator as required by § 380.31

10. Section 380.28 would be amended to read:

§ 380.28 Charter prospectus.

(a) The charter prospectus shall include an original and one copy of the following:

(1) From the charter operator and the direct air carrier: (i) The proposed flight schedule, listing the origin and destination cities, dates, type of aircraft, number of seats, and charter price for each flight; and (ii) a statement that they have entered into a charter contract that covers the proposed flight schedule, that the contract complies with all applicable Board regulations, and that a copy of the schedule has been sent to the depository bank (if any) and the charter operator's surety company. The proposed flight schedule and statement shall be in the form set out in Appendix B to this part.

(2) From the charter operator and the surety company, a statement: (i) that they have entered into a surety bond covering the proposed flight schedule that complies with § 380.34, including the amount of the bond, the number assigned to it by the surety, and the amount of any outstanding claims against it, and (ii) that the surety has received a copy of the proposed flight schedule. If there are any outstanding claims against the bond, the charter operator and surety company shall also state that they have executed a rider increasing the bond by the amount of the claims, or that the surety will separately pay any claims for which it may be liable without impairing the bond or reducing the amount of its coverage. These statements shall be in the form set out in Appendix C to this part.

(3) If a depository agreement is used, a statement from the charter operator, the direct air carrier, and the depository bank: (i) That they have entered into a depository agreement covering the proposed flight schedule that complies with § 80.34, and (ii) that the bank has received a copy of the proposed flight schedule. This statement shall be in the form set out in Appendix D to this part.

(b) Each of the statements described in paragraph (a) of this section shall also include the names and addresses of the parties to it, and the originals shall be signed by those parties.

(c) The prospectus may cover a series of charters performed by one charter operator if the departure of the last charter is not more than 180 days after the departure of the first.

(d) If the prospectus covers a series of charters and the air transportation will be performed by more than one direct air carrier, the prospectus shall include separate statements in accordance with paragraphs (a)(1) and (a)(3) of this section to cover the portions of the proposed flight schedule that will be performed by each direct carrier.

11. A new § 380.30 would be added, to read:

§ 380.30 Solicitation materials.

(a) All solicitation materials for a public charter shall include:

(1) The name of the charter operator;

(2) The name of the direct air carrier; and

(3) A statement that the flight is a charter.

(b) Any solicitation material that states a price per passenger shall also include one of the following:

(1) A statement referring to the operator-participant contract for further information about conditions applicable to the charter; or

(2) The full text of the operator-participant contract.

(c) If the charter prospectus names alternative origin or destination cities, any solicitation material that states a price per passenger shall also state that the actual origin or destination city, as applicable, has not yet been selected.

(d) Any solicitation material that names a hotel but does not name every hotel named in the operator-participant contract shall also state that substitutions may be made.

12. A new § 380.31 would be added, to read:

§ 380.31 General requirements for operator-participant contracts.

(a) No money shall be accepted from a prospecive participant unless he or she has agreed to the conditions of the charter by signing an operator-participant contract, as described in § 380.32. If a member of a family that will travel together pays for the group, that member may sign the contract on behalf of the group.

(b) If there is no space available on the flight or specfic alternative flights requested by the participant, the operator shall return all the participant's money within 2 business days after receiving it unless the participant, after being notified that no space is available, authorizes the operator to retain the payments while the operator attempts to make other arrangements for the participant. For the purposes of this paragraph, the money will be considered returned at the time it is mailed or sent by an equivalent method.

(c) The operator-participant contract shall not specify alternative origin or destination cities.

(d) The contract form shall be printed in 7-point or larger type. The statements required by paragraphs (a), (f), (h), (j), (o), and (p) of § 380.32 shall be printed in bold-faced type, in a type size that is at least 50 percent larger than the size principally used for the remainder of the contract.

(e) The contract form shall include a space that participants may check to indicate that they wish to be furnished details of trip cancellation, health, and accident insurance.

13. A new § 380.32 would be added, to read:

§ 380.32 Specific requirements for operator-participant contracts.

Contracts between charter operators and charter participants shall state:

(a) The name and complete mailing address of the charter operator;

(b) The name of the direct air carrier, the dollar amounts of that carrier's liability limitations for participants' baggage as set forth in its tariffs, the type and capacity of the aircraft to be used for the flight, and the conditions governing aircraft-equipment substitutions;

(c) The dates of the originating and return flights;

(d) The origin and destination cities;

(e) the amount and schedule of payments;

(f) If a depository agreement as provided in § 380.34(b) is used: That all checks and money orders must be made payable to the escrow account at the depository bank (identifying bank) or, when the charter is sold to the participant by a retail travel agent, checks and money orders may be made payable to the agent, who must in turn make his check payable to the escrow account at the depository bank;

(g) The tour itinerary, if any, including the name and location of the hotels, length of stay at each, and other ground accommodations and services that are part of the tour;

(h) That the charter operator may not cancel the charter less than 10 days before the scheduled departure date, except for circumstances that make it physically impossible to perform the charter trip;

(i) That if the charter is canceled 10 or more days before the scheduled departure date, the operator will notify each participant in writing within 7 days after the cancellation, but in any event not less than 10 days before the scheduled departure;

(j) That if the charter is canceled less than 10 days before departure (i.e., for circumstances that make it physically impossible to perform the charter trip), the operator will notify each participant as soon as possible but in any event before the scheduled time of departure;

(k) That if the charter is canceled, the participant will receive a full refund within 7 days after the cancellation, but in any event by the scheduled date of departure;

(l) That the right to refunds if the participant changes plans is limited;

(m) The right to refunds if the participant changes plans, including that any participant who wishes to cancel will receive a full refund (less any applicable administrative fee, not to exceed $25) upon providing a substitute participant to the charter operator or its sales agent, or upon being substituted for by a participant found by the charter operator;

(n) The procedure for obtaining the refunds described in paragraph (k) of this section, including that the participant will receive them within 7 days after the cancellation or substitution;

(o) The meaning of "major change", as set forth in § 380.33(a);

(p) That the charter operator will notify the participant of any major change within 7 days after first knowing that it will be made, and in any event before departure for a change that the operator knows of before departure;

(q) That within 7 days after a predeparture notification of a major change but in no event later than departure, the participant may cancel, and that the participant will receive a full refund within 7 days after canceling;

(r) That upon a post-departure notification of a major change, the participant may reject the substituted hotel or the changed date, origin, or destination of a flight leg and receive, within 7 days after the return date named in the contract, a refund of the portion of his payments allocable to the hotel accommodations or air transportation not provided;

(s) That the participant's rights and remedies set forth in the contract, including the procedures for major changes, shall be in addition to any other rights or remedies available under applicable law.

(t) That trip cancellation, health, and accident insurance is available and that the operator will furnish details of the insurance to participants who check the space provided for this purpose on the contract form;

(u) The name and address of the surety company issuing the surety bond; and that unless the charter participant files a claim with the charter operator or, if he is unavailable, with the surety, within 60 days after termination of the charter, the surety shall be released from all liability under the bond to that participant;

(v) For international flights only: That additional restrictions may be imposed on the flight by the foreign governments involved, and that if landing rights are denied by a foreign government, the flight will be cancelled with a full refund to the participant; and

(w) That the charter operator is the principal and is responsible to the participants for all services and accommodations offered in connection with the charter. However, the contract may expressly provide that the charter operator, unless he is negligent, is not responsible for personal injury or property damage caused by any direct air carrier, hotel, or other supplier of services in connection with the charter.

14. A new § 380.33 would be added, to read:

§ 380.33 Major changes in itinerary or price; refunds.

(a) For the purposes of this section, "major change" means any of the following:

(1) A change in the departure or return date shown in the operator-participant contract, unless the change results merely from a flight delay by the direct air carrier and the participant is transported on a flight that departs within 6 hours after the delay period allowed the direct carrier by the charter flight delay rules [Parts —— of this chapter];

(2) A change in the origin or destination city of any leg of the charter, unless the change affects only the order in which cities named in a tour package are visited;

(3) A substitution of any hotel that is not named in the operator-participant contract; and

(4) A price increase to the participant that occurs 10 days or more before departure and results in an aggregate price increase of more than 10 percent.

(b) The charter operator shall not increase the price to any participant less than 10 days before departure.

(c) The charter operator shall notify all participants of major changes, as required by the operator-participant contracts. The operator shall at the same time notify the participants of their rights to refunds and, if applicable, that acceptance of a refund constitutes a waiver of their legal rights.

(d) Notifications required by this part are considered made at the time they are received.

(e) The charter operator shall make all refunds described in the operator-participant contract within the time limits set forth in paragraphs (k), (n), (q), and (r) of § 380.32, as applicable.

15. In § 380.34, paragraph (b)(1) would be amended to read:

§ 380.34 Surety bond and depository agreement.

* * * * *

(b) * * *

(1) The charter operator shall furnish a surety bond in an amount of at least $10,000 times the number of flights, except that the amount need not be more than $200,000. The liability of the surety to any charter participant shall not exceed the amount paid by the participant to the charter operator for that charter.

* * * * *

§ 380.43 [Amended]

16. In § 380.43, *Record retention*, "§ 380.25(b)" would be replaced by "§ 380.25(f)".

17. A new Subpart F would be added, to read:

Subpart F—Public Charter Operator Permit

§ 380.60 Application for permit.

(a) *Application form.* Any citizen of the United States may apply to the Board for a Public Charter operator permit by submitting two copies of an application (Appendix E, CAB Form). The application shall be signed by a resposible offical of the applicant and shall contain the following information: (1) Date; (2) name of applicant, trade names, and name in which permit is to be issued; (3) address of principal office and mailing address; (4) form of organization (i.e., corporation, partnership, etc.), State under whose laws company is authorized to operate and date company was formed; (5) a list containing the names of each officer, director, partner, owner, or member of applicant, and holder of more than 5 percent of outstanding stock if a corporation, or owner of more than a 5-percent interest if not a corporation; an indication whether 75 percent or more of the voting interest is owned or controlled by citizens of the United States or one of its possessions; if more than 5 percent of applicant's stock is held by a corporation, an indication must be made whether 75 percent or more of the voting interest in that corporation is owned or controlled by citizens of the United States or one of its possessions; (6) list of names of the officers, owners, etc., of applicant who have at any time applied for any type of authority or registration from the Board and, if applicable, reasons for revocation or other termination; and (7) list of cease-and-desist orders or injunctions obtained against the applicant or its principals, if any, in connection with the organization and sale of Public Charters.

(b) *Additional information.* The applicant shall also submit any additional information pertinent to its proposed activities that may be requested by the Board with respect to any individual application.

§ 380.61 Restrictions on issuance of permit.

(a) Except as specified in paragraph (b) of this section, no permit will be issued to an applicant that has or proposes to have as owner, partner, manager, officer, director, employee, or stockholder holding a controlling interest, any person who is or has been connected in any of these capacities with any other charter operator if the permit of that other charter operator was suspended or revoked by the Board because of acts or omissions that occurred during the time of the connection.

(b) A permit may be issued to an applicant described in paragraph (a) of this section if the Board finds, upon a showing by the applicant, that the relationship described in paragraph (a) of this section does not adversely affect either the public interest or the applicant's intention and ability to conform to the act and the Board's regulations.

§ 380.62 Issuance of permit.

(a) If it appears that the applicant is willing and able to conform to the act and all Board regulations, the Board will issue a Public Charter operator permit to applicant.

(b) If it appears that the applicant might be unable or unwilling to conform to the act and Board regulations, the Board will notify the applicant by letter of its findings to that effect. The Board may dismiss the application unless within 30 days after that letter is mailed, the applicant has in writing requested reconsideration and submitted additional information that it believes will make the necessary showing, or requested a hearing on the application. If the applicant requests a hearing, it shall outline the evidence that it would present and state why it needs a hearing to present its case properly.

(c) If the applicant requests reconsideration or a hearing the Board may:

(1) Issue a permit to the applicant or dismiss the application without notice or hearing in accordance with its determination of the public interest upon the showing made; or

(2) Assign the application for hearing.

§ 380.63 Effective period and biennial filing requirement for continuation of permit.

(a) Each Public Charter operator permit will be effective on the date specified in it, and will continue in effect, unless sooner suspended or revoked or unless the filing requirement of paragraph (b) of this section is not met, during the same period the authority provided by this part remains in effect.

(b) Not later than 23 months from the effective date of a permit, nor earlier than 22 months from that date, and every 2 years from then on, the charter operator shall file with the Board the form required by § 380.60(a), containing current information. Failure to so file this form will result in expiration of the charter operator's permit. A charter operator's permit will coninue in effect upon timely submission of the form unless the Board, reviewing the application as provided in §§ 380.62 (b) and (c), finds continuation of the permit to be inconsistent with the public interest and orders it revoked or suspended.

§ 380.64 Conditions on permit.

At the time of issuance, and from time to time after that, the Board may attach to the privileges granted by any permit issued under this part any reasonable terms, conditions, and limitations that are necessary to carry out the requirements of the act and the board's regulations. These terms, conditions, and limitations shall be in addition to the general limitations and conditions set forth in this part.

§ 380.65 Prohibition against holder of permit having tainted officers, owners, or employees.

(a) Except as specified in paragraph (b) of this section, no holder of an operating authorization shall have and retain as an owner, partner, manager, officer, director, employee, or stockholder holding a controlling interest, any person who was or is affiliated in any of these capacities with any other charter operator whose permit was suspended or revoked by the Board because of acts or omissions that occurred during that affiliation.

(b) A holder of a permit may have and retain persons who are or were affiliated in the manner described in paragraph (a) of this section, if the Board finds that the relationship does not adversely affect either the public interest or the operator's intention and ability to conform to the act and the Board's regulations.

§ 380.66 Nontransferability of permit.

(a) A permit shall be nontransferable and shall be effective only with respect to the person named in it or that person's successor by operation of law, subject to the provisions of this section. The following persons may temporarily continue operations under a permit issued in the name of another person, for a maximum period of 6 months from the effective date of succession, by giving written notice of their succession to the Board within 60 days after the succession:

(1) Administrators or executors of deceased persons;

(2) Guardians of incapacitated persons;

(3) Surviving partner or partners collectively of dissolved partnerships; and

(4) Trustees, receivers, conservators, assignees, or other persons who are authorized by law to collect and preserve the property of financially disabled persons.

(b) All operations by sucessors, as authorized in paragraph (a) of this section, shall be performed in the name of the successor, whose capacity shall also be stated. Any successor desiring to continue operations after the expiration of the 6-month period authorized by paragraph (a) shall file an application for a new permit within 120 days after the succession. If a timely application is filed, the successor may continue operations until final disposition of the application by the Board.

§ 380.67 Suspension of permit.

(a) A permit may be suspended, in whole or in part, by proceedings instituted in accordance with either the procedure specified in Subpart B of Part 302 of this chapter or the procedure prescribed in paragraphs (b), (c), (d), and (e) of this section.

(b) Whenever it appears that the holder of a permit has knowingly and willfully violated the Act, any Board order or regulation, or any term, condition, or limitation of any authority issued by the Board, the Board may issue an order instituting a suspension proceeding. The order shall specify the apparent violations.

(c) Each order instituting a suspension proceeding shall specify a period of time within which the holder must file a written response with the Board. In its response, the holder may deny the alleged violations or state mitigating circumstances. After the filing of the written response or the end of the period for its filing, whichever occurs first, the Board may assign the proceeding for hearing or oral argument, enter an order of complete or partial suspension, or enter an order dismissing the suspension proceeding.

(d) The suspension of a permit shall continue until the Board finds that the holder has complied with the Act, Board orders and regulations, and the terms, conditions, and limitations of its permit, or until the end of a suspension period of fixed duration prescribed by the Board. The Board may also order a suspension of indefinite duration pending a docketed revocation proceeding brought under § 380.68.

(e) The Board reserves the power to suspend the permit of any charter operator without hearing if it finds that such action is necessary to protect the rights of the traveling public.

(f) Failure to seek reinstatement of a permit suspended under this section within 60 days after the effective date of the suspension or by the end of a suspension period of fixed duration, whichever is later, will automatically terminate all rights under the permit.

§ 380.68 Revocation of permit.

The Board may revoke a permit, after notice and hearing, for knowing and willful violation of the Act, of any Board regulation or order, or of any term, condition, or limitation of any authority issued the holder under the Act or Board regulations.

18. Appendices B through E would be added, to read as set forth below.

(Secs. 101(3), 204, 401, 402, 404, 407, 411, 416, and 1102 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 760, 766, 769, 771, 791; 49 U.S.C. 1301, 1324, 1371, 1372, 1374, 1377, 1381, 1386, and 1502.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX B—STATEMENT OF CHARTER OPERATOR AND DIRECT AIR CARRIER

1. Name and address of charter operator:
2. Name and address of direct air carrier:
3. Proposed date and routing of each flight:
4. Type of aircraft and number of seats:
5. Charter price for each flight:

We, ———— (charter operator) and ———— (direct air carrier), certify that we have entered into a charter contract on ———— (date) that covers the flight schedule described above. The contract complies with all applicable Civil Aeronautics Board regulations. A copy of the flight schedule has been sent to ———— (charter operator's surety) [and to ———— (depository bank)].[1]

(Charter Operator)

By ————————————

(Signature and date)

————————————

(Title)

(Direct Air Carrier)

By ————————————

(Signature and date)

————————————

(Title)

APPENDIX C—STATEMENT OF CHARTER OPERATOR AND SURETY COMPANY

We, ———— (charter operator) and ———— (surety company), certify that we have entered into a surety bond, No. ——, in the amount of $——, on ———— (date). This bond covers the proposed flight schedule, a copy of which has been received by ———— (surety company). The bond complies with § 380.34 of the Civil Aeronautics Board's special regulations (14 CFR § 380.34).

——There are no outstanding claims against this bond.

(check one)

——There are outstanding claims against this bond in the amount of $——. We have executed a rider to the bond on ———— (date) increasing the bond by this amount.[2]

(Charter Operator)

By ————————————

(Signature and date)

————————————

(Title)

[1] Omit the bracketed portion if no depository bank is used.

[2] In place of this sentence, the following statement may be used: "———— (surety company) will separately pay any claims for which it may be liable without impairing the bond or reducing the amount of its coverage.

_____

_____

(Address)

(Surety Company)

By _____

(Signature and date)

_____

(Title)

_____

_____

(Address)

APPENDIX D—STATEMENT OF CHARTER OPERATOR, DIRECT AIR CARRIER, AND DEPOSITORY BANK

We, _____ (charter operator), _____ (direct air carrier), and _____ (depository bank), certify that we have entered into a depository agreement on _____ (date). This depository agreement covers the proposed flight schedule, a copy of which has been received by _____ (depository bank). The depository agreement complies with § 380.34 of the Civil Aeronautics Board's special regulations (14 CFR § 380.34).

(Charter Operator)

By _____

(Signature and date)

_____

(Title)

_____

_____

(Address)

(Direct Air Carrier)

By _____

(Signature and date)

_____

(Title)

_____

_____

(Address)

(Depository Bank)

By _____

(Signature and date)

_____

(Title)

_____

_____

(Address)

CAB Form

CIVIL AERONAUTICS BOARD

APPLICATION FOR PUBLIC CHARTER OPERATOR PERMIT

1. IDENTIFICATION OF APPLICANT:
(a) Name:

(b) Trade names:

(c) Name in which applicant wishes Operating Authorization to be issued

2. ADDRESS OF PRINCIPAL OFFICE: (Use Zip Code)

3. MAILING ADDRESS: (Use Zip Code)

Name, Address (Use Zip Code) and Telephone Number of Person Responsible For, or Knowledgeable of, The Specifics of This Application.

4. FORM OF ORGANIZATION:
☐ Corporation ☐ Partnership ☐ Sole Proprietorship ☐ Other (Specify)

5. STATE IN WHICH INCORPORATED OR UNDER WHOSE LAWS COMPANY IS AUTHORIZED TO OPERATE:

6. DATE OF INCORPORATION OR FORMATION OF COMPANY

7. OFFICERS, PARTNERS, OWNERS, OR MEMBERS OF APPLICANT, AND OWNERS OF MORE THAN 5% OF OUTSTANDING STOCK OF CORPORATION, OR OWNERS OF MORE THAN 5% OF COMPANY IF OTHER THAN CORPORATION:

(a) Full Name and Title	(b) Address	(c) Citizenship (Country):	(d) % of stock or other interest:

8. DIRECTORS OF APPLICANT: (a) Full Name:	(b) Address	(c) Citizenship (Country):	(d) % of stock or other interest:

9. PERCENT OF VOTING INTEREST OWNED OR CONTROLLED BY CITIZENS OF THE UNITED STATES OR ONE OF ITS POSSESSIONS:
☐ 75% or more ☐ Less than 75%

10. IF MORE THAN 5% OF APPLICANT'S STOCK IS HELD BY A CORPORATION, PERCENT OF VOTING INTEREST IN SUCH CORPORATION OWNED OR CONTROLLED BY CITIZENS OF THE UNITED STATES OR ONE OF ITS POSSESSIONS:
☐ 75% or more ☐ Less than 75%

11. WITH RESPECT TO ANY OF THE OFFICERS, DIRECTORS, MANAGERS, STOCKHOLDERS, PARTNERS, MEMBERS, EMPLOYEES, OR OWNERS OF APPLICANT WHO HAVE:

(a) at any time applied for or been issued any form of operating authority or evidence of registration by the Civil Aeronautics Board.	Name of Person	Type of Authorization	Dates of Application or Issuance	Name in which Applied for and/or Issued

(b) been associated in any such capacity with any entity which had its Certificate, Letter of Registration, Operating Authorization or other exemption privilege suspended or revoked by the Board on account of acts or omissions which occurred during the time of such association:
/_/ YES /_/ NO If YES, Explain:

(c) been associated in any such capacity with a charter operator against whom a cease and desist order or injunction has been issued in connection with the organization and sale of Public Charters on account of acts or omissions which occurred during the time such association:
/_/ YES /_/ NO IF YES, Explain:

12. HAS ANY OPERATING AUTHORITY OR REGISTRATION INCLUDED IN ITEM 11(a), ABOVE, BEEN REVOKED, CANCELLED, SUSPENDED OR OTHERWISE TERMINATED?
/_/ YES /_/ NO If YES, GIVE REASONS:

13. CERTIFICATION:

I certify that the information contained in this application, and in the attachments hereto, is complete and accurate to the best of my knowledge.

Date _____ ; Place (City and State) _____ ;

Signature _____ Title _____
(Responsible Official of Applicant)

[FR Doc. 78-25006 Filed 9-6-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-1671]

ARBITRAGE BONDS

Proposed Rulemaking; Clarification and Correction of Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the arbitrage bond regulations. The amendments are designed to clarify and correct the regulations. They affect purchasers and governmental issuers of tax-exempt bonds.

DATE: Written comments must be delivered or mailed by November 6, 1978. The proposed amendments are effective as specified in the text of the regulations. Where no effective date is specified, the changes apply retroactively because they merely correct technical errors or interpret the statute or preexisting regulations.

ADDRESS: Send comments to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the income tax regulations (26 CFR part 1) under section 103(c) of the Internal Revenue Code of 1954. These amendments are to be issued under the authority contained in sections 103(c)(6) and 7805 of the Internal Revenue Code of 1954 (83 Stat. 656 and 68A Stat. 917; 26 U.S.C. 103, 7805).

PREVIOUS NOTICES OF PROPOSED RULEMAKING

On May 3, 1973, the FEDERAL REGISTER published proposed income tax regulations (26 CFR part 1) under section 103(c) of the Internal Revenue Code of 1954 (38 FR 10944). The proposed regulations were revised by notices of proposed rulemaking published in the FEDERAL REGISTER for December 3, 1975 (40 FR 56488), October 9, 1976 (41 FR 47679), May 31, 1977 (42 FR 27610), June 9, 1977 (42 FR 29517), and May 8, 1978 (43 FR 19675) and corrected by notices published in the FEDERAL REGISTER for May 11, 1973 (38 FR 12405), December 18, 1975 (40 FR 58656), November 24, 1976 (41 FR 51840), and June 21, 1977 (42 FR 31462). This notice of proposed rulemaking further revises the proposed regulations.

GENERAL STATEMENT OF POLICY

ARBITRAGE

Generally, an "arbitrage bond" is a municipal bond that is used to make an investment profit. The yield on a tax-exempt municipal bond is ordinarily lower than the yield on Treasury notes, certificates of deposit, and other high-grade taxable investments. For example, a substantial profit can be made by selling municipal bonds at 6 percent and investing the proceeds in Treasury notes at 8½ percent. Bonds used to secure this profit are called "arbitrage bonds."

Arbitrage has serious drawbacks. In particular, arbitrage damages the market for municipal bonds. Arbitrage bonds tend to crowd out bonds that are sold to finance roads, schools, and other traditional projects. As a result, arbitrage tends to drive up the cost of municipal borrowing, and therefore is self-defeating and contrary to the interests of State and local governments. For these reasons, in 1969, Congress delegated broad authority to the Treasury to keep arbitrage bonds off the market. To that end, the Treasury has written extensive regulations. However, these regulations have not been completely successful. A series of devices has been invented to circumvent the arbitrage regulations, the most recent being the invested sinking fund.

INVESTED SINKING FUNDS

Typically, municipal bonds have serial maturities. For example, if a city sells $10 million of 20-year school bonds, the city may use property taxes to pay a portion of the principal each year. Thus, for the protection of the bondholders, the bonds will be paid off gradually over 20 years, and the $10 million principal amount will not come due all at once. However, if the city employs an invested sinking fund, it will not pay any principal until the bonds come due in 20 years. Instead, the city will periodically pay property taxes into a sinking fund. Amounts held in the sinking fund will be invested in high-yield Treasury notes or other high-grade investments, enabling the city to make a substantial investment profit.

The invested sinking fund was devised as a way around Treasury's arbitrage regulations. Certain State and local governments were able to gain a financial advantage from invested sinking funds. However, invested sinking funds (like other forms of arbitrage) have the long-term effect of being a burden on taxpayers and a threat to the market for municipal bonds. In particular, invested sinking funds damaged the tax-exempt market in two ways. First, bonds that used this device were left outstanding longer because they were not retired serially. Second, many refunding issues were motivated chiefly by the profit that could be earned from an invested sinking fund; these issues would not have been sold if that profit had not been available. The invested sinking fund device could have resulted in nearly a 50-percent increase in the amount of tax-exempt bonds outstanding without taking account of advance refundings.

ADVANCE REFUNDINGS

An ordinary refunding is a relatively simple transaction. It enables an issuer to substitute new bonds for outstanding bonds. Generally, the substitution is made because the outstanding bonds were sold on unfavorable terms. For example, the interest rate on the old bonds may be too high, or the indenture for the old bonds may contain unduly restrictive covenants. In an ordinary refunding, a State or local government simply sells new bonds, and uses the proceeds to call in its outstanding bonds.

By contrast, an advance refunding is a highly sophisticated financial transaction, almost unique to municipal finance. In an advance refunding, both sets of bonds remain outstanding. For example, assume that a sanitation district has $10 million of bonds outstanding. In an advance refunding, the district will typically sell an additional $11 or $12 million of refunding bonds. However, it will not call its outstanding bonds immediately. These bonds will remain outstanding for perhaps 5, 10, or even 20 years. Until the sanitation district calls in its old bonds, the proceeds of the new bonds will be kept in an escrow fund. The escrow fund will be invested in United State Treasury obligations.

The serious questions of tax policy raised by arbitrage bonds are compounded in the context of advance refundings. First, they double the amount of tax exempt bonds outstanding for any project. As a result, they tend to increase borrowing costs and impair the ability of hard-pressed State and local governments to provide essential services.

Second, the holders of the old bonds get a double benefit. In addition to

being tax-exempt, these bonds are secured by what amounts to a guarantee of the United States (i.e., they are secured by Treasury obligations held in escrow). Thus, the old bonds are superior both to obligations of the U.S. Treasury and to conventional municipal obligations. Recently, the Congress rejected this double benefit in the case of the New York City Financial Assistance Act. The Congress determined that it was inappropriate to provide New York City with this double benefit, even in connection with a program necessary to assure the city's financial survival. In the case of a typical advance refunding, where much less than financial survival is at stake, this double benefit is still less appropriate.

And third, advance refundings have been the principal cause of difficulties with the arbitrage regulations. As stated above, a continuing series of devices has been employed to circumvent the arbitrage regulations. For a variety of reasons, these devices have been used almost exclusively in connection with advance refundings. Advance refundings have been the principal cause of frequent changes in the arbitrage regulations. These frequent changes have tended to disrupt the tax exempt market. The amendments that go into effect on September 1, 1978, are designed to eliminate the need for continual changes in the regulations.

ADMINISTRATIVE COSTS

In the case of any advance refunding, the regulations in effect until September 1, 1978, permitted an issuer to earn enough arbitrage to cover most or all of the administrative costs. On reexamination, this has proved to be a bad policy.

The ability to earn back administrative costs has contributed to payment of inflated and excessive fees to lawyers, accountants, underwriters, and others. In addition, the ability of issuers to recover administrative costs has led to many refundings that are economically unsound. For example, assume that the administrative costs of an advance refunding are $3 million, and the gross debt service savings are $2 million. There is no good reason to spend $3 million in order to save $2 million. However, under the old regulations, this transaction would be advantageous to those involved. The issuer would save nearly $2 million, and underwriters, lawyers and financial advisors would earn $3 million, which could be recovered largely at the expense of the Federal Treasury. The public cannot benefit from a transaction in which $3 million is spent to save $2 million. Only the recipients of the $3 million—the underwriters, the lawyers, and the financial advisors—can benefit.

Further, the treatment of expenses in the case of advance refundings discriminates against new money issues in two ways. First, issuers generally cannot recover their administrative costs in the case of new money issues. Recovery of such costs is generally possible only in connection with advance refundings. And second, advance refundings occupy a considerable share of the market, crowding out new money issues needed for schools, roads, water systems, and other essential projects.

CERTIFICATION

Under the regulations in effect until September 1, 1978, issuers were able to "certify" their bonds conclusively. As a result, they were arguably able to act as the sole judge of whether their bonds complied with Internal Revenue laws. This ability has been a major cause of the continuing series of devices that have been invented to circumvent the arbitrage regulations. It permitted certain bond lawyers to interpret the regulations in a highly aggressive manner and severely handicapped the IRS in its efforts to protect the tax-exempt market.

Therefore, the certification procedure is revised under the new regulations. After September 1, bond lawyers will no longer be able to give questionable opinions and be protected by a conclusive certification. The revised certification will enable the IRS to enforce the regulations effectively, and at the same time protect issuers acting in good faith.

CUSTOMARY FINANCIAL PRACTICES

The amendments published on May 8, 1978, were not intended to interfere with customary financial practices. They were aimed at sophisticated devices to circumvent the arbitrage regulations. Some State and local governments have expressed the concern that the regulations will disrupt customary financial practices. These amendments are designed primarily to respond to that concern.

EXPLANATION OF PROVISIONS

This notice of proposed rulemaking makes certain technical and clarifying changes to the certification provisions contained in paragraph (a)(2) of § 1.103-13. First, the old certification procedure, which is set out in paragraph (a)(2)(ii), will apply to reasonable expectations of an issuer as to events occurring after September 1, 1978, if the bonds were issued on or before that date. Second, paragraph (a)(2)(iii) is amended to indicate that the regulations do not dictate the contents of the issuer's certification, but rather limit the certification's conclusive effect. Third, the notice makes it clear that facts and estimates on which the issuer's expectations are based may be set forth in brief and summary terms in the certification. No independent investigation of the facts by bond counsel is required under the proposed regulations. Fourth, a number of examples are added to paragraph (a)(2)(v) that illustrate various certifications that could be made in connection with an issue of governmental obligations. Finally, the notice adds new paragraph (a)(4) which provides that bonds are not arbitrage bonds merely because the issuer makes an inadvertent, insubstantial error.

A substantive change is made by the notice of proposed rulemaking through the addition of new paragraph (a)(2)(iv) to § 1.103-13. This provision applies in the case of an issue of governmental obligations with a face amount of $2,500,000 or less issued after September 1, 1978. Generally, if counsel gives a reasonable, unqualified opinion that the obligations in question are not arbitrage bonds, the opinion can be conclusively relied upon by the holders of the obligations. This exemption for small issues applies only to the first $2,500,000 of obligations issued for the same project in any 12-month period.

The proposed amendments make a clarifying change to paragraph (c)(5) of § 1.103-13 regarding the treatment of acquired purpose obligations allocable to governmental obligations issued after September 1, 1978. This provision states that administrative costs paid by the obligor are disregarded in calculating yield on acquired purpose obligations. These administrative costs include the cost of issuing, carrying, or repaying the issue, the underwriter's spread, and the cost of purchasing, carrying, selling, or redeeming the acquired purpose obligations.

The notice of proposed rulemaking adds a new paragraph (j) to § 1.103-13 of the proposed regulations. It provides that if an artifice or device is employed in connection with the issuance of a governmental obligation, such obligation will be considered an arbitrage bond. An "artifice or device" is defined as a transaction or series of transactions that attempts to circumvent the provisions of section 103(c) or the regulations thereunder, enabling the issuer to exploit the difference between tax-exempt and taxable interest rates and increasing the burden on the market for tax-exempt obligations. However, it is not considered an artifice or device to invest bond proceeds at a materially higher yield if specifically provided for in section 103(c)(4). The proposed amendments provide examples of the application of the artifice or device rule in various situations.

The proposed amendments delete paragraph (b)(2)(iii) of proposed § 1.103-13 relating to indirect proceeds. Most situations to which the indirect proceeds rules would have applied either will be covered by the sinking fund rules or will be considered an artifice or device within the meaning of § 1.103-13(j).

The notice of proposed rulemaking adds a new paragraph (h) to § 1.103-13, which sets forth the rules relating to acquired program obligations that were contained in § 13.4 of the temporary regulations under section 103(c). Although a few clerical changes were made to these rules, their inclusion in the proposed regulations is not intended to have any substantive effect. The rules in the proposed regulations relating to acquired program obligations will supersede those contained in the temporary regulations.

Section 1.103-13(g) of the proposed regulations, which was added by a notice of proposed rulemaking published in the FEDERAL REGISTER for May 8, 1978 (43 FR 19675), contains rules relating to invested sinking funds. In response to the comments received with respect to these rules, this current notice of proposed rulemaking makes a number of changes to the proposed regulations in order to lessen the impact of the sinking fund rules on customary financial practices and to correct certain technical problems.

Paragraph (g)(2) of proposed § 1.103-13 is amended to make it clear that receipts from the investment of a sinking fund, as well as amounts originally held in the sinking fund, are treated as proceeds of the issue. New paragraph (g)(7) provides that a sinking fund for two or more issues must be allocated among the issues in proportion to their original face amounts, or according to the debt service on the issues that will actually be paid from the sinking fund. In addition, new paragraph (g)(8) contains two examples illustrating the application of the sinking fund rules.

Section 1.103-14 of the proposed regulations provides for the temporary investment of bond proceeds at a materially higher yield. The notice of proposed rulemaking revises the 13-month temporary period for amounts contributed to a bona fide debt service fund. Paragraph (b)(10) of § 1.103-14 provides that if a portion of a fund satisfies the requirements of a bona fide debt service fund, then that portion is allowed a 13-month temporary period under this provision. A definition of bona fide debt service fund is added to the proposed regulations in § 1.103-13(b)(12).

The proposed regulations also contain rules (§ 1.103-14 (b)(11) and (b)(14)) for situations where a debt service fund is combined with another fund (e.g., a reserve fund or an operating fund). These rules are designed to put the issuer in the same position that it would have been in if it had established two separate funds. The rules elaborate on the position taken in Rev. Rul. 78-349, announced by the Internal Revenue Service on August 22, 1978.

A relief provision is added in paragraph (b)(11) of § 1.103-14 for a revolving fund. A revolving fund is one that consists of receipts from the sale of property acquired with bond proceeds or payments of principal and interest on acquired program obligations, and that will generally be used for the acquisition of additional property or acquired program obligations. The temporary period for such a revolving fund is 3 years.

Paragraph (b)(12) of proposed § 1.103-14 adds a new temporary period for sinking funds for certain new money issues. This temporary period begins on the date of issue and ends on the first call date (but not more than 10 years after the date of issue). The new temporary period does not apply to a refunding issue unless the prior issue had a term of less than 3 years and was issued in anticipation of permanent financing. If this provision does apply to a refunding issue, then the 10-year limitation is reduced by the term of the prior issue. In addition, this temporary period does not apply to an issue unless the issuer makes a reasonable effort to schedule payment of as much debt service as is practicable in each year before the first call date.

The notice of proposed rulemaking makes several amendments to the provisions in the regulations relating to reasonably required reserve or replacement funds. Paragraph (d)(2) of § 1.103-14 is amended so that if an issuer requests a ruling that a reserve or replacement fund in excess of the amount provided in § 1.103-14(d) of the regulations is reasonably required, it need not wait for such a ruling before issuing the obligations. A similar change is made to paragraph (e)(5)(iv) of § 1.103-14 with respect to reasonably required reserve funds for refunding issues. Where an issuer applies for a ruling under one of these provisions, new paragraph (b)(13) of § 1.103-14 provides a temporary period for the amount of the reserve fund in excess of the amount specified in § 1.103-14(d). This temporary period continues from the date of issue until 30 days after final disposition of the ruling request.

Section 1.103-14(e)(5)(ii)(B) of the proposed regulations states that the proceeds of a refunding issue may not be invested at a materially higher yield as a reasonably required reserve or replacement fund before the adjusted maturity date of the prior issue. The notice of proposed rulemaking creates an exception to this rule with respect to amounts deposited in reasonably required reserve or replacement funds for a refunding issue sold after the effective date of the sinking fund rules. New paragraph (e)(7) of § 1.103-14 provides that paragraph (e)(5)(ii)(B) does not apply to these amounts, if they were held in a reasonably required reserve or replacement fund for the prior issue or would (but for the refunding) have been deposited in such a fund for the prior issue. Two examples are included within this new subparagraph that also illustrate the operation of the replacement theory under § 103(c)(2)(B). This replacement theory was recently applied in Revenue Ruling 78-348, announced by the Internal Revenue Service on August 22, 1978.

COMMENTS

Before adopting these proposed amendments, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying.

DRAFTING INFORMATION

The principal author of these proposed regulations was Leonard T. Marcinko of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Part 1 are as follows:

PARAGRAPH 1. Section 1.103-13 is amended as follows:

1. Paragraph (a)(2) is amended by revising subdivision (i) and (iii), by redesignating subdivisions (iv) and (v) as subdivisions (v) and (vi), by adding a new subdivision (iv), and by revising subdivision (vi) as redesignated.

2. Paragraph (a) is amended by redesignating subparagraph (4) as subparagraph (5) and by adding a new subparagraph (4).

3. Paragraph (b)(1)(ii) is amended by inserting "paragraphs (c) and (d)" in lieu of "paragraph (c)" and by inserting "paragraphs (h) and (e)" in the sixth sentence in lieu of "paragraphs (d) and (e)" in the seventh sentence thereof.

4. Paragraph (b)(2) is amended by redesignating subdivision (ii) as subdivision (ii)(A), by adding a new subdivi-

sion (ii)(B), and by deleting subdivision (iii).

5. Paragraph (b)(4)(iv) is amended by inserting "section 103(b)(6)" in lieu of "section 103(c)(6)" in the third sentence thereof.

6. Paragraph (b)(5) is amended by inserting "or (iii)" immediately after "paragraph (a)(2)(ii)" in the third sentence of subdivision (i) by adding a new sentence at the end of subdivision (iv), by revising subdivisions (v) and (vi), and by adding new subdivisions (viii) and (ix).

7. Paragraph (b) is amended by revising subparagraph (11) and adding a new subparagraph (12).

8. Paragraph (c) is amended by inserting "1978" in lieu of "1980" in example (1) of subparagraph (3)(i), by revising subparagraph (5), and by adding a new subparagraph (6), (7), and (8).

9. The last sentence in paragraph (f)(2) is deleted.

10. Paragraph (g) is amended by revising subparagraphs (1), (2), (3), and (5), and by adding new subparagraphs (6), (7), and (8).

11. New paragraphs (h) and (j) are added.

§ 1.103-13 Arbitrage bonds.

* * * * *

(a) *Scope.* * * *

(2) *Reasonable expectations.* (i) Under section 103(c)(2), the determination whether an obligation is an arbitrage bond depends on the issuer's reasonable expectations, as of the date of issue, regarding the amount and use of the proceeds of the issue. Thus, an obligation is not an arbitrage bond, if, based on the issuer's reasonable expectations on the date of issue, the proceeds will not be used in a manner that would cause the obligation to be an arbitrage bond under section 103(c)(2), this section, §§ 1.103-14, and 1.103-15. Reasonable expectations regarding the amount and use of the proceeds of a governmental obligation issued on or before September 1, 1978 may be established by the certification described in subdivision (ii) of this subparagraph. Reasonable expectations as to future events regarding governmental obligations issued after September 1, 1978 may be established to the extent permitted by the certification described in subdivision (iii) of this subparagraph. For the treatment of certain issues with a face amount of $2,500,000 or less, see subdivision (iv) of this subparagraph.

* * * * *

(iii)(A) A State or local governmental unit may certify, in the bond indenture or a related document, reasonable expectations of the issuer on the date of the issue as to future events.

(B) Certification by a State or local governmental unit will not tend to establish conclusions of law (including legal characterizations of future events).

(C) An officer responsible for issuing the bonds must certify for the issuer.

(D) In addition to the matters certified, the certification must set forth (in brief and summary terms) the facts and estimates on which the issuer's expectations are based and state that, to the best of the knowledge and belief of the certifying officer, the issuer's expectations are reasonable.

(E)(*1*) If the temporary period for a construction issue is more than 3 years but not more than 5 years, the issuer must commission an independent architect or engineer to prepare a study of the planned construction. An architect or engineer will be considered independent if he is not employed by the issuer on a permanent basis.

(*2*) The study prepared by the architect or engineer must accompany the certification and must include an estimated completion date for each stage of the construction.

(F) Subsequent events do not affect a certification made in accordance with this subdivision.

(iv) In the case of an issue with a face amount of $2,500,000 or less issued after September 1, 1978, an unqualified opinion of counsel that such obligations are not arbitrage bonds can be conclusively relied upon by the holders of the obligations: *Provided,* That the opinion is reasonable and is not given in bad faith. This subdivision (iv) shall apply only to the first $2,500,000 of governmental obligations issued by (or on behalf of) a State or local governmental unit for the same project in any twelve-month period. Thus, for example, if a town issues $2,500,000 of bonds for a school building on July 1, 1980, this subdivision does not apply to additional bonds issued for the same school building before July 1, 1981.

* * * * *

(vi) * * *

Example (3). (i) On July 5, 1980, city A issues $3,000,000 of municipal bonds to finance the construction of a water treatment facility. The city includes in the bond indenture a certification which contains a statement that 85 percent of the receipts from the sale of the bonds will be used for construction costs by July 5, 1983.

* * * * *

Example (4). On January 1, 1980, city A sells $5 million of 6 percent refunding bonds. City A certifies the bonds in the manner described in subparagraph (iii) of this subparagraph. In addition, attorney X gives an opinion that the bonds are not arbitrage bonds. In connection with the refunding issue, city A makes use of an artifice or device as described in paragraph (j) of this section. As a result, the legal conclusion reached by attorney X is erroneous and the refunding bonds are arbitrage bonds despite the certification.

Example (5). (i) The chairman of the county commission of county X made the following certification with respect to an issue of governmental obligations.

(1) The county is issuing and delivering, simultaneously with the delivery of this certificate, $2,500,000 principal amount of its General Obligation Library Bonds dated December 1, 1978 (herein called "the bonds"). The bonds are being issued for the purpose of providing for payment of a portion of the costs of constructing and equipping a new public library in and for the county.

(2) The estimated total costs of constructing and equipping said library (which is herein called "the library") will be not less than $3,235,000. The said total costs are expected to be financed with (i) $2,500,000 of proceeds from the sale of the bonds (ii) a Federal grant in the amount of not more than $560,000, and (iii) approximately $151,000 in building funds made available to the county by the county X library board. The county has not yet determined how it will finance the deficiency ($24,000).

(3) The county has heretofore entered into a contract for the construction of the library, which contract obligates the payment by the county of not less than $100,000. The actual work of constructing the library began during the month of September, 1978. It is contemplated that such work will proceed with due diligence to completion, expected on or about October 1, 1979.

(4) The county has heretofore expended, for payment of costs incurred in constructing and equipping the library, approximately $758,000, derived from (a) portions of the aforesaid Federal grant, (b) short-term borrowings made in anticipation of the issuance and sale of the bonds and which will be fully repaid within five (5) days following the issuance of the bonds, and (c) building funds made available to the county by the county X library board.

(5) The principal proceeds to be derived by the county from the sale of the bonds [excluding the "premium" anticipated to be received by the county from such sale, which premium will, as required by law, be applied to payment of interest maturing with respect to the bonds of June 1, 1979] are expected to be used, needed and fully expended for payment of costs of constructing and equipping the library [including the repayment of the short-term borrowings referred to in the preceding paragraph (4)] by no later than May 1, 1980.

(6) Except for the Debt Service Fund established under section XII of the bond resolution, the county has not created or established, and does not expect to create or establish, any sinking fund or other similar fund.

(7) To the best of my knowledge, information and belief, the above expectations are reasonable.

(8) The county has not been notified of any listing of it by the Internal Revenue Service as an issuer that may not certify its bonds.

(9) This certificate is being executed and delivered pursuant to sections 1.103-13, 1.103-14, and 1.103-15 of the Income Tax

Regulations under the Internal Revenue Code of 1954, as amended, and the undersigned chairman of the county commission is one of the officers of the county charged (by resolution and order of the said county commission) with the responsibility of issuing the bonds.

(ii) This certification by county X meets the requirements of subdivision (iii) of this subparagraph and conclusively establishes the county's reasonable expectations on the date of issue as to the future events described in the certification. However, nothing contained in this certification tends to establish any conclusions of law.

Example (6). (i) The chairman of the board of directors and the secretary-treasurer of the industrial development board of city A, a public corporation organized under the laws of State B (herein called "the industrial board"), made the following certification:

(1) The industrial board is issuing and delivering simultaneously with the delivery of this certificate, its Environmental Improvement Revenue Bonds, 1978 series A dated November 1, 1978, in the principal amount of $6,000,000 (herein called "the bonds"). The bonds are being issued for the purpose of providing funds for the permanent financing of costs of acquiring, constructing, installing and equipping, on certain real property located in J county, the air pollution control facilities described on exhibit A attached hereto and made a part hereto (the said facilities being herein together called "the project facilities"). Those of the Project Facilities described in paragraph (1) of said exhibit A are herein called "the quench car facilities"; those described in paragraph (2) of said exhibit A, "the sinter line facilities"; and those described in paragraph (3) of said exhibit A, "the mixer fume control facilities."

(2) The project facilities and certain real property (and interests therein) appurtenant thereto are, upon the completion of the acquisition, construction, installation and equipment of the project facilities, to be sold by the Industrial Board, on an installment basis, to corporation C, a Delaware corporation (herein called "the corporation"), under and pursuant to an agreement of sale dated as of November 1, 1978 (herein called "the agreement"), between the Industrial Board (as seller) and the corporation (as buyer).

(3) The actual work of acquiring, constructing, installing and equipping the quench car facilities has, pursuant to the provisions of a letter agreement between the corporation and the Industrial Board (which letter agreement was executed on behalf of the Industrial Board on May 10, 1978 and the corporation on May 11, 1978), heretofore begun, and binding contracts or commitments obligating the expenditure, for the work of acquiring, constructing, installing and equipping the quench car facilities, of not less than $100,000 have heretofore been entered into or made. It is anticipated that the total financeable costs of such acquisition, construction, installation and equipment [excluding a pro rata portion of (a) interest during construction, and (b) the expenses anticipated to be incurred in connection with the issuance of the bonds] will be approximately $1,231,370. It is expected that the work of acquiring, constructing, installing and equipping the quench car facilities will proceed with due diligence to full completion, presently anticipated on or about October 1, 1979.

(4) The actual work of acquiring, constructing, installing and equipping the sinter line facilities has, pursuant to the provisions of a letter agreement between the corporation and the Industrial Board (which letter agreement was executed on behalf of the Industrial Board on May 10, 1978, and on behalf of the corporation on May 11, 1978), heretofore begun, and binding contracts or commitments obligating the expenditure, for the work of acquiring, constructing, installing and equipping the sinter line facilities, of not less than $100,000 have heretofore been entered into or made. It is anticipated that the total financeable costs of such acquisition, construction, installation and equipment [excluding a pro rata portion of (a) interest during construction, and (b) the expenses anticipated to be incurred in connection with the issuance of the bonds] will be approximately $1,780,000. It is expected that the work of acquiring, constructing, installing and equipping the sinter line facilities will proceed with due diligence to full completion, presently anticipated on or about January 1, 1980.

(5) While the actual work of acquiring, constructing, installing and equipping the mixer fume control has not yet begun, binding contracts or commitments obligating the expenditure, for the work of acquiring, constructing, installing and equipping the mixer fume control facilities, of not less than $100,000 have heretofore been entered into or made, and such actual work is expected to begin on or about June 30, 1979. Further, all such work is anticipated to proceed with due diligence thereafter to completion, presently expected on or about September 1, 1980. The total financeable costs of acquiring, constructing, installing and equipping the mixer fume control facilities (excluding a pro rata portion of (a) interest during construction, and (b) the expenses anticipated to be incurred in connection with the issuance of the bonds) are expected to be approximately $2,680,000.

(6) The total proceeds to be received by the Industrial Board on the sale of the bonds, i.e., the gross sum of $5,998,633.33, does not exceed the total of—

(i) The estimated total financeable costs of acquiring, constructing, installing and equipping the project facilities (excluding (a) interest during construction, and (b) the expenses anticipated to be incurred in connection with the issuance of the bonds) (viz., the gross sum of $5,691,370); plus

(ii) Interest on the bonds during construction of the project facilities and the expenses anticipated to be incurred in connection with the issuance of the bonds (viz., the gross sum of $263,630); plus

(iii) The amount required to be set aside out of the proceeds to be derived by the Industrial Board from the sale of the bonds, for payment of a portion of the interest maturing thereon on May 1, 1979 (viz., the sum of $43,633.33).

(7) The proceeds to be derived by the board from the sale of the bonds (viz., the gross sum of $5,998,633.33) are expected to be needed and fully expended as follows:

(a) $43,633.33 of said proceeds will be set aside and paid into the "bond fund" (as said term is used and defined in the trust indenture dated as of November 1, 1978 between the Industrial Board and the First National Bank of A, under which the bonds are being issued) simultaneously with the issuance and delivery of the bonds and used and applied for payment of a portion of the interest maturing thereon on May 1, 1979;

(b) $263,630 of said proceeds will be expended, for payment of (i) interest on the bonds during construction of the project facilities, and (ii) the expenses anticipated to be incurred in connection with the issuance of the bonds; and

(c) The remaining $5,691,370 of said proceeds will be expended for payment of the costs of acquiring, constructing, equipping and installing the project facilities (excluding (i) interest on the bonds during construction of the project facilities, and (ii) the expenses anticipated to be incurred in connection with the issuance of the bonds), substantially in accordance with the following schedules:

Quarter during which expected to be expended	Amount expected to be expended			
	Sinter line	Quench car	Mixer fume control	Total
1978, fourth	$280,000			$280,000
1979, first	250,000		$50,000	300,000
1979, second	430,000	$720,250	350,000	1,500,250
1979, third	550,000	511,120	800,000	1,861,120
1979, fourth	270,000		1,150,000	1,420,000
1980, first			300,000	300,000
1980, second			30,000	30,000
Total	1,780,000	1,231,370	2,680,000	5,691,370

(8) The facts and estimates in paragraphs (2) through (7) are based on representations made by Corporation C. The board is not aware of any facts or circumstances that would cause it to question the accuracy of the representations made by Corporation C.

(9) Money deposited in the debt service fund established by article X of the indenture for the bonds will be used to pay principal of and interest on the bonds and the board reasonably expects that there will be no other funds that will be so used.

(10) Any money deposited in the debt service fund will be spent within a 13-month period beginning on the date of deposit, and any amount received from investment of money held in the debt service fund will be spent within a 1-year period beginning on the date of receipt.

(11) To the best of our knowledge, information and belief, the above expectations are reasonable.

(12) The Industrial Board has not been notified of any listing of it by the Internal Revenue Service as an issuer that may not certify its bonds.

(13) The undersigned are those officers of the Industrial Board charged, by resolution of the board of directors of the Industrial Board, with the responsibility of actually issuing and delivering the bonds.

(ii) This certification by the Industrial Board of city A meets the requirements of subdivision (iii) of this subparagraph and conclusively establishes the board's reasonable expectations on the date of issue as to the future events described in the certification. However, nothing contained in this certification tends to establish any conclusions of law.

(iii) It has been assumed that the letter agreements described in this example constitute "some other similar official action" within the meaning of section 1.103-8(a)(5).

Example (7). City D issues $10 million of 7-percent revenue bonds for the purpose of constructing a water treatment facility. Certain proceeds of the revenue bonds will be deposited with a trustee. In part, the trust agreement provides as follows: "In the event city D is of the opinion that it is necessary to restrict or limit the yield on the investment of any moneys paid to or held by the trustee hereunder in order to avoid the bonds, or any series thereof, being considered "arbitrage bonds" within the meaning of the Internal Revenue Code of 1954, as amended, the board or the medical center may issue to the trustee a written certificate to such effect (along with appropriate written instructions), in which event the trustee will take such action as is necessary so to restrict or limit the yield on such investment in accordance with such certificate and instructions, irrespective of whether the trustee shares such opinion." If city D uses reasonable care in the selection of the trustee, it can reasonably expect the trustee to invest the funds in accordance with the trust agreement. This reasonable expectation will be conclusive without regard to the subsequent actions of the trustee.

Example (8). County Y, in connection with an issue of revenue bonds, covenants in the bond indenture that it will proceed with due diligence to spend the bond proceeds for the construction of a library. This covenant is included in the indenture as a bona fide safeguard for the protection of the bondholders. County Y can reasonably expect to comply with this covenant and, therefore, to satisfy the due diligence test of section 1.103-14(b)(4). The result is the same whether or not the bond proceeds are actually spent with due diligence.

* * * * *

(4) *Innocent mistake.* Bonds are not arbitrage bonds merely because of an inadvertent, insubstantial error (e.g., in arithmetic).

* * * * *

(b) *Definitions.* * * *

(2) *Proceeds.* * * *

(ii) * * *

(B) Despite § 1.103-13(b)(2)(ii)(A), "investment proceeds" do not include receipts from investment of amounts treated as proceeds under § 1.103-13(g) (relating to invested sinking funds).

* * * * *

(5) *Materially higher.* * * *

(iv) * * * Nothing in this subdivision implies that the deliberate overissuance of less than 5 percent will not be treated as an artifice or device (§ 1.103-13(j)).

(v) The following examples illustrate the application of paragraph (b)(5)(iv) of this section:

Example (1). On July 1, 1977, city A sells $10 million of 7-percent series A revenue bonds and $5 million of 4-percent series B special obligation bonds at par in the full cash defeasance of a prior issue. Assuming that under State law and the bond indenture the amount necessary to achieve the purpose of the refunding is only $10 million, paragraph (b)(5)(iv) of this section applies to both the series A and the series B issues. Thus, for example, if transferred proceeds of the series A issue are invested at more than 7 percent, the series A bonds are arbitrage bonds.

Example (2). On July 1, 1978, city B sells $10 million of 7-percent revenue bonds at par. One and a half million dollars of the bond proceeds will be placed in a debt service reserve fund and invested for 25 years in Treasury bonds at a yield of 8½ percent. Assume that a reserve fund of no more than $800,000 is reasonably required for the revenue bonds. Based on these facts, paragraph (b)(5)(iv) of this section applies to the revenue bonds. Therefore, the revenue bonds are arbitrage bonds.

Example (3). On July 1, 1979, city C has outstanding $20 million of revenue bonds. In addition, city C has accumulated $15 million in a sinking fund for the revenue bonds. Assume that city C sells approximately $23 million of refunding bonds at par, defeasing the prior issue and freeing the sinking fund from any lien. The $15 million held in the sinking fund will continue to be invested in long-term Treasury bonds. Of the proceeds of the refunding issue, $20 million will be used to call the revenue bonds at par and $3 million will be used to establish a reserve of $3 million. Based on these facts, paragraph (b)(5)(iv) of this section applies to the refunding issue. The amount necessary to call the outstanding revenue bonds is only $5 million (i.e., $20 million less the $15 million held in the sinking fund). Thus, at least $15 million of the proceeds of the refunding issue will not be needed for any governmental purpose.

* * * * *

(vi) Except as provided in subdivision (viii) of this subparagraph (and despite anything in § 1.103-13 (b) or (e) to the contrary), § 1.103-13(b)(5)(vii) applies to any acquired obligation that is allocated to amounts treated as proceeds under § 1.103-13(g) (relating to invested sinking funds).

* * * * *

(viii) The yield on an acquired program obligation is materially higher than the yield on an issue if the yield on the acquired program obligation exceeds—

(A) The yield on the issue, plus

(B) One and a half percentage points.

(ix) In lieu of the amount described in § 1.103-13(b)(5)(viii)(B), the issuer may substitute such larger amount as is necessary to pay expenses (including losses resulting from bad debts) reasonably expected to be incurred as a direct result of administering the program, to the extent that such amounts are not payable with funds appropriated from other sources.

(11) *Discharged.* An issue is "discharged" when cash is available on the date due (whether at maturity or upon prior call for redemption) at the place of payment, and interest ceases to accrue on the issue.

(12) *Bona fide debt service fund.* (i) A bona fide debt service fund is a fund that is used primarily to achieve a proper matching of revenues and debt service within each bond year.

(ii) A bona fide debt service fund for a single issue must be depleted at least once a year except for a reasonable carryover amount (not to exceed the greater of (A) 1 year's earnings on the fund, or (B) one-twelfth of annual debt service).

(iii) A bona fide debt service fund may be established for two or more issues; provided that the total amount in the fund at no time exceeds the total of the amounts that could be held in bona fide debt service funds established separately for each of the issues.

(c) *Computation of yield.* * * *

(5) *Certain administrative costs.* If acquired purpose obligations are allocable (under § 1.103-13(f)) to an issue issued after September 1, 1978, then the following rules apply:

(i) In determining the yield on the acquired purpose obligations, administrative costs paid by the obligor shall not be taken into account.

(ii) Subdivision (i) of this subparagraph applies whether or not the obligor's payments are made from bond proceeds, and whether or not such payments merely reimburse the issuer. For this purpose, any payments made by the obligor may be treated as reimbursements of administrative costs: *Provided,* That the present value of such payments does not exceed the present value of administrative costs paid by the issuer.

(iii) In determining the present value of any payments or costs, the yield on the issue (as determined under § 1.103-13 (c) and (d)) shall be used as the discount rate.

(iv) For purposes of this subparagraph, the term "administrative costs" means—

(A) The cost of issuing, carrying, or repaying the issue,

(B) The underwriter's spread, and

(C) The cost of purchasing, carrying, and selling or redeeming acquired purpose obligations.

(6) *Monthly payments.* An issuer may treat regular monthly payments on an acquired purpose obligation as if they were received semiannually.

(7) *Examples.* The following examples illustrate the application of subparagraphs (5) and (6) of this paragraph:

Example (1). On January 1, 1979, authority A sells $1,050,000 of single-family housing bonds. The yield on the bonds is 7 percent (determined under section 1.103-13 (c) and (d) on the basis of semiannual compounding). Authority A uses the bond proceeds to make 50 identical 25-year mortgage loans of $20,000 each. The mortgage loans are acquired program obligations (within the meaning of section 1.103-13(h)). Authority A uses the remaining $50,000 of proceeds to cover the underwriter's spread and to pay other administrative costs on January 1, 1979. Under the terms of each mortgage loan, authority A will receive level monthly payments of $168.98. Of each payment, $161.87 will be denominated principal and interest, and the remaining $7.11 will be denominated a "finance fee." On January 1, 1979, the present value of all these finance fees (using a discount rate of 7 percent) is $50,000. Therefore, these fees merely reimburse authority A for $50,000 of administrative costs. Accordingly, the finance fees are not taken into account in determining the yield on the mortgage notes. Consequently, the yield on the mortgage notes (computed by treating monthly payments as received semiannually on January 1 and July 1 of each year) is only 8.5 percent. Under section 1.103-13(b)(5)(viii), this yield of 8.5 percent is not materially higher than the yield on the single-family housing bonds.

Example (2). The facts are the same as in example (1), except that the entire monthly payment of $168.98 on each mortgage note will be denominated principal and interest. Although the stated interest rate on the mortgage notes is 9.02 percent, the results are the same as in example (1). There is no requirement that reimbursement for administrative costs must be stated separately as a finance fee; it may be included in interest.

(8) *Insurance.* (i) Premiums paid to insure a governmental issue are treated as interest paid on the issue; provided that the present value of the premiums is less than the present value of the interest reasonably expected to be saved as a result of the insurance.

(ii) In determining present value for purposes of this subparagraph, the yield on the governmental issue (determined without regard to this subparagraph) shall be used as the discount rate.

(g) *Invested sinking fund*—(1) *Effective date.* * * *

(ii) This paragraph does not apply to bonds sold before May 16, 1978, if—

(A) The sale of the bonds was either authorized or approved for sale before May 3, 1978, by a governing body of the governmental unit issuing the bonds or by the voters of such governmental unit, or by an administrative body or duly constituted authority (including an Oklahoma trust or similar entity) on behalf of the governmental unit, statutorily empowered to do so,

* * * * *

(2) *In general.* Amounts held in a sinking fund for an issue (and receipts from investment of the sinking fund) are treated as proceeds of the issue.

(3) *Sinking fund.* The term "sinking fund" includes a debt service fund, redemption fund, reserve fund, replacement fund, or any similar fund, to the extent that the issuer reasonably expects to use the fund to pay principal or interest on the issue.

* * * * *

(5) *Prior issue.* Original proceeds, investment proceeds, and transferred proceeds of the prior issue are not treated as proceeds of a refunding issue under this paragraph. See, however, § 1.103-14(e)(2)(ii) for rules relating to transferred proceeds.

(6) *Other proceeds.* Amounts treated as proceeds of an issue under § 1.103-13(b)(2) (relating to original proceeds and investment proceeds) are not treated as proceeds of the issue under this paragraph.

(7) *Allocation.* A sinking fund for two or more issues must be allocated between the issues—

(i) In proportion to their original face amounts, or

(ii) According to the debt service on the issues that will actually be paid from the sinking fund.

(8) *Illustrations.* The following examples illustrate the application of this paragraph:

Example (1). On January 1, 1979, city A sells $8 million of general obligation bonds at par. All the proceeds of the general obligation bonds will be spent before January 1, 1980, to build a new library. Beginning on January 1, 1980, city A will make periodic deposits into a sinking fund for the general obligation bonds. The amount held in the sinking fund will increase until it equals $6 million on January 1, 2008, and then it will be used to retire all of the outstanding general obligation bonds. The first $1.2 million (i.e., .15 x $8 million) accumulated in the sinking fund may be invested at an unrestricted yield pursuant to § 1.103-13(b)(1)(ii) (relating to the major portion test). Except as provided in § 1.103-14(d) (relating to temporary periods), none of the remainder may be invested at a yield that is materially higher (within the meaning of § 1.103-13(b)(5)(vii)) than the yield on the general obligation bonds.

Example (2). The facts are the same as in example (1). In addition, city A establishes a bona fide debt service fund for the general obligation bonds. No amounts are held in the debt service fund longer than 13 months. The result is the same as in example (1).

(h) *Acquired program obligations*—(1) *General rule.* The term "acquired program obligations" means acquired purpose obligations that carry out the purpose of a governmental program described in subparagraph (2) of this paragraph.

(2) *Governmental programs.* A governmental program is described in this subparagraph if—

(i) The program involves the acquisition of acquired purpose obligations.

(ii) At least 90 percent of all such obligations acquired under the program, by amount of cost outstanding, are evidences of loans to a substantial number of persons representing the general public, loans to exempt persons within the meaning of section 501(c)(3), or loans to provide housing and related facilities, or any combination of the foregoing;

(iii) At least 90 percent of all of the amounts received by the governmental unit with respect to obligations acquired under the program shall be used for one or more of the following purposes: To pay the principal or interest or otherwise to service the debt on governmental obligations relating to the governmental program; to reimburse the governmental unit, or to pay, for administrative costs of issuing such governmental obligations; to reimburse the governmental unit, or to pay, for administrative and other costs and anticipated future losses directly related to the program financed by such governmental obligations; to make additional loans for the same general purposes specified in such program; or to redeem and retire governmental obligations at the next earliest possible date of redemption and

(iv) The program documents require that and person (or any related person, as defined in section 103(b)(6)(C)) from whom the governmental unit may, under the program, acquire obligations shall not, pursuant to an arrangement, formal or informal, purchase the governmental obligations in an amount related to the amount of the obligations to be acquired under the program from such person by the governmental unit.

(3) *Examples.* The following examples illustrate governmental programs described in subparagraph (2) of this paragraph:

Example (1). State A issues obligations the proceeds of which are to be used to purchase certain home mortgage notes from commercial banks. The purpose of the governmental program is to encourage the construction of low income residential housing by creating a secondary market for mortgage notes and thereby increasing the availability of mortgage money for low income housing. Amounts received as interest and principal payments on the mortgage notes are to be used for one more of the following

purposes: (1) To service the debt on the governmental obligations, (2) to retire such obligations at their earliest possible date of redemption, (3) to purchase additional mortgage notes. The governmental program is one which is described in subparagraph (2) of this paragraph.

Example (2). State B issues obligations the proceeds of which are to be used to make loans directly to students and to purchase from commercial banks promissory notes made by students as the result of loans made to them by such banks. The legislation authorizing the student loan program provides that the purpose of the program is to enable financially disadvantaged students to continue their studies. The legislation also provides that purchases will be made from banks only where such banks agree that an amount at least equal to the purchase price will be devoted to new or additional student loans. The governemental program is one which is described in subparagraph (2) of this paragraph.

Example (3). Authority C issues obligations the proceeds of which are to be used to purchase land to be sold to veterans. The governmental unit will receive purchase-money mortgage notes secured by mortgages on the land from the veterans in return for such land. The purpose of the program is to enable veterans to acquire land at reduced cost. Amounts received as interest and principal payments on the mortgage notes are to be used for one or more of the following purposes: (1) To pay the administrative costs directly related to the program, (2) to service the debt on the governmental obligations, (3) to retire such governmental obligations at their earliest possible call date, and (4) to purchase additional land to be sold to veterans. The governmental program is one which is described in subparagraph (2) of this paragraph.

(i) [Reserved.]

(j) *Artifice or device.* If an artifice or device is employed in connection with the issuance of a governmental obligation, such obligation will be considered an arbitrage bond within the meaning of section 103(c)(2). for purposes of this section, the term "artifice or device" means a transaction or series of transactions that attempts to circumvent the provisions of section 103(c), this section, §§ 1.103-14, or 1.103-15—

(1) Enabling the issuer to exploit the difference between tax-exempt and taxable interest rates to gain a material financial advantage, and

(2) Increasing the burden on the market for tax-exempt obligations.

Examples of increased burdens on the market for tax-exempt obligations include selling obligations that would not otherwise be sold, selling more obligations than would otherwise be necessary, and issuing obligations sooner or allowing them to remain outstanding longer than would otherwise be necessary. In no case shall it be considered an artifice or device to invest bond proceeds (or amounts treated as bond proceeds at a materially higher yield if specifically provided for in section 103(c)(4). The provisions of this paragraph may be illustrated by the following examples:

Example (1). Authority E decides to advance refund certain revenue bonds. However, E intentionally delays the issuance of the refunding bonds until 2 years before the call date of the refunded bonds in order to take advantage of the 2-year temporary period provided by § 1.103-14(e)(3)(ii)(B). The ability of authority E to invest proceeds of the refunding issue at a materially higher yield during the tempoary period makes this refunding more attractive than would be the case if such investment were not permitted. Authority E's decision to delay the issuance of the refunding bonds to take advantage of this temporary period is not an artifice or device within the meaning of this paragraph, because investment of bond proceeds at a materially higher yield during a temporary period is specifically provided for in section 103(c)(4). In addition, the purpose of the temporary period in § 1.103-14(e)(3)(ii)(B) is to encourage issuers to delay advance refundings until later in the term of the prior issue.

Example (2). On January I, 1981, authority K sells $1 million of 40-year industrial development bonds at par. The proceeds of the industrial development bonds will be needed to make a $1 million loan to corporation X for 5 years. When the principal of the loan is repaid on January 1, 1986, authority K will invest this sum in Treasury bonds at a yield that is materially higher than the yield on the industrial development bonds. By selling bonds with a term that is 35 years larger than necessary, authority K has attempted to use an artifice or device to defeat the purpose of section 103(c).

Example (3). On January 1, 1981, city L sells $10 million of tax anticipation notes. For purposes of determining the cumulative cash flow deficit on January 1, 1982, city L assumes that the amount of its anticipated expenditures for the month of January 1982, is reasonably required as a cash balance. See § 1.103-14(c)(2). City L conducts no investigation into its actual cash balance requirements. therefore, city L is unable to ascertain whether 1 month's expenditures s, in fact, a reasonable balance. City L has not used an artifice or device in connection with the tax anticipation notes. The purpose of the 1-month figure in § 1.103-14(c)(2)(ii) is to eliminate the need for city L to conduct an investigation of its cash balance requirements.

Example (4). On January 1, 1983, city M sells $10 million of 6-percent refunding bonds. The proceeds of the refunding bonds will be held in escrow until they are used to pay principal and interest on a 3-percent prior issue. Although the prior issue is callable at par, it will be left outstanding until maturity. Moreover, amounts held in the escrow will be invested at a yield of 6 percent. Based on these facts, city M has not used an artifice or device. It has allowed the 3-percent prior issue to remain outstanding merely because it would be unwise to buy back the prior issue at par. Further, city M does not stand to make any profit by exploiting the difference between taxable and tax-exempt interest rates.

PARAGRAPH 2. Section 1.103-14 is amended as follows:

1. Paragraph (b) is amended by deleting subparagraphs (7) and (10), by redesignating subparagraphs (8), (9), and (11) as subparagraphs (7), (8), and (9), and by adding new subparagraphs (10), (11), (12), (13), (14), and (15), and by inserting "subparagraph (8)" in lieu of "subparagraph (9)" in subparagraph (9) (as redesignated).

2. Paragraph (d) is amended by inserting "Except as provided in subparagraphs (2) and (4) of this paragraph" in lieu of "As a general rule" in the second sentence of subparagraph (1), by adding a new sentence at the end of subparagraph (1), by revising subparagraph (2) and by adding a new subparagraph (4).

3. Paragraph (e) is amended by deleting the sixth, seventh, and eighth sentences in subparagraph (2)(ii), by adding a new subparagraph (2)(iv), by deleting the last sentence in subparagraph (3)(i) and inserting three new sentences in lieu thereof, by revising subparagraph (5)(iv), and by adding a new subparagraph (7).

§ 1.103-14 Temporary investments, reserve fund and refunding issues.

(b) *Temporary period.* * * *

(10) *Debt service fund.* (i) Despite subparagraphs (8) and (9) of this paragraph, 13 months is the temporary period for amounts contributed to a bona fide debt service fund (as defined in § 1.103-13(b)(12)).

(ii) If a portion (but not all) of a fund satisfies the requirement of bona fide debt service fund, then that portion is allowed a 13-month temporary period under this subparagraph. However, the remainder of the fund is not allowed the 13-month temporary period. Thus, for example, assume tht a single fund serves both as a bona fide debt service fund and as a reserve fund. The portion of the fund tht serves as a bona fide debt service fund is allowed a 13-month temporary period under this subparagraph. However, the remainder of the fund is not allowed a temporary period of 13 months. If this subdivision applies, then the requirement for annual depletion in § 1.103-13(b)(12) applies only to the portion of the fund that constitutes a bona fide debt service fund.

(11) *Revolving fund.* (i) The term "revolving fund" means a fund—

(A) That consists of receipts from the sale of property acquired with bond proceeds and payments of principal and interest on acquireed program obligations; and

(B) (*1*) That will be used for the acquisition of additional property or acquired program obligations, or

(*2*) Whose governing instrument requires the acquisition of additional property of acquired program obligations to the extent tht suitable property or obligations are reasonably available.

(ii) For purposes of this subparagraph, the term "property" does not include securities (within the meaning of section 165(g)(2) (A) or (B) or obligations (other than obligations described in section 103(a) (1) or (2)).

(iii) Despite subparagraphs (8) to (10) of this paragraph, the temporary period for amounts deposited in a revolving fund is 3 years from the date of deposit.

(12) *Certain new money issues.*(i) In addition to the other temporary periods allowed by this paragraph, a sinking fund for an issue shall have a temporary period that—

(A) Begins on the date of issue, and

(B) Ends on the first call date (but not more than 10 years after the date of issue).

(ii) This subparagraph does not apply to an issue unless the issuer makes a reasonable effort to schedule payment of as much debt service as is practicable in each year before the first call date. Thus, nothing in this subparagraph implies that the use of a sinking fund to postpone the maturity of bonds will not be treated as an artifice or device under §1.103-13(j). On the other hand, use of the temporary period allowed by this subparagraph is not, in and of itself, an artifice or device.

(iii) This subparagraph does not apply to a refunding issue, unless the prior issue had a term of less than 3 years and was issued in anticipation of permanent financing.

(iv) Despite subdivision (iii) of this subparagraph, the term of the prior issue may be longer than 3 years if the issuer demonstrates to the satisfaction of the Commissioner, prior to the issuance of the permanent financing, that a longer period of time was necessary.

(v) If this subparagraph applies to a refunding issue, then the 10-year limit in subdivision (i)(B) shall be reduced by the term of the prior issue.

(vi) The following example illustrates the application of this subparagraph:

Example. On January 1, 1980, housing authority A issues $4 million of bond anticipation notes. The bond anticipation notes have a term of 5 years. On January 1, 1980, authority A reasonably expects to roll the notes over into permanent financing within 3 years. However, due to unexpected difficulties, authority A is unable to issue permanent financing until July 1, 1984. Assume that, prior to July 1, 1984, authority A demonstrates to the satisfaction of the Commissioner that a term of 4½ years was necessary for the temporary financing. Unless subdivision (ii) of this subparagraph applies, amounts accumulated in a sinking fund for the permanent financing will be allowed a temporary period beginning on July 1, 1984, and ending on the first call date. However, this temporary period may in no event exceed 5½ years (i.e., 10 years minus 4½ years).

(13) *Reserve or replacement funds.* (i) In addition to the other temporary periods allowed by this paragraph, where an issuer has applied for a ruling that a reserve or replacement fund is necessary under paragraph (d)(2) or (e)(5)(iv) of this section, any amount in excess of the amount provided in paragraph (d)(1) of this section shall have the temporary period allowed under subdivision (ii) of this subparagraph.

(ii) The excess amount described in subdivision (i) shall have a temporary period that—

(A) Begins on the date of issue, and

(B) Ends 30 days after the earlier of: (*1*) The date the ruling is issued (whether favorable or unfavorable), or (*2*) the date the request for such ruling is withdrawn, or (*3*) the date such request is administratively closed by the Internal Revenue Service.

(iii) This subparagraph does not apply unless the ruling request is made in good faith and satisfies the procedural requirements of §601.201.

(14) *Methods of accounting.* For purposes of this paragraph, the issue may account for a sinking fund in any reasonable manner. Thus, for example, the issuer may use the first-in-first-out method or the last-in-first-out method. Further, if net revenues for any bond year equal or exceed debt service, then the issuer may assume that current debt service is paid entirely from current revenues.

(15) *Illustrations.* The following examples illustrate the application of this paragraph:

Example (1). (a) On September 1, 1980, city W sells a $2 million 20-year issue of 6-percent special assessment bonds. The original proceeds of the issue amount to $1,950,000. Of this amount, $60,000 will be used to make the first payment of interest, $140,000 will be deposited in a reasonably required reserve fund, and the remainder will be used to pave streets.

(b) Persons who own property in city W will be subject to a special assessment totaling $2 million. Each property owner will be required to pay his share of the special assessment in equal annual installments due on August 1 over the next 20 years. The special assessment may be prepaid at any time. However, if the special aassessment is not prepaid, then the outstanding balance of the assessment will bear interest at 6 percent, due on August 1 of each year.

(c) $100,000 of the special assessment bonds will mature on September 1 of each year 1981 to 1990. In addition, $1 million of term bonds will mature on September 1, 2000. The term bonds are callable at par beginning on September 1, 1990.

(d) City W will accumulate prepayments of the special assessment in a sinking fund until September 1, 1990. At that time, all amounts in the sinking fund will be used to call term bonds due in the year 2000.

(e) Based on these facts, city W's sinking fund is allowed a 10-year temporary period that ends on September 1, 1990. See subparagraph (12).

(f) After September 1, 1990, the sinking fund will be mandatory in character. All amounts deposited in the sinking fund will be used to call term bonds on September 1 of each year. Therefore, the sinking fund will serve merely as means to match revenues and debt service. Accordingly, amounts deposited in the sinking fund after September 1, 1990, will be allowed a 13-month temporary period under subparagraph (10).

Example (2). On July 1, 1981, authority X sells a $3 million 20-year issue of 6-percent school bonds. Authority X uses the original proceeds of the issue to build a school building, and leases the building to school district Y. School district Y has general taxing powers. Under the terms of the lease, school district Y is unconditionally obligated to pay $130,000 on January 1 and July 1 of each year 1982 to 2002. These payments will be sufficient to enable authority X to pay level debt services and retire the school bonds over 20 years. Nevertheless, authority X will not pay any principal on the school bonds until July 1, 1991. Instead, authority X will deposit the excess of rents over interest in a sinking fund until July 1, 1991. Based on these facts, authority X will not make a reasonable effort to pay principal on the school bonds before July 1, 1991. Therefore, rents deposited in the sinking fund will be allowed a temporary period of only 30 days.

* * * * *

(d) *Reasonably required reserve or replacement fund.*—(1) *In general.* * * * A reasonably required reserve or replacement fund may consist of one or more funds, or portions of funds, however labeled, derived from one or more sources.

(2) *Exception.* If an amount in excess of the amount provided in paragraph (d)(1) of this section is invested in a reserve or replacement fund, such excess will be considered to be invested in a reasonably required reserve or replacement fund if—

(i) At least 2 weeks prior to the issuance of the governmental obligations, the issuer applies for a ruling that the specified reserve or replacement fund is necessary, and

(ii) A ruling to that effect is subsequently issued to the governmental unit (before or after the date of issuance of the obligations).

The procedure set forth in the preceding sentence does not preclude an issuer from relying on a published ruling in which the Commissioner specifically designates a category of reserve or replacement funds as reasonably required.

* * * * *

(4) *Pledge of endowment.* Endowment funds of a college, university, or other similar institution (such as a hospital or charity) pledged as collateral for an issue will be considered to be a reasonably required reserve if the pledged funds:

(A) Were derived from gifts or bequests (including the income thereon);

(B) Were not raised for the purpose of carrying out the project financed by the issue;

(C) Are not reasonably expected to be used (directly or indirectly) to pay principal or interest on the issue; and

(D) Are held as part of the institution's permanent capital.

The following example illustrates the application of this subdivision:

Example. The health and educational facilities authority of State X ("the X authority") plans to issue long-term bonds to finance a new medical school building for college A. The bonds will be collateralized by a pledge of securities held by college A as quasi-endowment funds (funds functioning as endowment). In the financing agreement, college A represents that the pledged securities are quasi-endowment funds derived from gifts or bequests (or the income therefrom) and that it will expend on the construction of the medical school building an amount equal to or greater than the amount of funds raised for the purpose of such construction (including amounts that it reasonably expects to receive in the future from pledges or otherwise), and no such funds will be pledged as collateral for the issue. Authority X is not aware of any facts or circumstances that would cause it to question the accuracy of the representations made by college A. In addition, on the basis of facts and estimates including projections indicating that revenues from other sources during the next 5 years will be more than sufficient to pay debt service on the issue, authority X does not reasonably expect that the pledged funds or the income therefrom will be required to make payment of principal or interest on the issue. Accordingly, authority X reasonably expects that the pledged funds satisfy the requirements of this subdivision, and such funds will be considered a reasonably required reserve fund. Authority X does not need a ruling under subparagraph (2) of this paragraph.

(e) *Refunding issue.* * * *

(2) *Definitions.* * * *

(iv) Despite § 1.103-14(e)(2)(ii), the term "transferred proceeds" does not include amounts treated as proceeds of the prior issue under § 1.103-13(g) (relating to invested sinking funds).

(3) *Temporary period.* (i) * * * Except as provided in the preceding sentence, the issuer shall be allowed the longer of the temporary periods determined under paragraph (e)(3)(ii)(A) or (B), or (at the issuer's option) the temporary period determined under paragraph (e)(3)(ii)(C). This subparagraph (except for subdivisions (viii) and (ix)) does not apply to amounts treated as proceeds under § 1.103-13(g) (relating to invested sinking funds). For the temporary period for an invested sinking fund, see § 1.103-14(b) (8) to (12).

* * * * *

(5) *Reasonably required reserve or replacement fund.* * * *

(iv) If an amount in excess of the amount allowed under paragraphs (d)(1) and (e)(5) of this section is invested in a reserve or replacement fund for a refunding issued, such excess may be invested at a yield that is materially higher than the yield on the refunding issue only if—

(A) At least 2 weeks prior to the issuance of the governmental obligations, the issuer applies for a ruling that the specified reserve or replacement fund is necessary, and

(B) A ruling to that effect is subsequently issue to the issuer (before or after the date of issuance of the obligations).

The procedure set forth in the preceding sentence does not preclude an issuer from relying on a published ruling in which the Commissioner specifically designates a category of reserve or replacement funds as reasonably required for refunding issues.

(7) *Exception.* (i) § 1.103-14(e)(5)(ii)(B) does not apply to amounts deposited in a reserve or replacement fund for a refunding issue sold after the effective date of § 1.103-13(g) to the extent that such amounts—

(A) Were held in a reasonably required reserve or replacement fund for the prior issue, or

(B) Would (but for the refunding) have been deposited in a reasonably required reserve or replacement fund for the prior issue.

(ii) The following examples illustrate the application of this subparagraph:

Example (1). On July 1, 1977, city A issues $10 million of revenue bonds. No reserve or replacement fund is created for the revenue bonds. On July 1, 1979, city A issues $11 million of refunding bonds to defease the 1977 issue. City A accumulates a reserve fund of $800,000 for the 1979 issue. This reserve fund is pledged as collateral for the 1979 issue, and city A is unable to make withdrawals from the reserve fund at any time during the term of the 1979 issue (except to pay debt service on the 1979 issue). Assume that the entire 1977 issue will be called on July 1, 1987, and no portion of the 1977 issue will be retired before that date. Based on these facts, the proceeds of the 1979 issue replace amounts held in the reserve fund within the meaning of § 103(c)(2)(B). Therefore, these amounts are subject to the same yield restrictions, and generally have the same status, as proceeds of the 1979 issue. As a result, the revenues deposited in the reserve fund are subject to arbitrage yield restrictions until July 1, 1987 (see § 1.103-14(b)(5)(ii)(B)), unless city A makes the demonstration required by § 1.103-14(b)(5)(iv). The result is the same whether or not city A reasonably expects to use amounts held in the reserve fund to pay debt service on the 1979 issue.

Example (2). On January 1, 1978, city B issues $10 million of revenue bonds. Under the bond indenture, city B is required to deposit revenues of $200,000 a year for 5 years in a reasonably required reserve fund for the 1978 issue (the "1978 reserve"). On January 1, 1980, city B issues $11 million of refunding bonds to defease the 1978 issue. At that time, city B transfers the $400,000 accumulated in the 1978 reserve to a reasonably required reserve fund for the 1980 issue (the "1980 reserve"). In addition, city B deposits revenues of $200,000 a year in the 1980 reserve for the next 3 years. Based on these facts, the amounts held in the 1980 reserve may be invested at an unrestricted yield pursuant to § 1.103-14(d).

Par. 3. Section 1.103-15 is amended by revising paragraph (k) to read as follows:

§ 1.103-15 Excess proceeds.

* * * * *

(k) *Transferred proceeds.*—(1) *Effective date.* This paragraph applies to refunding bonds issued after September 1, 1978.

(2) *In general.* For purposes of this section, all original proceeds, investment proceeds, and transferred proceeds of the prior issue are treated as transferred proceeds of the refunding issue, except for amounts spent before the refunding bonds are issued.

JEROME KURTZ,
Commissioner of Internal Revenue.

[FR Doc. 78-25070 Filed 9-1-78; 8:45 am]

[6570-06]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 AGENCIES

Proposed Designations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed rule.

SUMMARY: The Equal Employment Opportunity Commission proposes to amend its regulations on designation of certain State and local agencies so that they may handle employment discrimination charges filed with the Commission. Proposed are State and local agencies that requested deferral designation as provided under the authority of title VII of the Civil Rights Act of 1964, as amended. The proposal would authorize the agencies listed to process charges deferred to them by the Commission.

DATES: Comments must be received by September 15, 1978.

ADDRESS: Comments should be sent to: Equal Employment Opportunity Commission, Office of Field Services (State and Local), 2401 E Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Richard A. Grossman, Coordinator, Equal Employment Opportunity

Commission, Office of Field Services (State and Local), 2401 E Street NW., Washington, D.C. 20506, telephone 202-634-6040.

SUPPLEMENTARY INFORMATION: Pursuant to § 1601.71, title 29, chapter XIV of the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, 42 FR 55388, October 14, 1977, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that each of the agencies listed below be designated as a "706 agency", § 1601.70(a). Three (3) purposes for such designation are as follows: First, that the agencies receive charges deferred by the Commission pursuant to section 706 (c) and (d) of title VII of the Civil Rights Act of 1964, as amended; second, that the Commission accord "substantial weight" to the final findings and orders of the agencies pursuant to section 706(b) of title VII of the Civil Rights Act of 1964, as amended; and third, to commence the 15-day period within which any person or organization may file written comments as provided for under § 1601.71(1).

At the expiration of the 15-day period, the Commission may effect designation of the agencies by publishing them as an amendment to § 1601.74(a).

With the limitations set forth in the footnotes below, the proposed "706 agencies" are as follows:

Georgia Office of Fair Employment Practices [1]
Guam Civil Service Commission [2]
New Mexico Human Rights Commission

Written comments pursuant to this notice must be filed with the Commission on or before September 15, 1978.

Signed at Washington, D.C., this 1st day of September.

For the Commission.

ELEANOR HOLMES NORTON,

Chair, Equal Employment Opportunity Commission.

[FR Doc. 78-25157 Filed 9-6-78; 8:45 am]

[1] The Georgia Office of Fair Employment Practices has been proposed as a 706 agency for all charges covering the employment practices of the departments of the State of Georgia only.

[2] The Guam Civil Service Commission has been proposed as a 706 agency for all charges covering government employees only except all charges alleging violation of section 704(a) of title VII; for this type of charge it shall be deemed a "notice agency," pursuant to 29 CFR 1601.71(3).

[1505-01]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 126]

[CGD 78-038]

LIQUEFIED NATURAL GAS FACILITIES

Correction

In FR Doc. 78-21566 appearing on page 34362 in the issue of Thursday, August 3, 1978 the following corrections should be made:

1. On page 34362, in the first column, under the paragraph entitled "SUPPLEMENTARY INFORMATION:", the third line should read, "* * * by submitting written views, data, or [arguments.]".

2. On page 34363, in the middle column, in the first full paragraph, the 13th line should read, "[Subcommit-] ee on Liquefied Gas Facilities. (Meet-[ings] * * *".

3. On page 34364, in the first column, the contents entry for § 126.2853 should read, "§ 126.2853 Requirements for LNG transfer.".

4. On page 34365 in the first column, the definition of "process plant" should read, " 'Process plant' means the systems required to condition, liquefy, or vaporize natural gas.".

5. Also, on page 34365, the third column, in § 126.2015(b) the third line should read, "inspection in the facility's inspection * * *".

6. In addition, the section heading now reading *"§ 126.2205 Effective dates"* should read, *"§ 126.2025 Effective dates."*.

7. On page 34366, the heading *"§ 126.2035 Exemption"* should read, *"§ 126.2035 Exemptions."*

8. The first line of § 126.2035(a)(2)(ii) should read, "(ii) No alternative procedures, * * *".

9. On page 34367 in § 126.2217(c), the last sentence should read, "* * * These documents must be updated as systems revisions and modifications are made.".

10. On page 34368, the first line of § 126.2221(d)(3) should read, "(3) Each transfer connection point in * * *".

11. In § 126.2222, paragraph (a)(2) should read, "(2) An emergency communication system; and * * *".

12. On page 34370, the heading *"§ 126.2524 Dry chemical system"* should read, *"§ 126.2524 Dry chemical systems."*

13. On page 34371 the first column, the heading now reading, *"§ 126.2810 LGN Facility operations."* should read *"§ 126.2810 LNG Facility operations."* Also, in § 126.2810(a), the second line should read, "* * * facility under this part unless the * * *".

14. The third line of § 126.2813 should read, "* * * § 126.2016 may conduct LNG transfer * * *".

15. In the middle column, in § 126.2821(j) should read, "(j) Training programs under § 126.2700-126.2799; and * * *".

16. In the third column, the heading now reading *"§ 126.2825 Manuals changes."* should read, *"§ 126.2825 Manuals: changes."*

17. On page 34374, in the third column, § 126.2906(a) should read, "(a) Each required inspection and test;".

[8320-01]

VETERANS ADMINISTRATION

[38 CFR Part 21]

VETERANS' EDUCATION

Overpayment of Educational Assistance-Entitlement Charges

AGENCY: Veterans Administration.

ACTION: Proposed regulation.

SUMMARY: The amended regulation is intended to set forth a method of determining the charge against a veteran's or eligible person's entitlement when the debtor and the Veterans Administration reach a compromise on repayment of an overpayment of educational assistance. Title 38, Code of Federal Regulations, previously made no mention of how a charge against entitlement was to be calculated in these cases. The amended regulation corrects this oversight.

DATES: Comments must be received on or before October 6, 1978. It is proposed to make this amendment effective the date of final approval.

ADDRESS: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until October 16, 1978.

FOR FURTHER INFORMATION:

June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202-389-2092.

SUPPLEMENTARY INFORMATION: Section 21.1045(f) is amended to provide a method of calculating the charge against the entitlement of a veteran or eligible person when a compromise is reached concerning repayment of an overpayment of educational assistance. The method of calculat-

ing the charge against entitlement when such a debt is waived or is discharged in bankruptcy is not changed.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until October 16, 1978. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: August 28, 1978.

By direction of the Administrator.

RUFUS H. WILSON
Deputy Administrator.

In § 21.1045, paragraph (f) is revised to read as follows:

§ 21.1045 Entitlement charges.

* * * * *

(f) *Overpayment cases.* Entitlement will be charged for an overpayment in educational assistance allowance only if the overpayment is discharged in bankruptcy, is waived and is not recovered, or is compromised.

(1) The charge against entitlement, if the overpayment is discharged in bankruptcy or is waived and is not recovered, will be at the appropriate rate for the elapsed period covered by the overpayment.

(2) The charge against entitlement, if the overpayment is compromised, will be determined by:

(i) Subtracting the accepted compromise offer from the total amount of the overpayment;

(ii) Dividing the result obtained in paragraph (f)(2)(i) of this section by the total amount of the overpayment; and

(iii) Multiplying the percentage figure obtained in paragraph (f)(2)(ii) of this section by the amount of entitlement which represents the whole overpaid period. Where the computation results in a period of time other than a full month, or other than exactly ¾, ½, or ¼ fractional part of a month, the figure will be reduced to the next lower quarter. (38 U.S.C. 1661.)

* * * * *

[FR Doc. 78-25068 Filed 9-6-78; 8:45 am]

[8320-01]

[38 CFR Part 36]

INCREASE IN THE MAXIMUM ALLOWABLE SETUP CHARGES WHICH MAY BE INCLUDED IN THE MOBILE HOME LOAN

Amendment To Release of Liability Provisions for Mobile Home Loans

AGENCY: Veterans' Administration.

ACTION: Proposed regulations.

SUMMARY: The VA (Veterans' Administration) is proposing to amend its regulations to increase the allowable setup charges which a lender may include in the loan amount for the purchase of a new mobile home. The increase in the setup fees is necessary because of greatly increased costs of both labor and materials. The increase in the allowable setup fees should generate greater participation in the VA mobile home program by veterans, lenders, and mobile home dealers.

The VA also is proposing to amend its regulations concerning release of liability. The amendment is necessary to make the release-of-liability provisions for mobile home loans uniform with the present release-of-liability provisions in effect for guaranteed home loans and direct home loans.

DATES: Comments must be received on or before October 6, 1978. It is proposed to make this amendment effective on the date of final approval.

ADDRESS: Send written comments to: Administrator of Veterans' Affairs (271A), Veterans' Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above until October 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. George D. Moerman, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans' Administration, Washington, D.C. 20420, 202-389-3042.

SUPPLEMENTARY INFORMATION: Section 36.4232(d)(2) establishes the maximum allowable setup charges which may be included in the loan amount for a VA mobile home loan. Presently, the VA limits the allowable setup fees to $200 for a new single-wide mobile home and $400 for a new double-wide or larger mobile home. If a dealer charges more than the VA maximum fee for setup, the amount above the VA maximum must be paid in cash by the veteran. "Setup" is the cost of labor and materials necessary to properly install a mobile home on a lot. In recent years, the cost of both labor and materials necessary to properly install a mobile home on a suitable lot have greatly increased. The Veterans' Administration, therefore, is proposing to increase The maximum setup fees which may be included in the loan amount to $400 for a new single-wide mobile home and to $800 for a new double-wide mobile home. These proposed fees are more in line with the higher average costs of installing a mobile home in certain areas of the country. As a technical matter, VA also is proposing to make language changes to § 36.4232(d)(1) for clarity and uniformity.

VA proposes to amend § 36.4285 by adding a new paragraph (f) concerning release of liability. The Veterans Compensation and Relief Act of 1972 (Pub. L. 92-328) enacted a new subsection (b) to section 1817 of title 38, United States Code. Section 1817(b) prescribes criteria for releasing an original veteran-borrower from personal liability to the Government when the default and resulting termination of a VA loan are caused by a person who assumes the original veteran-borrower's loan. The proposed regulation will incorporate into the mobile home regulations a provision giving effect to section 1817(b), title 38, United States Code. Regulations which are similar to the proposed regulation presently are contained in § 36.4323(g) for guaranteed home loans and § 36.4508(c) for Va direct loans. For the purpose of uniformity, VA proposes to place a similar provision in the regulations relating to guaranteed mobile home loans.

The amendments are proposed under authority granted to the Administrator by section 1819(h) of title 38, United States Code.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans' Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until October 16, 1978. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office

and furnished the address and the above room number.

Approved: August 28, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

In § 36.4232, paragraph (d) is revised to read as follows:

§ 36.4232 Allowable fees and charges; mobile home unit.

* * * * *

(d) Subject to the limitations set forth in this section, the following may be included in the loan made for the purchase of a new (not used) mobile home unit and paid out of the proceeds of the loan, provided such inclusion does not increase the amount of the loan to more than the maximum amount allowable under § 36.4204:

(1) The actual cost of transportation or freight not to exceed $400 for a single-wide Mobile home or $600 for a double-wide mobile home;

(2) Setup charges for installing the mobile home on site not to exceed $400 for a single-wide mobile home or $800 for a double-wide mobile home.

If the actual costs exceed the limitations in this section, the veteran must certify that any excess cost has been paid in cash from the veteran's own resources without borrowing.

2. Section 36.4285 is amended as follows:

By deleting the word "his" and inserting the word "the" in the first sentence in paragraph (a), by deleting the word "him" and inserting the word "the holder" in paragraph (b), and by revising paragraph (e) and adding paragraph (f) as set forth below:

§ 36.4285 Subrogation and indemnity.

* * * * *

(e) Whenever any veteran disposes of residential property securing a guaranteed loan obtained under 38 U.S.C. 1819, the Administrator, upon application made by such veteran, shall issue to the veteran a release relieving him or her of all further liability to the Administrator on account of such loan (including liability for any loss resulting from any default of the transferee or any subsequent purchaser of such property) if the Administrator has determined, after such investigation as the Administrator may deem appropriate, that there has been compliance with the conditions prescribed in 38 U.S.C. 1817(a). The assumption of full liability for repayment of the loan by the transferee of the property must be evidenced by an agreement in writing in such form as the Administrator may requre. Release of the veteran from liability to the Administrator will not impair or otherwise affect the Administrator's guaranty on the loan, or the liability of the veteran to the holder. Any release of liability granted to a veteran by the Administrator shall inure to the spouse of such veteran. The release of the veteran from liability to the Administrator will constitute the Administrator's prior approval to a release of the veteran from liability on the loan by the holder thereof. This release will not result in the veteran being entitled to further loan benefits unless the requirements of § 36.4203 are met.

(f) If, on or after July 1, 1972, any veteran disposes of residential property securing a guaranteed loan obtained by him or her under 38 U.S.C. 1819, without securing a release from liability with respect to such loan under 38 U.S.C. 1817(a) and a default subsequently occurs which results in liability of the veteran to the Administrator on account of the loan, the Administrator may relieve the veteran of such liability if the Administrator determines that:

(1) A transferee either immediate or remote is legally liable to the Administrator for the debt of the original veteran-borrower established after the termination of the loan, and

(2) The original loan was current at the time such transferee acquired the property, and

(3) The transferee who is liable to the Administrator is found to have been a satisfactory credit risk at the time he or she acquired the property. (38 U.S.C. 1817(b).)

[FR Doc. 78-25069 Filed 9-6-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

[FRL 960-6]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order Issued By the State of Indiana Air Pollution Control Board To Guardian Industries Corporation

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative Order issued by the State of Indiana Air Pollution Control Board to Guardian Industries Corp. The Order requires the company to bring air emissions from its mineral wool insulation plant in Huntington, Ind., into compliance with certain regulations contained in the federally approved Indiana State Implementation Plan (SIP) by June 30, 1979. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance Order under the Clean Air Act (the Act). If approved by EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the Order as a delayed compliance Order.

DATE: Written comments must be received on or before October 10, 1978.

ADDRESS: Comments should be submitted to and copies of the proposed order are available from: Director, Enforcement Division, EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Anne Swofford, Attorney, Enforcement Division, EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604, telephone 312-353-2082.

SUPPLEMENTARY INFORMATION: Guardian Industries Corp. operates a mineral wool insulation plant at Huntington, Ind. The Order under consideration addresses emissions from the cupola furnace at the facility, which are subject to Indiana Regulations APC-3 and APC-5. The regulations limit the emissions of particulate matter, and are part of the federally approved Indiana SIP. The Order requires final compliance with the regulation by June 30, 1979, through the installation of a baghouse. Additionally, Guardian Industries will eliminate all fly wool emissions from the plant by the use of fly wool screens or recirculation ducting of exhaust fans before the commencement of operations of the existing mineral wool producing process and at all times during the operation of the process. Guardian Industries Corp. will install an in-stack continous monitor on the baghouse by April 1, 1979. The source has agreed to be bound by the terms of the Order.

Because this Order has been issued to a major source of particulate emis-

sions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance Order under section 113(d) of the Clean Air Act (the Act). EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by EPA, Source compliance with its terms would preclude Federal enforcement action under section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Indiana SIP.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether EPA may approve the Order. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedure for EPA's issuance, approval, and disapproval of Orders under section 113(d) of the Act. In addition, Part 65 will contain sections summarizing Orders issued, approved, and disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

(42 U.S.C. 7413, 7601)

Dated: August 29, 1978.

VALDAS V. ADAMKUS,
Acting Regional Administrator, Region V.

[FR Doc. 78-25034 Filed 9-6-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 31, 33, 42 and 43]

[Docket No. 78-196; FCC 78-453]

REVISION OF ACCOUNTS AND FINANCIAL REPORTING FOR TELEPHONE COMPANIES

Correction

AGENCY: Federal Communications Commission.

ACTION: Correction.

SUMMARY: The inaccurate reference to Appendix C appearing in a note in FR Doc. 78-20883 at 43 FR 33571, July 31, 1978, is corrected to read: "Separations manual" (February 1971).

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Dr. David Chessler, Common Carrier Bureau, 202-632-7084.

Released August 29, 1978.

In the matter of revision of the uniform system of accounts and financial reporting requirements for telephone Companies (Parts 31, 33, 42 and 43 of the FCC's rules), CC Docket No. 78-196.

In the above captioned matter, Notice of Proposed Rulemaking, FCC 78-453, released July 21, 1978 (43 FR 33571, July 31, 1978), the Note at the end re Appendix C "Separations manual" (February 1978) is in error and should read: "Separations manual" (February 1971) * * *.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-25033 Filed 9-6-78; 8:45]

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 172 and 173]

[Docket No. HM-139 Notice No. 78-10]

INDIVIDUAL EXEMPTIONS, CONVERSION TO REGULATIONS OF GENERAL APPLICABILITY

Proposed Rulemaking

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe.

DATES: Comments by October 10, 1978.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Each of the proposed amendments described in the following table is founded upon either; (1) Actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations. Primary drafters of this proposal are Darrell L. Raines, and John C. Allen, Office of Hazardous Materials Regulation, and Evan Braude, Office of the Chief Counsel, Research and Special Programs Administration. These proposals would not significantly affect the costs of regulatory enforcement, nor would additional costs be imposed on the private sector, consumers, or Federal, State or local governments, since these proposals would merely authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record of shipments under the identified exemptions demonstrates that significant environmental impacts would not result from any of the proposals. Adoption of an amendment derived from an existing exemption would obviate the need for that exemption and effectively terminate it. Upon such termination, the holder of the exemption and parties thereto would be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event the exemption request would be denied and the applicant so notified. In the event the Bureau decides not to adopt any of these proposals each pertinent application would be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR part 107, subpart B. Consequently, persons commenting on proposed amendments may wish to address both the proposed amendment and the exemption application. Consideration of comments of the merits of including within an amendment modes of transportation other than those for which the exemption application requested is anticipated. Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo

vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. The status of the exemption action is indicated in the column titled Identification Number where prefix "E" means an exemption has been issued. The suffix "No" means no applications for exemptions are pending, but the Bureau is taking action by this proposal; the suffix "X" means a renewal application is pending; the suffix "P" means one or more party status applications are pending; and the suffix "N" means a new application for exemption is pending.

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions

Identification No.	Applicant holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E 2901-No	Ozark-Mahoning Co	§ 172.101	Authorizes shipment of tungsten hexafluoride, a corrosive material, in DOT specification cylinders aboard cargo-only aircraft up to 110 lb per cylinder. Tungsten hexafluoride is similar to hydrogen fluoride which is authorized for shipment in this manner aboard cargo-only aircraft. (Mode 5).	To add an entry in § 172.101 for "Tungsten hexafluoride" to read as follows:

(1)	(2)	(3)	(4)	(5)		(6)	(7)			
				Packaging		Maximum net quantity in one package	Water shipments			
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Labels(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	(Add)									
	Tungsten hexafluoride	Corrosive material	Corrosive	None	§ 173.284	Forbidden	110 pounds	1	5	Segregation same as for nonflammable gases.

To add § 173.284 to read as follows:

§ 173.284 *Tungsten hexafluoride.*

(a) Specification 3A, 3AA, 3BN or 3E (§§ 178.36, 178.37, 178.39, 178.42 of this subchapter). Cylinders. Cylinders shall be equipped with a valve protection cap or be packed in a strong outside shipping container adequate to protect valves. Outlets of any valves must be capped or plugged. As an alternate, the cylinder opening may be closed by the use of a metal plug. All specification 3E cylinders must be shipped in an overpack. Authorized for transportation by air only when capacity does not exceed 110 lb in one outside container and only when shipped by cargo-only aircraft.

(b) In containers prescribed in § 173.245. Not authorized for transportation by air.

E 3822-No	Dow Chemical Co	§ 173.252(a)(4)	Authorizes shipments of bromine as prescribed in § 173.252(a)(4) except that the total quantity loaded must not be less than 95 pct of the quantity the tank is authorized to carry. (Mode 1).	To amend the last sentence in § 173.252(a)(4) to read: The total quantity loaded must not be less than 95 pct of the quantity the tank is authorized to carry.
E 7423-No	....do	§ 173.220	Authorizes shipment of magnesium metallic powder, a flammable solid, in DOT specification 56 metal portable tanks. (Modes 1, 2, 3).	To add paragraph (b)(2) to read: (2) Specification 56 (§ 178.252 of this subchapter). Portable tank. Tank must be capable of maintaining a pressure of 2 psig and pressure relief valve must have a maximum setting of 3 psig. For loading and unloading purposes, the tank may be pressurized with nitrogen and have a grounding lug welded to the tank.
E 7524-No	E. I. du Pont de Nemours & Co.	§ 173.314(c), § 173.315(a).	Authorizes the shipment of monobromotrifluoromethane, a refrigerant gas, in DOT specification MC 331 cargo tanks, DOT 51 portable tanks, and DOT 105A500W tank car tanks. (Modes 1, 2, 3).	To amend the table in § 173.314(c) by revising the entry for monobromotrifluoromethane to read as follows:

Kind of gas	Maximum Permitted filling density, Note 1 Percent	Required tank car, See § 173.31(a)(2) and (3)
Monobromotrifluoromethane---	124----------	DOT 110A800W, Notes 7 and 13
	140----------	DOT 105A500W, Note 13

To add an entry in the table in § 173.315(a) to read as follows:

Kind of gas	Maximum permitted filling density: Percent by weight (see Note 1)	Maximum permitted filling density: Percent by volume (see par. (f) of this section).	Specification container required: Type (see Note 2)	Specification container required: Minimum design pressure (psig)
Monobromotrifluoromethane--- (See Note 9)	133----------	See Note 7-----	DOT-51, MC 331-------	365

E 7697-No	Kerr-McGee Chemical Co	§ 173.850(a)	Authorizes shipments of calcium oxide, an ORM-B, in portable tanks. (Mode 3).	To add par. (a)(8) to read: (8) Portable tanks with gross weight not over 7,000 lb.
E 7773-No	Valley Chemical Co and Kerr-McGee Chemical Co.	§ 173.358(a)	Authorizes shipments of parathion, methyl parathion, organic phosphate compound, parathion mixtures, methyl parathion mixtures and organic phosphate compound mixtures in a DOT specification MC 312 cargo tank by private motor vehicle under certain conditions. (Mode 1).	To revise par. (a)(14) to read: (14) Specification MC 310, MC 311, MC 312, MC 330, or MC 331 (§§ 178.343, 178.337 of this subchapter). Tank motor vehicle. Bottom outlets, if any, must be equipped with valves conforming with § 178.337-11(c) of this subchapter. MC 311 or MC 312 must have a minimum material thickness of $\frac{3}{16}$ inch and designed for a product weight of 13 lb per gallon or over. Contents of the tank must be under no gas pressure except its own vapor pressure. Authorized for parathion, methyl parathion and organic phosphate compound only, and by private motor carrier only.
Do	do	§ 173.359(a)	do	To revise par. (a)(16) to read: (16) Specification MC 310, MC 311, MC 312, MC 330, or MC 331 (§§ 178.343, 178.337 of this subchapter). Tank motor vehicle. Bottom outlets, if any, must be equipped with valves conforming with § 178.337-11(c) of this subcapter. MC 311 or MC 312 must have a minimum material thickness of $\frac{3}{16}$ inch and designed for a product weight of 13 lb per gallon or over. Contents of the tank must be under no gas pressure except its own vapor pressure. Authorized for parathion mixtures, methyl parathion mixtures and organic phosphate compound mixtures only, and by private motor carrier only.
E 7810-No	Allied Chemical Corp	§ 173.314(c)	Authorized the shipment of certain flammable and nonflammable refrigerant gases in DOT specification 106A and 110A multiunit tank car tanks aboard cargo vessel. These gases were accommodated by addition of note 25 to the table in § 173.314(c) (HM-139, 43 FR 8519). However, the Bureau received a number of comments to include other compressed gases in this amendment, including some that were previously authorized under 46 CFR prior to docket HM-112. (Modes 2, 3).	To add a reference to note 25 in the third column of the table in § 173.314(c) for the entries chlorine, anhydrous ammonia, hexafluoropropylene, and sulfur dioxide.
E 7918-No	W. R. Grace & Co	§ 172.101	Authorizes shipment of a certain soda lime which does not meet the definition of a corrosive material even though commodity is listed by name in § 172.101. Shipments are excepted from the hazardous materials regulations. (Modes 1, 2, 3, 4, 5).	To revise the entry for "Soda lime solid" in § 172.101 by putting an asterisk immediately before the entry in column 1.

E 7947-No	Air Products & Chemicals, Inc.	§ 173.314(c)	Authorizes methylamines to be shipped in DOT specification 105A300W and 112A340W tank cars with start-to-discharge pressures of 247.5 and 280.5 psig, respectively. (Mode 2).	To add a reference to note 26 in the third column of the table in § 173.314(c) for the entries dimethylamine, monomethylamine, and trimethylamine. Note 26 to be added after note 25 to read as follows: Note 26: For these materials only, specifications 105A300W and 112A340W tank cars may be equipped with safety relief devices with a start-to-discharge pressure setting of 247.5 psi and 280.5 psi respectively.
E 7968-No	SCM Corp	§ 172.101, § 173.224, § 173.224 (a)(4).	Authorizes shipments of pinane hydroperoxide solution containing not more than 45 pct by weight of pinane hydroperoxide in nonvolatile solutions. (Mode 1).	To add pinane hydroperoxide solution to the table in § 172.101; to revise § 173.224 by adding pinane hydroperoxide solution and to revise § 173.224(a)(4) to read: (4) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter). Tank motor vehicles. Authorized for paramenthane hydroperoxide of strength not exceeding 60 pct in a nonvolatile solvent. Authorized for pinane hydroperoxide solution containing not more than 45 pct by weight of pinane hydroperoxide in a nonvolatile solvent. Authorized for cumene hydroperoxide of strength not exceeding 90 pct in a nonvolatile solvent in MC 311 or MC 312 cargo tanks only.

(1)	(2)	(3)	(4)	(5)		(6)		(7)		
				Packaging		Maximum net quantity in one package		Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	(Add)									
	Pinane hydroperoxide solution, not over 45% peroxide.	Organic peroxide	Organic peroxide	§ 173.153	§ 173.224	1 quart	1 quart	1,2	4	

E 7986-N	The Aluminum Association, Inc.	§ 173.232(a)	Requested an exemption to authorize shipments of aluminum flake powders which have been rendered nondusting by agglomerating or other treatment of the individual particles, aluminum granules, aluminum atomized powder and aluminum paste as nonhazardous. (Modes 1, 2, 3, 4, 5).	To revise par. (a) to read: (a) Aluminum flake powders which have been rendered nondusting by agglomerating or other treatment of the individual particles, aluminum granules, aluminum atomized powder and aluminum paste are not subject to the requirements of this subchapter.
E 8001-N	E. I. du Pont de Nemours & Co.	§ 173.119(m) (15).	Authorizes shipments of acrylonitrile in DOT specification 112A200W tank car tanks. (Mode 2).	To amend par. (m)(15) to include the DOT specification 112A200W tank car.
8040-N	Mobil Chemical Co	§ 172.101	Authorizes shipments of Di-(2-ethylhexyl) phosphoric acid which does not meet the definition of a corrosive material as defined in § 173.240(a)(1). (Modes 1, 2, 4, 5).	To revise the entry for Di-(2-ethylhexyl) phosphoric acid in § 172.101 by adding an asterisk in column 1.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of App. A to Part 102).

The Materials Transportation Bureau has determined that this notice will not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9582). A regulatory evaluation is available in the public docket.

Issued in Washington, D.C. on August 30, 1978.

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

[FR Doc. 78-24927 Filed 9-6-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 78-12; Notice 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Lighting

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

ACTION: Notice of proposed rulemaking.

SUMMARY. This notice proposes an amendment of Motor Vehicle Safety Standard No. 108 that would allow an optional method of measuring side marker lamp light output for all vehicles less than 30 feet in overall length, regardless of width. The option currently applies to all vehicles less than 80 inches in overall width, regardless of length. This proposal is in response to a petition for rulemaking submitted by Chrysler Corp. The effect of the proposal is to remove a restriction on vehicles which are normally built in versions less than 80 inches in overall width but which have derivatives that exceed this dimension.

DATE: Comments must be received on or before: November 6, 1978. Proposed effective date: Date of publication of final rule.

FOR FURTHER INFORMATION CONTACT:

Marx Elliott, Crash Avoidance Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1714.

SUPPLEMENTARY INFORMATION: Standard No. 108 requires the photometric requirements for side marker lamps to be met at test points 45 degrees outboard and inboard of the lateral center line passing through the lamp. However, if a vehicle is less than 80 inches in overall width, paragraph S4.1.1.8 of Motor Vehicle Safety Standard No. 108 allows photometric measurements of side marker lamps to "be met for all inboard test points at a distance of 15 feet from the vehicle and on a vertical plane that is perpendicular to the longitudinal axis of the vehicle and located midway between the front and rear side marker lamps." This results in a measurement of less than 45 degrees instead of a fixed 45 degrees.

Chrysler Corp. has petitioned that the option be available to all vehicles regardless of width. In its opinion, the effect of differing requirements imposes needless restrictions on smaller size vehicles normally built in versions less than 80 inches but which have special derivatives which exceed this width:

> For example, a pick-up truck may be designed with wraparound front or rear lamps (that meet S4.1.1.8). If dual rear wheels are installed on this same vehicle, its width will exceed 80 inches and different side marker lamp requirements will apply * * * (and) auxiliary lamps may have to be used on these wider vehicles.

The NHTSA agrees with Chrysler's views, but with the reservation that the exception should not apply to vehicles whose overall length is 30 feet or greater. None of these vehicles are currently eligible for this option since all exceed 80 inches in overall width. Those vehicles are required to have an intermediate side marker lamp that is centrally located between the front and rear side marker lamps. All three markers need to be clearly visible to motorists from the side so that the overall vehicle size is evident. Thus, for vehicles 30 feet or longer the 45 degree visibility angles are more appropriate than the provisions of paragraph S4.1.1.8.

In consideration of the foregoing it is proposed that S4.1.1.8 of 49 CFR 571.108 Motor Vehicle Safety Standard No. 108 be revised by deleting the words "80 inches in overall width" and substituting "30 feet in overall length."

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the complete comments should be submitted to the Office of Chief Counsel at the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

The program official and attorney responsible for developing this proposal are Marx Elliott and Taylor Vinson respectively.

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

Issued on August 29, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-24899 Filed 9-6-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6320-01]

CIVIL AERONAUTICS BOARD

[Order 78-8-176; Docket 20244]

ALOHA AIRLINES, INC., SUBSIDY MAIL RATES

Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of August 1978.

By this order, the board proposes to reduce the fair and reasonable rate of subsidy compensation established for and paid Aloha Airlines, Inc. (Aloha) in the above-titled proceeding by $695,093, and to require Aloha to refund this sum to the Government. The refund reflects a portion of the proceeds realized by Aloha in settlement of an antitrust suit against Hawaiian Airlines, Inc. (Hawaiian) over alleged monopolization practices. The facts and legal arguments which have led us to our tentative determination are set forth below.

On May 16, 1972, by Order 72-5-62 in the above-titled action, the Board awarded $789,000 in subsidy to Aloha for the period September 16, 1968, through February 28, 1969 (the subsidy period).[1] The basis for this award was the finding that Hawaiian had engaged in excessive competitive scheduling of flights during the subsidy period, and that this was the primary cause of Aloha's low load factors and attendant losses.[2] On July 3, 1972, Aloha sued Hawaiian in the U.S. District Court for the District of Hawaii,[3] alleging an attempt to monopolize air transportation in Hawaii in violation of section 2 of the Sherman Act. Aloha asserted claims for damages arising out of Hawaiian's overscheduling activities, $695,093 during and $3,670,546 after the subsidy period, and for $1,504,757 in damages arising out of an aborted merger with Hawaiian, which occurred after the subsidy period.[4] Taking note of this action, the board on February 7, 1973, amended Aloha's subsidy award to provide that the amount of subsidy shall be reduced to reflect the amount * * * of any judgment or other settlement related to the complaint filed by Aloha Airlines, Inc. against Hawaiian Airlines, Inc. in the United States District Court for the District of Hawaii, Case No. 72-3594, *on account of* any damages sustained by Aloha Airlines, Inc. during all or any part of the period September 16, 1968 through February 28, 1969.[5]

On February 14, 1975, the jury in Aloha's civil antitrust suit against Hawaiian returned a *general* verdict for Aloha, finding actual damages in the sum of $1,504,757, which corresponds to Aloha's alleged damages arising out of the aborted Aloha-Hawaiian merger. These actual damages were trebled, court costs and attorneys' fees added, and judgment entered for $5,024,257.92, but this judgment was never executed. Hawaiian appealed the case to the Ninth Circuit.[6] On August 23, 1976, Aloha and Hawaiian entered into a settlement agreement covering

all differences outstanding between and among them, including but not limited to claims, counterclaims and cross-claims made in the actions titled *Aloha Airlines, Inc.* v. *Hawaiian Airlines, Inc.*, Civil No. 72-3594 * * * in the United States District Court, District of Hawaii, [and] * * * No. 75-2886, in the United States court of Appeals for the Ninth Circuit. * * *[7]

In an attached promissory note, Hawaiian agreed to pay Aloha $1,850,000 "as full settlement of *all* claims outstanding between them, *and, in particular,* Aloha's claim for damages arising out of [the aborted merger]."[8] On August 27, 1976, the Ninth Circuit accordingly dismissed the antitrust suit.

Upon consideration of these facts, the Board on April 5, 1977, instituted an investigation "to determine whether the subsidy paid and payable Aloha [for the subsidy period] should be reduced and, if so, to determine by what amount it should be reduced."[9] Considering the lack of progress of this investigation and that the possible recovery of public money is at stake, we have decided to move forward on this matter using the expeditious show-cause procedures provided for in mail rate cases.[10] On the basis of our review of the matter, we tentatively conclude that the proviso to Order 73-2-29 requires that (1) the subsidy paid Aloha for the period September 16, 1968, through February 28, 1969, be reduced; and that (2) the amount of the reduction is the amount of damages that Aloha claimed it had suffered as the result of overscheduling practices of Hawaiian during the subsidy period, i.e., $695,093.

The subsidy awarded Aloha for the subsidy period was based on "need" considerations that no longer exist by virtue of the settlement agreement. These considerations had their basis in the damages (in the form of operating losses) inflicted on Aloha by the overscheduling practices of Hawaiian. The Board was at pains to point out that this particular basis for "need" is not inherently permanent; that any final award of subsidy to Aloha would "meet its recognizable need remaining after determination of its rights against Hawaiian;" and that "[I]f [Aloha's] need is subsequently satisfied in whole or in part by Hawaiian, Aloha's recognizable need is diminished and its subsidy rate must be reduced. * * * *Federal subsidy must be considered a last resort, which is to be retained only if recompense is not paid through the courts or by settlement and which is not to take the place of damages.* * *"[11] The Ninth Circuit Court of Appeals, in the extensive course of litigation between Aloha and Hawaiian, at one time considered a contention by Hawaiian that Aloha's antitrust suit against it could not proceed as to the overscheduling claim because the Board's award of subsidy was an adequate legal substitute for damages awarded under an antitrust suit, and that the Board had accordingly compensated Aloha for any possible damages. The Court held:

[T]he awarding of a subsidy is in no sense intended to compensate one competing car-

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[1] Aloha Airlines, Inc. and Hawaiian Airlines, Inc., Subsidy Mail Rates and Proposed Fare Increases, Order 72-5-62, May 16, 1972.

[2] Order 74-11-86, November 19, 1974, *amending* Order 72-5-62, May 16, 1972.

[3] *Aloha Airlines, Inc.* v. *Hawaiian Airlines, Inc.*, Civil No. 72-3594 (D. Hawaii, decided February 14, 1975).

[4] Plaintiff's Exhibit PX480, *Aloha Airlines, Inc.* v. *Hawaiian Airlines, Inc.*, Civil No. 72-3594 (D. Hawaii, decided February 14, 1975).

[5] Order 73-2-29, February 7, 1973, at 14-15 (emphasis added).

[6] *Aloha Airlines, Inc.* v. *Hawaiian Airlines, Inc.*, Civil No. 75-2886 (9th Cir., dismissed August 27, 1976).

[7] Docket 26235, Joint Statement of Aloha Airlines, Inc. and Hawaiian Airlines, Inc., September 14, 1976, App. A (Agreement and Mutual Release of Claims) at 1.

[8] *Id.*, App. B (Agreement and Promissory Note) at 1 (emphasis added).

[9] Order 77-4-18, April 5, 1977, at 3.

[10] *See* Rules 302-308 of the Board's Rules of Practice.

[11] Order 73-2-29, February 7, 1973, at 10 & n. 15 (emphasis added).

rier for losses inflicted upon it by unfair trade practices committed by another. The subsidy provisions are merely a stopgap to assist a carrier, whose continued existence is recognized to be in the public interest by the Board, to keep its head above water so long as its failure to do so is not the result of its own dishonest, uneconomical and inefficient management. * * *

* * * * *

* * * [T]he provision of subsidies [cannot] be considered as a substitute for damages that may be owed to a carrier. * * * [12]

By its award of subsidy, therefore, the Board acquired an interest in Aloha's claim for damages caused by Hawaiian's overscheduling during the subsidy period (the relevant claim), in that, as the proviso of Order 73-2-29 makes clear, any proceeds realized by Aloha by either judgment or settlement of its antitrust suit against Hawaiian that are "on account of" that claim must be applied to reduce Aloha's subsidy need. Aloha, in fact, raised the relevant claim in its antitrust suit, seeking damages of $695,093. The legal and factual course of the antitrust suit thus is of critical importance in determining whether any proceeds of the comprehensive Aloha-Hawaiian settlement agreement of August 23, 1976 are "an account of" the relevant claim.

As has been mentioned, the unexecuted verdict in Aloha's antitrust suit found actual damages for Aloha in an amount equal to that attached to a claim arising from bad-faith termination of an Aloha-Hawaiian merger agreement. Aloha, however, received a bare general verdict, and did not ask the judge to submit special interrogatories to the jury on Hawaiian's liability under the relevant claim.[13] We find this procedural choice remarkable, since the submission of such special interrogatories would have been a simple way to resolve any issue of subsidy payback. Aloha was instead willing to accept an award that as a matter of hornbook law is a finding of both liability and damages going to all its claims,[14] and it must live with the consequences. In this light, we give no practical weight, and certainly no legal significance, to the precise amount of the jury's damages award. We tentatively find that the jury verdict in Aloha's antitrust suit, being a general verdict, included a finding of liability on the part of Hawaiian for damages arising from the relevant claim, and that the actual damages award of $1,504,757 included an indefinite component "an account of" the relevant claim.[15]

The jury's verdict and damages award were on appeal to the Ninth Circuit Court of Appeals when Aloha and Hawaiian agreed on August 23, 1976, to settle their differences. The settlement agreement on its face encompasses all differences outstanding between the carriers, including "claims, counterclaims and cross-claims" made in the antitrust suit at both trial and appellate levels. Since the general verdict accepted by Aloha in the antitrust suit went to the relevant claim, as well as to all claims raised by Aloha in that suit, it follows, and we so tentatively find, that the relevant claim was settled by Aloha and Hawaiian in their agreement of August 23, 1976.

The promissory note appended to the settlement agreement states that the $1,850,000 Hawaiian was to pay Aloha was full settlement for all claims outstanding between them, "and, in particular," Aloha's claim arising out of the aborted merger. The manifest intent of the Aloha-Hawaiian settlement agreement, therefore, is that at least some of the proceeds of that agreement are "an account of" the general array of outstanding claims between the carriers, including the relevant overscheduling claim. We tentatively find this to be the case and that, under the proviso of Order 73-2-29, Aloha must refund that portion of the settlement proceeds "on account of" the relevant claim to the Government.

While the facts clearly indicate that a subsidy refund is in order, they do not directly indicate what the precise amount of the refund ought to be. Here again, however, the situation is of Aloha's and Hawaiian's own making; they could have specified (and, knowing of the subsidy proviso, had every reason to specify) in the settlement agreement and promissory note which portion of the proceeds were "on account of" the relevant claim. Absent any such indication from the parties, we tentatively conclude that the relevant claim, evaluated by Aloha at $695,093, was satisfied in full. It is this amount that we tentatively find has been realized by Aloha "on account of" the relevant claim in its settlement agreement with Hawaiian of August 23, 1976, and ought to be refunded to the Board. Intrinsically, this assessment of the relevant claim is reasonable, since a $695,093 claim could certainly have been seen as the "primary" component of a $789,000 subsidy award, just as the relevant claim was the "primary" cause of Aloha's subsidy need.

Notices of objection to the tentative findings and conclusions of this order are due ten (10) days from its date of service, and answers thirty (30) days from the date of service.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR, Part 302,

It is ordered, that:

1. All interested persons, and, in particular, Aloha Airlines, Inc., are directed to show cause why:

a) The fair and reasonable final rate of compensation to be paid Aloha Airlines, Inc. for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over that part of the carrier's system which is eligible for subsidy, for the period September 16, 1968, through February 28, 1969, should not be reduced on the basis of the tentative findings and conclusions set forth in this order; and

b) The reduction, assuming it is justified,[16] should not be in the amount of $695,093.00;

2. Further procedures in this docket shall be in accordance with the Rules of Practice, 14 CFR, Part 302. Any interested person objecting to the rate or the tentative findings and conclusions proposed in this order shall file a Notice of objection no later than September 15, 1978, and an Answer no later than October 5, 1978. The Notice shall specify the tentative findings and conclusions objected to; the Answer shall set forth all facts and legal arguments necessary to support the objections;

3. If no timely Notice, or, if after Notice, no timely Answer is filed, then all parties shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision of the Board; in such case, or if no timely Answer raises a material issue of fact, the Board may then enter a final order incorporating the findings and conclusions discussed above and setting the rate as specified. Nonetheless, if timely and properly supported Answers to this order are filed, the Board will give full consideration to the matters and issues raised therein before taking further action;

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[12] *Aloha Airlines, Inc.* v. *Hawaiian Airlines, Inc.*, 489 F. 2d 203, 208-10 (9th Cir. 1973), *cert. denied*, 417 U.S. 913 (1974).

[13] See FED. R. CIV. P. 49(b).

[14] See generally 89 C.J.S. *Trial* § 508, at 184 (1955).

[15] There is another circumstance which points to the same result. The judge in Aloha's antitrust case accorded collateral estoppel effect to several factual findings regarding the relevant claim made by the Board in Order 72-5-62. Hawaiian assigned this action as error in its appellate brief to the Ninth Circuit, in the course of which it clearly sought to link the relevant claim, and the collateral estoppal findings relating only thereto, to the jury's damages award. Brief for Appellant at 21-30, Aloha Airlines, Inc. v. Hawaiian Airlines, Inc., Civil No. 75-2886 (9th Cir., dismissed August 27, 1976). Since Hawaiian subjectively viewed itself as appealing an award based at least in part on the relevant claim, the claim can in no way be deemed extinguished at the time of settlement. It can be further argued that input of the collateral estoppel findings to the jury's verdict was necessarily matched by input of the relevant claim in the jury's damages award.

[16] We expect any Answers to this order to address this second proposed finding on the basis of the supposition that Aloha is required to refund subsidy.

4. If any timely Notice of objection and Answer presents material issues of fact which warrant the holding of an evidentiary hearing, then the issues for hearing shall be limited to those raised by the Notice and Answer, except as provided in 14 CFR, section 302.307; and

5. This order shall be served on Aloha Airlines, Inc., Hawaiian Airlines, Inc., the State of Hawaii, and the Postmaster General.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:[17]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-25149 Filed 9-6-78; 8:45 am]

[6320-01]

[Order 78-9-4; Docket 33019]

CHICAGO-MIDWAY EXPANDED SERVICE PROCEEDING

Order

Issued under delegated authority September 1, 1978.

Under the authority delegated in section 312.8 of the Board's Procedural Regulations, the Bureau of Pricing and Domestic Aviation is postponing the date for the filing of the environmental evaluations and fuel usage estimates in the above-referenced proceeding until September 20, 1978.

The environmental evaluations need not assess noise and pollution levels at Midway airport, since the Board has already prepared a final environmental impact statement evaluating that airport.

Accordingly,

1. We change the date for filing environmental evaluations and fuel usage estimates in the *Chicago-Midway Expanded Service Proceeding*, Docket 33019, to September 20, 1978.

2. Environmental evaluations need not assess noise and pollution levels at Midway airport.

This order will be published in the FEDERAL REGISTER.

By Michael E. Levine, Director, Bureau of Pricing and Domestic Aviation.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-25150 Filed 9-6-78; 8:45 am]

[6320-01]

[Order 78-8-177; Docket 33162]

LAKER AIRWAYS LIMITED

Statement of Tentative Findings and Conclusions and Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of August, 1978.

[17]All members concurred.

By application and petition for order to show cause filed August 7, 1978, Laker Airways Ltd. requests amendment of its foreign air carrier permit[1] to include additional authority to operate scheduled service between London, England, and Los Angeles, Calif. Laker is authorized to engage in foreign air transportation of persons and their accompanied baggage between London and New York, and to perform charter trips in foreign air transportation subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations. The application was accompanied by a diplomatic note from the British Embassy designating Laker Airways as the second United Kingdom airline to operate the London-Los Angeles route on U.K. Route 1 of the U.S.-U.K. Air Services Agreement (Bermuda II), and by a copy of Laker's license approved by the U.K. Civil Aviation Authority, authorizing London-Los Angeles operations.

In support of its application, Laker Airways states that the requested London-Los Angeles route is contained in the bilateral Agreement, demonstrating that the proposed air services are in the public interest; that it has been appropriately designated to operate the route by the Government of the United Kingdom; that it is substantially owned and effectively controlled by nationals of the United Kingdom; that it is fit, willing and able properly to perform the London-Angeles "Skytrain" air service proposed in its application and to conform to the provisions of the Federal Aviation Act, and the rules, regulations and requirements of the Board;[2] and that, pursuant to Article 3(6) of the U.S.-U.K. Air Services Agreement, the Government of the United Kingdom has been cooperative in ensuring that U.S. airlines receive U.K. operating authorizations or amendments on short notice.

By letter dated August 14, 1978, Laker Airways requests that the Board modify its standard tariff condition to permit it to file an initial tariff lower than may be in effect for any U.S. air carrier in the same foreign air transportation. It states that because it plans to commence service over the new route on September 26, 1978, the existing tariff requirement will prevent it from doing so. We disagree. Laker Airways would be free to file a subsequent tariff (even on the same day) at the rates set forth in its petition for show cause[3] under the provisions for short notice effectiveness.[4] Nevertheless, considering the fact that the applicant has submitted its proposed fares, and interested parties will have an opportunity to object, we will modify our standard tariff condition to provide that the initial tariff filed contained rates no lower than those set forth in its petition for show cause.

Finally, we find that the amendment of Laker Airways' foreign air carrier permit is not a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969[5] and while constituting a "major regulatory action" under the Energy and Policy and Conservation Act of 1975 (EPACA), as defined in § 313.4(a)(1) of the Board's Regulations, the benefits to the public and the decrease in fuel used per passenger mile far outweigh the negative impact of the additional fuel usage.

Under the Board's regulations, any action which results in a net annual change in aircraft fuel consumption of 10 million gallons or more constitutes a major regulatory action within the meaning of EPACA. By the terms of EPACA, the Board should include in any major regulatory action a statement of its probable impact on energy efficiency and consumption sufficient to indiciate that energy conservation considerations were not disregarded in the process of making a route award. Laker states that it will carry approximately 200,000 passengers in the first year of operation and that the proposed service will consume about 16.3 million gallons of fuel. In considering the impact of the award on energy efficiency, the Board must take into consideration that in a low-fare "Skytrain" type of service as here proposed, load factors would be higher and therefore fuel use per passenger mile would be correspondingly less. Because a Laker-type operation is more fuel efficient than that of regularly scheduled air services, and because the route is provided for in the Bermuda II Agreement and would be

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[1]Order 77-6-68, effective June 13, 1977, for one year. Laker request for amendment and renewal, Docket 32311, has been transmitted to the President. The applicant relies upon the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c) to continue its existing permit in force.

[2]The applicant relies on the recent findings of the Board in Order 78-6-61, June 8, 1978, on the ownership and control and fitness issues to support its application.

[3]The applicant proposes a one-way Los Angeles-London standby fare of $220 from September 1 to May 31 and $248 from June 1 to August 31. The one-way London-Los Angeles standby fare is proposed at £84 from October 1 to June 30 and £96 July 1 to September 30.

[4]See Subpart P (§ 221.190) of the Board's Economic Regulations.

[5]This finding is based upon the fact that Laker proposes to operate only one daily roundtrip between Los Angeles and London. Considering that there are hundreds of daily flights operated into and out of Los Angeles International Airport, the proposed increase in aircraft operations will be *de minimis*.

to the advantage of the general travelling and shipping public, we are fully persuaded that grant of the new route should not be denied on an energy-impact basis. We find, therefore, that the benefits to the public will far outweigh the negative energy impact of the additional fuel usage and that grant of the requested authority is clearly in the public interest.

On the basis of the foregoing and all the facts of record, the Board tentatively finds and concludes:

1. That Laker Airways Ltd. is substantially owned and effectively controlled by nationals of the United Kingdom;

2. That Laker Airways Ltd. is fit, willing, and able properly to perform the transportation described in the specimen permit attached to this order, and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board;

3. That it is in the public interest to amend the foreign air carrier permit of Laker Airways Ltd. in the specimen form attached;

4. That the initial tariff condition in Laker's amended permit should not apply to London-Los Angeles, provided the initial tariffs filed are the same as those set forth in Laker's petition for order to show cause;

5. That the public interest requires that the exercise of the privileges granted by the amended permit shall be subject to the condition set forth below; the terms, conditions, and limitations contained in the specimen permit attached to this order; and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board:

The exercise of the privileges granted by the permit shall be subject to the condition that, except as otherwise may be provided by the Board, the holder shall file monthly statements with the Board's Bureau of Accounts and Statistics, within 30 days after the end of each month, listing by direction of travel, the number of flights operated, the number of seats available for sale, and the number of seats sold (excluding infants).

6. That the public interest does not require an oral evidentiary hearing;

7. That the amendment of the Laker Airways Ltd. foreign air carrier permit is not a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, and while constituting a "major regulatory action" under the Energy Policy and Conservation Act of 1975, as defined in § 313.4(a)(1) of the Board's regulations, the benefits to the public and the decrease in fuel used per passenger mile far outweigh the negative impact of the additional fuel usage; and

8. That except to the extent granted, the application of Laker Airways Ltd. in Docket 33162 should be denied.

It is therefore ordered that:

1. All interested persons are directed to show cause why the Board should not (1) make final its tentative findings and conclusions stated here; and (2) issue an amended foreign air carrier permit to Laker Airways Ltd., subject to the approval of the President, in the specimen form attached;

2. Any interested person having objection to the issuance of an order making final the Board's tentative findings and conclusions and issuing the proposed amended foreign air carrier permit shall, no later than September 11, 1978, file with the Board and serve on the persons named in paragraph 5, a statement of objections specifying the part or parts objected to, and shall include a summary of testimony, statistical data, and concrete evidence to be relied upon in support of the objections. If an oral hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts would be expected to be established through such hearing which cannot be established in written pleadings;

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

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

5. This order shall be served on Laker Airways Ltd., the Ambassador of Great Britain and Northern Ireland in Washington, D.C., and the Departments of State and Transportation.

This order will be published in the FEDERAL REGISTER.

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

By the Civil Aeronautics Board.[7]

PHYLLIS T. KAYLOR,
Secretary.

UNITED STATES OF AMERICA, CIVIL AERONAUTICS BOARD, WASHINGTON, D.C.

PERMIT TO FOREIGN AIR CARRIER

(as amended)

LAKER AIRWAYS LIMITED

is authorized, subject to the provisions set forth below, the provisions of the Federal Aviation Act of 1958, and the orders, rules and regulations of the Board, to engage in foreign air transportation with respect to persons and their accompanied baggage, as follows:

1. Between the terminal point London, England, and the terminal point New York, N.Y.

2. Between the terminal point London, England, and the terminal point Los Angeles, Calif.

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

The initial tariff filed by the holder shall not set forth rates, fares and charges lower than those that may be in effect for any U.S. air carrier in the same foreign air transportation: *However,* this limitation shall not apply to a tariff filed after the initial tariff regardless of whether this subsequent tariff is effective before or after the introduction of the authorized service.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of the United Kingdom of Great Britain and Northern Ireland for British international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the United Kingdom of Great Britain and Northern Ireland shall be parties.

By accepting this permit, as amended, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit, as amended.

The holder shall keep on deposit with the Board a signed counterpart of Agreement CAB 18900, an agreement relating to liability limitations of the Warsaw Convention and The Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of

[7] All Members concurred.

the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in Agreement CAB 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and address of the member insurers.

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

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

The Civil Aeronautics Board, through its Secretary, has executed this permit and affixed its seal on_____.

Secretary.

(SEAL)

Issuance of this permit to the holder approved by the President of the United States on in_____.

[FR Doc. 78-25151 Filed 9-6-78; 8:45 am]

[6320-01]

[Order 78-8-172]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Instituting Investigation and Granting Exemptions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of August, 1978.

In the matter of Houston Service Investigation, Docket 33320, applications of, Pan American World Airways, Inc., American Airlines, Inc., Texas International Airlines, Inc., Dockets 32178, 32179, 32255, 32257, 32278, for new or amended certificate of public convenience and necessity. Application of Pan American World Airways, Inc., Docket 32180; for an exemption pursuant to section 416(b).

On February 28, 1978, Pan American World Airways filed applications seeking domestic authority between Houston, Tex., on the one hand, and New York, Miami, Los Angeles, and San Francisco, on the other, subject to a condition that all flights be operated (by through-plane or by flight number) in foreign or overseas air transportation. In the case of Houston-New York, the condition would require all flights to be operated in transatlantic foreign air transportation. Pan American characterizes its applications as requests for fill-up authority.[1] The carrier also seeks an exemption *pendente lite* to provide fill-up service limited to one round trip a day on domestic legs of the proposed international service.[2]

Concurrently with the filing of its applications, Pan American filed two petitions for orders to show cause why its applications should not be granted.[3]

Low fares are proposed for the domestic portions of Pan American's flights. It will offer domestic passengers a regular coach fare 25 percent below existing coach fares, an APEX fare 35 percent below existing regular coach (midweek), and a standby fare 30 percent below regular coach.

In support of its applications, Pan American states generally that grant of the requested authority would strengthen its international operations, including its growing Houston operations, and would result in immediate service improvements in the domestic markets affected (including new low fares) without resulting in significant diversion from domestic carriers. It contends that show-cause procedures are the proper vehicle for processing its applications, as indicated by the numerous recent grants of fill-up authority by the Board through such procedures.

Answers in opposition to Pan American's request for Houston/Miami/Los Angeles/San Francisco authority were filed by American Airlines, Continental Air Lines, Texas International Airlines (TXI) and National Airlines. American and Delta Air Lines oppose Pan American's Houston-New York application.

Pan American's opponents argue that its applications are not really for fill-up authority, but rather requests for wholly new domestic authority. Continental and American point out that not only does Pan American not now operate over the segments for which it is requesting fill-up authority, but it does not even hold the authority to do so. TXI notes that one of Pan American's proposed flights requires a 2 hour and 40 minute change-of-gauge connection from the domestic to the international portion of the flight. It contends that by using connections such as this, Pan American, with its extensive international operations at Miami and Los Angeles, could operate an essentially domestic turnaround service if awarded the requested authority.

The opponents differ as to how the Board should proceed. TXI states that we should not grant Pan American the requested authority by exemption, since the benefits of its proposed services do not warrant the grant of an exemption, and its contention that it needs carrier strengthening would only justify such a grant in emergency circumstances. TXI does not oppose grant of the applications by show-cause procedures, provided, however, that TXI's applications for authority in the markets at issue are also granted.[4]

American contends that neither an exemption nor a certificate amendment by show-cause procedures would be proper because of its pending competitive applications for nonstop authority in the Houston-New York and Houston-Los Angeles markets.[5] Continental, while opposing show-cause treatment, states that it is willing to agree to a 1-year exemption for Pan American if it limits operations to one daily round trip in each market, maintains the proposed fares, and has its operations monitored by the board to determine whether the service is truly designed to be an integral part of its

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[1] Flights beyond Los Angeles and San Francisco would be on a change-of-gauge basis, and the carrier requests authority to operate any of the proposed flights on such a basis.

[2] In Docket 32178, Pan American seeks Houston-New York certificate authority; in Docket 32179, it seeks Houston-Miami/Los Angeles/San Francisco certificate authority; in Dockets 32180 and 32181, Houston-New York exemption authority was granted by Order 78-6-123, June 19, 1978.

Pan American also filed an application for an exemption in the New York-Los Angeles/San Francisco markets. That application will be handled in a separate order.

[3] In the case of Houston-New York, the petition was filed by Pan American and the city of Houston and the Houston Chamber of Commerce.

[4] TXI filed an application for Houston-Miami/Los Angeles/San Francisco authority in Docket 32278, and a motion to consolidate.

[5] American has not accompanied its applications in Dockets 32255 and 32257 with either a motion for hearing or a motion to consolidate.

international operations.[6] National also opposes use of show-cause procedures, stating that Pan American is really seeking entry into domestic markets; that there would be little public benefit from the proposed services; that Pan American would suffer heavy losses; and that there would be a serious negative impact on other carriers in the affected markets.[7] National also points out that Pan American's proposed operations will require in excess of 13 million gallons of fuel, exceeding the Board's threshold level for consideration of energy conservation under EPCA.

Delta opposes a permanent fill-up award in the Houston-New York market, but does not object to the grant of an exemption to Pan American through July 1980, the date its nonstop Houston-London rights become effective.[8] Delta contends that a fill-up award after that date would seriously weaken Pan American's incentive to provide nonstop Houston-London service.

Answers in support of Pan American's applications were filed by the Department of Transportation, the Department of Justice, the city of New York, Coral Gables Chamber of Comerce, Dade County, People of the State of California and the Public Utilities Commission of the State of California, and the city of Houston and Houston Chamber of Commerce.[9]

We have decided to institute a proceeding to consider the need for new authority in the four Houston markets covered by Pan American's application: Houston-New York, Houston-Miami, Houston-Los Angeles, and Houston-San Francisco. In order to retain the greatest flexibility in considering the grant of new authority, we will not impose any pretrail restrictions limiting the authority in issue in any manner.

It is our view that the best way to insure that this case will move froward rapidly is to limit it to these four markets. We wish to point out, however, that our disinclination to include other Houston markets does not mean that they will not be considered by us in other proceedings. This is plainly evident both from our greatly expanded route program and from an examination of the proceedings now pending before the Board, which include three separate cases investigating the need of various Houston markets besides the ones at hand.[10] We suggest, therefore, that those who desire investigations of other Houston markets file separate applications and motions for hearing rather than seek consolidation in this proceeding.

As we have made clear in recent decisions (see *e.g., Oakland Service Case,* Order 78-4-121), we believe that market forces are more likely to result in optimum service at optimum fares since the market-selection process operates continuously and efficiently. We will therefore consider the possible grant of permissive authority to all fit, willing and able applicants, and the extent to which such awards encourage the efficiency, innovation and competition deemed to be in the public interest by section 102 of the act. In view of this, we are less inclined than we were when we laid down the policy in our order instituting the *Chicago-Albany/Syracuse-Boston Competitive Service Investigation,* Order 77-12-50, to give heavy weight in carrier selection to the offer or failure to offer low prices, since open competition will insure these offers more effectively than restrictive carrier selection based on their promise.

We are therefore concerned about the delay and costs of the evidentiary burdens which traditional carrier-selection cases entail for the parties, the board and the Board's staff, and particulary with the burden of introducing and evaluating evidence that will be unnecessary if the case results in multiple permissive awards. We invite the parties and the administrative law judge to explore ways of reducing the quantity of requiring exhibit material, eliminating deplication and superfluous detail, standardizing methodology, and focusing on the significant facts and assumptions. Specifically, we are interested in reducing or eliminating the tremendous amount of detail on schedules, traffic, profitability and diversion typically required to adjudicate the issue of comparative carrier selection. The possibility of stipulating facts and eliminating comparative selection evidence should be carefully explored. In particular, carriers interested in being selected for a market only if multiple, permissive authority is awarded generally should be excused from submitting the full panoply of comparative selection evidence for that market.[11] Further, although low fares naturally will continue to be reflected in any revenue estimates submitted, we are not interested in any detailed comparative examination of the price quality options arrived at by the various applicants. Ultimately, of course, we leave the resolution of all of these matters to the administrative law judge.

Pan American's Exemption Request

In Docket 32180 Pan American has requested principally an exemption to provide one daily round trip on a Tokyo-San Francisco-Houston-Miama-Rio de Janeiro routing. The San Francisco-Tokyo portion is Pan American's existing B-747/747SP round-trip flight 11/12; and the Miami-Rio portion is Pan American's existing nonstop flight 400/441. The carrier also proposes a single daily flight between Houston and Los Angeles and continuing beyond on a change-of-gauge basis to Hawaii and the South Pacific. The limited issue here is whether pending the conclusion of the *Houston Service Investigation,* we should permit Pan American to connect two existig flights via Houston and to provide limited new service from Houston to Hawaii and the South Pacific via Los Angeles.

We believe that the rapidly changing competitive structure in international air transportation brought about largely through the efforts of the United States, coupled with Pan American's unique Latin American certificate, has a unique impact on Pan American—the only U.S. flag carrier with virtually no domestic system. We believe this situation plainly establishes an unusual circumstance causing an undue burden sufficient to warrant the use of our exemption power to permit the limited domestic fill-up operations it has proposed.[12] We there-

[6] Continental also proposes that the exemption be conditioned on it first being permitted to implement its recently awarded South Pacific authority, which it contends it has been prevented from doing by Pan American's scheduling policies.

[7] Continental also raises the issue of diversion in the Houston-Los Angeles and Houston-Miami markets, two of its key markets.

[8] See Order 78-6-123.

[9] The latter two parties submitted motions to file late documents in Dockets 31278, 31279 and 31280. We will grant the motions.

[10] Baltimore/Washington-Houston Low Fare Route Case, Docket 31870; Houston-Tampa/Orlando, Docket 31921; Houston/New Orleans-Yucatan Route Proceeding, Docket 29789.

[11] Moreover, for those who wish to pursue a traditional carrier-selection theory of the case, detailed cost accounting evidence, e.g., separate estimates for every segment or each type of fare, need not be required to justify the various price and quality proposals. For the Board's purposes, an analysis of profit of any applicant's proposal shall be adequate if the expense estimates are calculated in accordance with the methodology described for local service carrier route applicants in the Board's procedural regulations. 14 CFR 302.1101 *et seq.,* Subpart K and PR-172, April 14, 1978. Applicants including new entrants, whose data are not included in this costing system shall submit costings based on their internal company data, in Subpart K format to the extent feasible. While all applicants are of course free to include estimates of expense computed using a different methodology, we do not believe that it is a fruitful use of the applicants', the staff's or the Board's resources to require an analysis of the cost of an applicant's proposal by a second costing method.

[12] At the July 25, 1978, Sunshine Meeting, we voted 2-2 on the exemption request and it failed for want of a majority. The Chairman, after further reflection on the matter, in light of the written statement prepared by Member Bailey, concluded that the exemptions could be justified under section 416(b) of the act and that the situation here

Footnotes continued on next page

fore will grant the requested exemptions for a period of 18 months or until 60 days after a final decision in this proceeding.

Grant of the exemption is in the public interest. Pan American's proposed service in this case would offer immediately substantially more convenient international service to the residents of Houston, and to a lesser extent to the residents of San Francisco, Los Angeles, and Miami. Houston, because of its size, location and growth rate has the potential of becoming a major U.S. international gateway,[13] but currently has only once-a-week service to Venezuela and no single carrier service to the Pacific. The granting of the requested exemption would give Houston daily single carrier service to Tokyo, points in the South Pacific, and daily single-plane service to Rio de Janeiro.

Enforcement of the certification requirements creates an undue burden on Pan American. Pan American holds international authority on separate segments of Route 132, to serve Rio from both San Francisco and Houston; but because of the archaic certificate language drafted in 1949, it does not have the flexibility to operate profitably in these markets. Unlike more recent international certificates[14] the wording of Pan american's begins abroad and reads toward the United States. The route description of segment 1 which authorized service to Brazil starts in Buenos Aires and proceeds by means of numerous bifurcation points through the Caribbean, Central America and Mexico to sixteen separate branches of U.S. terminals and coterminals (see attached route map). Thus, because of this 1949 certificate Pan American could not offer the proposed San Francisco-Houston-Miami-Rio flights even without the requested fill-up authority unless it were granted an exemption by the Board.

Because of the certificate wording, pan American is unable to link weak traffic terminal/coterminal points on one branch with stronger points on another for purposes of mounting profitable Latin American flights. Thus, while Pan American can provide single-plane service between San Francisco or Houston and Rio, it cannot serve either via the most logical intermediate point—Miami. Since the traffic at the former two points is insufficient to support operations without the Miami stop, they must go without direct service.

In recent years, virtually every trunkline carrier has received some international authority, much of which has had some diversonary effect on Pan American. While this impact alone may not warrant the wholesale grant by exemption of unlimited domestic authority, the situation is compelling enough to justify the granting of the limited authority requested here. The incumbents have labeled Pan American's request for an exemption to carry fill-up as one for new purely domestic authority. While our approval of this request will permit Pan American—in a very limited way—to serve Miami, Los Angeles, and San Francisco from Houston, we believe the proposed routes are clearly international in character since the limited domestic services are tied to international schedules, and have extremely long-haul segments at each end.[15]

Pan Amercian's operations have been affected by rapidly changing U.S. policy. The Board has fought for a year to bring the price of international air transportation (as well as domestic) down to a level commensurate with the costs of efficient operations governed by the discipline of competition. In the past, U.S. carriers like Pan American, could afford to fly half-empty planes across the country and still make a profit on international service. This is no longer the case. In a competitive environment, the ability of carriers to extend the benefits of low-fare international travel to travelers from points that generate only limited traffic depends upon their ability to eliminate the requirement that international passengers bear the full cost of flying between the domestic coterminals on international flights.

For all these reasons, we have decided to grant the requested exemptions.[16] Our failure to do so would unduly stall for at least a year Pan American's efforts to establish efficient new international routings that would benefit many consumers while at the same time we are expediting, in a variety of other actions, the awards of new authority to both foreign and U.S carriers over many portions of its existing system. Our decision should not be viewed as an invitation for Pan American to realign its system and gain substantial domestic authority by exemption. This is a one-shot decision intended to offset the specific burden imposed by the confluence of its restrictive certificates and our rapidly changing international policy.[17] If Pan American has an overall plan for its system which includes widescale use of domestic authority, it should file an application for a system realignment, which the Board is now prepared to entertain.

Our action is not a major Federal action within the meaning of the National Environmental Policy Act of 1969; and our action is not an endorsement by the Board that this operation is a hardship which qualifies the applicant for additional fuel allocation under the Mandatory Aviation Fuel Allocation Program administered by the Department of Energy.

Accordingly, *it is ordered* that:

1. Pan American World Airways, Inc. be exempted temporarily from the provisions of section 401 of the Act and the terms, conditions and limitations of its certificates of public convenience and necessity to the extent necessary to permit it to transport persons, property and mail on one daily round trip:

(a) Houston and Miami and San Francisco provided that all flights stop at all three points, continue beyond San Francisco to Tokyo and beyond Miami to Rio de Janeiro, and the domestic portions of the service be conducted with B-707's;

(b) Houston and Los Angeles provided that all flights originate or ter-

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Footnotes continued from last page

is distinguishable procedurally from the one presented by Pan American's request for an exemption to provide Miami-Los Angeles service which failed for want of a majority in Order 78-7-59, July 13, 1978.

[13] For example, despite the lack of adequate single-plane service between 1972 and 1974, Houston-Europe traffic grew almost 30 percent while, during the same period, overall U.S.-Europe traffic declined steeply. *Transatlantic Route Proceeding*, Order 77-1-98, Appendix *V*, p. 32.

[14] See e.g., Pan American's certificate for Route 132, Part II, segments 1, 2, and 3; Northwest's certificate for Route 179; TWA's certificate for Route 147, segment 1(A).

[15] San Francisco-Tokyo is over 5,000 miles and Miami-Rio de Janeiro is over 4,000 miles.

[16] The Board has rejected as a policy matter the possible uneconomic nature of the service or the potential for limited diversion as a basis for denying new authority. Because the service is to restricted both in frequency and capacity, it should have little impact on the incumbents. Further, the granting of this limited exemption *pendente lite* will in no way prejudice other applicants because the operations are limited in scope and require no additional investment by Pan American for equipment or terminal faciliities. In *Pan American World Airways, Coterminal Exemption*, 47 C.A.B. 708 (1967), the Board granted Pan American an exemption pending final decision in the *Transpacific Route Inverstigation*, permitting it to combine East Coast and West Coast coterminals so a transatlantic passenger whose journey terminated on the West Coast would not be forced to transfer to another carrier if he or she chose to stopover on the East Coast. The Board granted this authority so Pan American would have authority equivalent to several foreign carriers. In granting the exemptions, the carrier did not have to make any capital expenditures or take other actions that "could not be readily undone should the ultimate decision on its certificate application . . . be unfavorable." Id. 9716)

[17] The Board is deeply troubled by the continuing refusal of the Australian Government to permit entry by Continental. While we are doing all we can to convince the Australians to do so, we do not believe it proper to deny Pan American needed relief because of the actions of a foreign government.

minate at Houston or points in the South Pacific, all flights serving Houston serve Los Angeles, and all service between Houston and Los Angeles be operated with B-707's;

2. The authority in paragraph 1 be effective immediately, and continue in effect for eighteen (18) months or until sixty (60) days after final decision in Docket 33320, whichever occurs first;

3. A proceeding to be designated the *Houston Service Investigation*, Docket 33320, be instituted under sections 401 and 204 of the Act and set for hearing before an Administrative Law Judge of the Board at a time and place to be determined later;

4. The issues in this proceeding shall include:

(a) Whether the public convenience and necessity require the grant of additional certificated route authority between Houston, Texas, on the one hand, and New York, New York, Miami, Florida, Los Angeles, California, and San Francisco, California, on the other;

(b) If so, which air carrier(s) should be authorized; and

(c) Whether the new or existing authority should be subject to any terms, conditions or limitations;

5. Any authority awarded in this proceeding shall be Category II subsidy ineligible;

6. The applications of Pan American World Airways, in Dockets 32178 and 32179, and Texas International Airlines, in Docket 32278, be consolidated into the proceeding instituted by paragraph 3, above;

7. The motion to consolidate of Texas International Airlines be granted;

8. The petitions for orders to show cause of Pan American and the City of Houston and the Houston Chamber of Commerce be denied;

9. The motion for leave to file late documents of the City of Houston and the Houston Chamber of Commerce in Dockets 32178, 32179 and 32180 be granted;

10. Those listed in the attached appendix be made parties to the proceeding instituted by paragraph 3, above;

11. Petitions for reconsideration of this order, applications and motions to consolidate, shall be filed within twenty (20) days following the date of service of this order, and answers shall be filed within ten (10) days thereafter;[18] and

12. Pan American, TXI and all carriers filing applications that they seek to have consolidated into the investigation shall file environmental evaluations pursuant to § 312.12 of the Board's Regulations within thirty (30) days of the date of service of this order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

All Members concurred except Member Minetti who filed the concurrence and dissent which is filed as a part of the original document.

[FR Doc. 78-25152 Filed 9-6-78; 8:45 am]

[18] We delegate to the presiding administrative law judge the authority to consolidate by order applications that conform to the scope of the proceeding.

[6335-01]

COMMISSION ON CIVIL RIGHTS

ALASKA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Alaska Advisory Committee (SAC) of the Commission will convene at 5 p.m. and will end at 10 on September 10, 1978, Hotel Barnof, 127 Franklin Street, Juneau, Alaska 99801.

Persons wishing to attend this planning meeting should contact the Committee Chairperson or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Wash. 98174.

The purpose of this meeting is to plan for the September 11 and 13 open meetings on employment and affirmative action for minorities and women in Alaska State government.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., September 1, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-25159 Filed 9-6-78; 8:45 am]

[6335-01]

ALASKA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Alaska Advisory Committee (SAC) of the Commission will convene at 5 p.m. and will end at 10 p.m. on September 11, 1978, Superior Court House, Court Room A, Fourth and Seward Street, Juneau, Alaska; and September 13, Anchorage Federal Building, U.S. Courthouse, 605 West Fourth Street, Anchorage, Alaska.

Persons wishing to attend this factfinding meeting should contact the Committee Chairperson or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Wash. 98174.

The purpose of this meeting is employment and affirmative action for women and minorities in Alaska State government.

These meetings will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., September 1, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-25158 Filed 9-6-78; 8:45 am]

[3510-07]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on household relationship, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the decennial census.

Summary results of special censuses are published semiannually in the "Current Population Reports—Series P-28," prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by the tracts.

The data shown in the following table are the results of special censuses conducted since December 31, 1977, for which tabulations were completed between August 1 and August 31, 1978.

Dated: August 31, 1978.

MANUEL D. PLOTKIN,
Director, Bureau of the Census.

State/place or special area	County	Date of census	Population
Alabama:			
Shelby County		April 21	56,081
Illinois:			
Lynwood Village	Cook	May 8	3,181
McHenry City	McHenry	June 16	10,059
South Jacksonville Village	Morgan	June 21	3,379
Indiana:			
Crown Point City	Lake	May 11	15,840
Iowa:			
Garner City	Hancock	June 5	2,682
Latimer City	Franklin	do	444
Louisiana:			
Leonville Village	St. Landry	July 26	987
New Jersey:			
Barnegat Township	Ocean	May 30	7,478
North Dakota:			
Rolette City	Rolette	June 26	704
Pennsylvania:			
Palmer Township	Northampton	May 31	13,941

[FR Doc. 78-25105 Filed 9-6-78; 8:45 am]

[351022]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976. (Pub. L. 94-265) will meet to: (1) Review status reports on development of fishery management plans; (2) consider foreign fishing permit applications, if any; and (3) conduct other fishery management business.

DATES: The meeting will commence Monday, October 16, 1978, at 1:30 p.m. and adjourn at about noon on Wednesday, October 18, 1978. The meeting is open to the public.

ADDRESS: The meeting will be held at the Holiday Inn Central, 111 West Fortune Street, Tampa, Fla.

FOR FURTHER INFORMATION CONTACT:

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Fla. 33609, telephone 813-228-2815.

Dated: August 31, 1978.

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

[FR Doc. 78-25154 Filed 9-6-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of public meeting.

SUMMARY: The Scientific and Statistical Committee of the Mid-Atlantic Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) will meet to discuss: (1) Management Plans including Squid, Mackerel, Butterfish, Other Flounders, and Surf Clam/Ocean Quahog and (2) Other fishery management matters.

DATES: The meeting will begin at 9 a.m. on October 6, 1978, and will adjourn at approximately 3 p.m.

ADDRESS: The meeting will be held at the Brandywine Hilton, I-95 and Naamans Road, Claymont, Del. 19703, phone 302-792-2701.

FOR FURTHER INFORMATION CONTACT:

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Del. 19901, 302-674-2331.

Dated: September 1, 1978.

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

[FR Doc. 78-25147 Filed 9-6-78; 8:45 am]

[3510-22]

PACIFIC FISHERY MANAGEMENT COUNCIL

Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Public meeting with partially closed session.

SUMMARY: The Pacific Fishery Management Council and its scientific and Statistical Committee will conduct a series of meetings, October 11-13, 1978.

DATES: The Council meetings will start at 1 p.m., Wednesday, October 11, 1978, and at 8 a.m. on October 12 and 13, 1978, adjourning at 5 p.m. on all days. The Scientific and Statistical Committee meetings will start at 9 a.m. on Wednesday, October 11, 1978, and 10 a.m. on October 12, 1978, adjourning at 5 p.m. on both days.

ADDRESS: The Council and the Scientific and Statistical Committee meetings will be held at the Los Angeles Marriott Hotel, located at 5855 West Century Boulevard, Los Angeles, Calif.

FOR FURTHER INFORMATN CONTACT:

Mr. Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 Southwest Mill Street, Second Floor, Portland, Oreg. 97201, telephone 503-221-6352.

Dated: August 31, 1978.

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

SUPPLEMENTARY INFORMATION: The Pacific Fishery Management Council was established by the Fishery Conservation and Management Act of 1976 (Pub. L. 94265), and the Council has established a Scientific and Statistical Committee to assist in carrying out its responsibilities. The Scientific and Statistical Committee is as follows:

OCTOBER 11-12, 1978

(1) Development of fishery management plans: Comprehensive salmon; ocean salmon for 1979; squid; groundfish; billfish; dungeness crab; jack mackeral; and pink shrimp.

(2) Operational and procedural matters of the Council, including advisory panel and management plan development team activities.

(3) Public comment period beginning at 3:30 p.m. on October 11.

(4) Other committee business.

OCTOBER 11, 1978

(1) Consideration of one or more of the following management plans under development: 1979 trawl fisheries (Preliminary Management Plan)—proposed amendments; comprehensive salmon; 1979 ocean salmon—time schedule for implementation; squid; groundfish; billfish; dungeness crab; jack mackerel; and pink shrimp.

(2) Review of communications from other agencies and organizations.

OCTOBER 12, 1978

(1) Closed 2-hour session (8 a.m. to 10 a.m.) to discuss classified material on the status of current maritime boundary and resource negotiations between the United States and Canada.

(2) Consideration of one or more of the following management plans under development: 1979 trawl fisheries (Preliminary Management Plan)—proposed amendments; comprehensive salmon; 1979 ocean salmon—time schedule for implementation; squid; groundfish; billfish; dungeness crab; jack mackerel; and pink shrimp.

(3) Consideration of reports from ad hoc committees.

(4) Review of communications from other agencies and organizations.

(5) Public comment period beginning at 4:30 p.m.

OCTOBER 13, 1978

(1) Consideration of one or more of the following management plans under development: 1979 trawl fisheries (Preliminary Management Plan)—proposed amendments; comprehensive salmon; 1979 ocean salmon—time schedule for implementation; squid; groundfish; billfish; dungeness crab; jack mackerel; and pink shrimp.

(2) Consideration of foreign fishing applications, if any.

(3) Operational and procedural matters of the Council, including its staff, advisory panels, and committee activities.

(4) Consideration of reports from ad hoc committees.

(5) Review of communication from other agencies and organizations.

The Council and the Scientific and Statistical Committee expect to address each of the items of the agenda above. Time restraints may require that some items be deferred to a later meeting. In addition, there is a possibility that late items of importance may be added to the agenda after the appearance of this announcement. Interested parties should contact the Executive Director as mentioned above to obtain a more detailed agenda.

The Scientific and Statistical Committee meeting will be open to the public. The Council meeting will also be open to the public except for the first agenda item on the second day. The closed session of the Council meeting is planned for the early morning of October 12, 1978, from 8 a.m. through 10 a.m. to hear and discuss Department of State security classified material on the status of current maritime boundary and resource negotiations between the United States and Canada. Only those Council members, SSC members, and staff having security clearances will be allowed to attend this closed session.

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of its General Counsel, formally determined, on June 27, 1978, pursuant to seciton 10(d) of the Federal Advisory Committee Act, that the agenda covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public pariticipation therein, because items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1) as information which is properly classified pursuant to Executive Order 11652. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 53217, Department of Commerce.)

[FR Doc. 78-25153 Filed 9-6-78; 8:45 am]

[3510-11]

United States Travel Service

TRAVEL ADVISORY BOARD

Meeting

On August 7, 1978, notice was given in the FEDERAL REGISTER (43 FR 34830), that the Travel Advisory Board would meet on Spetember 26, 1978. Notice is hereby given that the Travel Advisory Board meeting will begin at 8 a.m., in Room 4833 of the Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C., instead of the originally scheduled time of 9 a.m.

Established in July 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended, and the Act of July 19, 1940, as amended.

Agenda items are as follows:

1. Report on Pow Wow
2. Report on ICO restructuring
3. Status of USTS offices in Tokyo and London
4. Marketing plans fiscal year 1979
5. USTS' fiscal year 1979 budget
6. Progress report on USTS' reorganization

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation or oral statement will be allowed.

Sue Barbour, Travel Advisory Board Liaison Officer, of the United States Travel Service, Room 1856, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202-377-4752), will respond to public requests for information about the meeting.

FABIAN CHAVEZ, Jr.,
Assistant Secretary for Tourism.

[FR Doc. 78-25121 Filed 9-6-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

REPUBLIC OF CHINA

Increasing Import Restraint Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products

AUGUST 30, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the levels of restraint applicable to cotton textile products in categories 313, 333/334/335, 338/339, 340, 341, 347/348, wool textile products in the group and categories 434, 440 and 445/446 and man-made fiber textile products in categories 633/634/635, 638, 640, 641, 643/644, 645/646, 647 and 648, produced or manufactured in the Republic of China and exported to the United States during the agreement year which began on January 1, 1978. (A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978, (43 F.R., 884), as amended on January 25, 1978 (43 F.R. 342), March 3, 1978 (43 F.R. 8828) and June 22, 1978 (43 F.R. 26773)).

SUMMARY: Paragraph 7 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 8, 1978, between the Governments of the United States and the Republic of China, provides for designated percentage increases for certain categories during the agreement year which began on January 1, 1978. The purpose of this notice is to advise that the levels of restraint established for the year which began on January 1, 1978 for cotton textile products in categories 313, 333/334/335, 338/339, 340, 341, and 347/348, wool textile products in the group and categories 434, 440 and 445/446 and man-made fiber textile products in categories 633/634/635, 638, 640, 641, 643/644, 645/646, 647 and 648 have been increased to account for the amounts prescribed.

EFFECTIVE DATE: August 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On June 16, 1978, a letter dated June 15, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the FEDERAL REGISTER (43 F.R. 26102), which established the levels of restraint applicable to certain specific categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of China, and exported to the United States during the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the levels of restraint established for categories 313, 333/334/335, 338/339, 340, 341, 347/348, 434, 440, 445/446 and 633/634/635, 638, 640, 641, 643/644, 645/646, 647 and 648 to the designated amounts.

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

AUGUST 30, 1978.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

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

DEAR MR. COMMISSIONER: On June 15, 1978, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of China, and exported to the United States during the agreement year which began on January 1, 1978, in excess of designated levels of restraint. The Chairman advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 8, 1978, between the Governments of the United States and the Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on August 30, 1978, the levels of restraint established in the directive of June 15, 1978 for cotton, wool and man-made fiber textile products in categories 313, 333/334/335, 338/339, 340, 341, 347/348, 434, 440, 445/446, 633/634/635, 638, 640, 641, 643/644, 645/646, 647, and 648 to the following levels:

Category	Amended 12-month level of restraint [1]
313	42,696,954 sq. yd[2].
333/334/335	95,815 doz. of which not more than 50,180 doz. shall be in cat. 333/334 and not more than 60,008 doz. shall be in cat. 335
338/339	467,117 doz.
340	619,038 doz.
341	358,590 doz.
347/348	792,754 doz. of which not more than 389,347 doz. shall be in cat. 347 and not more than 601,596 doz. shall be in cat. 348.
434	373,334 numbers.
440	13,570 doz.
445/446	127,424 doz.
633/634/635	1,363,466 doz. of which not more than 899,229 doz. shall be in cat. 633/634 and not more than 668,758 doz. shall be in cat. 635.
638	1,446,860 doz.
640	3,094,543 doz.
641	625,947 doz.
643/644	1,639,238 numbers of which not more than 866,746 numbers shall be in cat. 643 and not more than 936,416 numbers shall be in cat. 644.
645/646	4,027,573 doz.
647	1,813,874 doz.
648	3,055,502 doz.

[1]The levels of restraint have not been adjusted to reflect any imports after December 31, 1977.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implemenation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the implementation of such actions, falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

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

[FR Doc. 78-24845 Filed 9-6-78; 8:45 am]

[1]The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 8, 1978, between the Governments of the United States and the Republic of China which provide, in part, that: (1) Within the aggregate and group limits, specific ceilings may be exceeded by designated percentages; (2) these same levels may be increased for carryforward up to 7.15 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[4810-25]

COUNCIL ON WAGE AND PRICE STABILITY

RISING PRICES OF BUILDING MATERIALS

Hearing

Notice is hereby given under the Council on Wage and Price Stability Act, Pub. L. 93-387, as amended, of a hearing concerning the rising prices of building materials, particularly gypsum, cement, asphalt roofing, and lumber products. The hearing will be held at 10 a.m., October 3 and 4, in room 2008 of the New Executive Office Building, 17th and H Streets, NW., Washington, D.C. The hearing will be chaired by Council Director Barry P. Bosworth.

The hearing will consist of an inquiry into the reasons for the price increases, the economic effects of the increases, the prospects for the future, and possible solutions. It will consist of testimony by representatives of the major manufacturers of gypsum, cement, roofing, and lumber products, trade associations, users, and other interested parties.

Attendance is open to the interested public but is limited to the space available. Any member of the public may file a written statement with the Council before, during, or after the hearing. For additional information about attendance or the filing of statements, please contact the Council on Wage and Price Stability, 202-456-6757.

Dated: August 31, 1978.

BARRY P. BOSWORTH,
Director, Council on Wage and Price Stability.

[FR Doc. 78-25174 Filed 9-6-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER78-568]

FLORIDA POWER CORP.

Filing of Contract Amendment

AUGUST 31, 1978.

Take notice that Florida Power Corp. (Florida Power), on August 23, 1978, tendered for filing an amendment to its contract for interchange service with the city of Tallahassee, Fla. Florida Power states that the amendment, which was added to the contract by mutual agreement, affects charges for firm, interchange service during periods of maintenance or unexpected outage by pricing those charges at the seller's fuel cost from the unit producing the energy for the month in which the energy was sold.

Florida Power proposes an effective date of September 23, 1978.

According to Florida Power copies of this filing were served upon the city of Tallahassee and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 September 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25122 Filed 9-6-78; 8:45 am]

[6740-02]

[Docket No. ER78-579]

NEW BEDFORD GAS AND EDISON LIGHT CO.

Service Agreement

AUGUST 31, 1978.

Take notice that on August 24, 1978, New Bedford Gas and Edison Light Co. ("New Bedford") filed, pursuant to section 205 of the Federal Power Act, a Service Agreement by and between itself and Boston Edison Co. ("Edison").

New Bedford indicates that under the terms of such Service Agreement, New Bedford has agreed to wheel power for Edison's account in amounts sufficient to satisfy Edison's requirements for construction power and emergency shut-down/start-up power at its Pilgrim Nuclear Station. The tendered rate schedule is proposed to become effective on December 1, 1977, an even date closely following the date upon which New Bedford placed its newly constructed Monomet 115/23 kV Bulk Substation into commercial service, thus enabling New Milford to commence wheeling electric power for Edison's account. New Bedford has requested that the Commission's notice requirements be waived pursuant to § 35.11 of the Commission's regulations in order to allow the tendered rate schedule to become effective as proposed on December 1, 1977.

Copies of this filing have been served by New Bedford upon Edison.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with section 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25123 Filed 9-6-78; 8:45 am]

[6740-02]

[Docket No. ER78-578]

PUBLIC SERVICE CO. OF INDIANA, INC.

Proposed Tariff Change

AUGUST 31, 1978.

Take notice that Public Service Co. of Indiana, Inc., on August 24, 1978, tendered for filing pursuant to the Service Agreement between Hendricks County Rural Electric Membership Corp. and Public Service Co. of Indiana, Inc., a Fourth Supplemental Agreement.

PSIC states that said Supplemental Agreement provides for a new delivery point designated as the Montclair-69 delivery point. PSCI further states that service will commence at the delivery point sometime in the future.

A copy of the filing was served upon Hendricks County Rural Electric Membership Corp., according to PSCI.

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 September 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25124 Filed 9-6-78; 8:45 am]

[6740-02]

[Docket No. ER78-569]

SOUTHERN CALIFORNIA EDISON CO.

Proposed Tariff Change

AUGUST 31, 1978.

Take notice that Southern California Edison Co. (Edison) on August 24, 1978, tendered for filing a change of rate for interruptible transmission services under the provisions of Edison's agreement with the city of Pasadena, as embodied in Rate Schedule FPC No. 88. Edison states that the new rate for these services are as follows:

Source of Pasadena nonfirm energy	Scheduled to Edison at—	Delivered to Edison at—	Maximum rate of delivery (megawatts)	Mills per kilowatt-hour scheduled and delivered to Goodrich sub.	
				Current	Change to
Pacific Northwest	Sylmar	Sylmar	25	0.33	0.34
Nevada/Salt River	Mead	Eldorado	50	1.24	1.25
Others	...do	Mead	50	1.39	1.40

Edison further states that said filing is in accordance with terms of the agreement stating that whenever the California Public Utilities Commission (CPUC) finds a new overall rate of return on retail operations to be reasonable for Edison * * * the rate of interruptible transmission service shall be adjusted based on said new rate of return.

Edison proposes an effective date of July 26, 1978, and therefore requests

waiver of the Commission's notice requirements.

Copies of this filing were served upon the city of Pasadena, Calif., and the public utilities commission of the State of California, according to Edison.

Any person desiring to be heard or to protest this application should file 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 September 8, 1978. Protest 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 persons wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25125 Filed 9-6-78; 8:45 am]

[6740-02]

[Docket No. ER78-570]

SOUTHERN CALIFORNIA EDISON CO.

Proposed Tariff Change

AUGUST 31, 1978.

Take notice that Southern California Edison Co. (Edison) on August 24, 1978 tendered for filing a change of rate for interruptible transmission services under the provisions of Edison's agreement with the city of San Diego, as embodied in Rate Schedule FPC No. 86. Edison states that the new rate for services is 1.46 mills per kilowatt-hour. Edison further states that this is an increase of .01 mill per kilowatt-hour. According to Edison said filing is in accordance with terms of the agreement stating that whenever the California Public Utilities Commission (CPUC) finds a new overall rate of return on retail operations to be reasonable for Edison * * * the rate for interruptible transmission service shall be adjusted based on said new rate of return.

Edison proposes an effective date of July 26, 1978, and therefore requests a waiver of the Commission's notice requirements.

Edison indicates that copies of this filing were served upon the city of San Diego, Calif., and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file petition to intervene 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 September 8, 1978. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25126 Filed 9-6-78; 8:45 am]

[6740-02]

[Docket No. ER78-571]

SOUTHERN CALIFORNIA EDISON CO.

Proposed Tariff Change

AUGUST 31, 1978.

Take notice that Southern California Edison Co. (Edison) on August 24, 1978, tendered for filing a change of rate for interruptible transmission services under the provisions of Edison's agreement with Pacific Gas & Electric Co. as embodied in Rate Schedule FPC 87. Edison states that this is an increase of .02 mills per kilowatthour. Edison further states that said filing is in accordance with terms of the agreement stating that whenever the California Public Utilities Commission (CPUC) finds a new overall rate of return on retail operations to be reasonable for Edison * * * the rate for interruptible transmission service shall be adjusted based on said new rate of return.

Edison proposes an effective date of July 26, 1978, and therefore requests waiver of the Commission's notice requirements.

According to Edison copies of this filing were served upon Pacific Gas & Electric Co., and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file a petition to intervene 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 September 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25127 Filed 9-6-78; 8:45 am]

[6740-02]

[Docket No. ER78-572]

SOUTHERN CALIFORNIA EDISON CO.

Proposed Tariff Change

AUGUST 31, 1978.

Take notice that Southern California Edison Co. (Edison) on August 24, 1978, tendered for filing a change of rate for interruptible transmission services under the provisions of Edison's Agreement with Pacific Gas & Electric Co. as embodied in Rate Schedule FPC 89. Edison states that this is an increase of .02 mill per kilowatt-hour. Edison further states that said filing is in accordance with terms of the agreement stating that whenever the California Public Utilities Commission (CPUC) finds a new overall rate of return on retail operations to be reasonable for Edison * * * the rate for interruptible transmission service shall be adjusted based on said new rate of return.

Edison proposes an effective date of July 26, 1978, and therefore requests waiver of the Commission's notice requirements.

According to Edison copies of this filing were served upon Pacific Gas & Electric Co., and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file a petition to intervene 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 September 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25128 Filed 9-6-78; 8:45 am]

[6740-02]

[Docket No. ER78-573]

SOUTHERN CALIFORNIA EDISON CO.

Proposed Tariff Change

AUGUST 31, 1978.

Take notice that Southern California Edison Co. (Edison) on August 24, 1978, tendered for filing a change of rate for interruptible transmission services under the provisions of Edison's Agreement with city of Glendale, tendered for filing with the CPUC on July 28, 1978. Edison indicates that this is an increase of .02 mill per kilowatt-hour. Edison further indicates that said filing is in accordance with terms of the agreement stating that whenever the California Public Utilities Commission (CPUC) finds a new overall rate of return on retail operations to be reasonable for Edison * * * the rate for interruptible transmission service shall be adjusted based on said new rate of return.

Edison proposes an effective date of July 26, 1978, and therefore requests waiver of the Commission's notice requirements.

According to Edison copies of this filing were served upon the city of Glendale, Calif., and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file a petition to intervene 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 September 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25129 Filed 9-6-78; 8:45 am]

[6740-02]

[Docket No. ER78-574]

SOUTHERN CALIFORNIA EDISON CO.

Proposed Tariff Change

AUGUST 31, 1978.

Take notice that Southern California Edison Co. (Edison) on August 24, 1978 tendered for filing a change or rate for interruptible transmission services under the provisions of Edison's agreement with the city of Riverside, as embodied in Rate Schedule FPC No. 84. Edison states that this is an increase of .01 mill per kilowatthour. Edison further states that said filing is in accordance with terms of the agreement stating that whenever the California Public Utilities Commission (CPUC) finds a new overall rate of return on retail operations to be reasonable for Edison * * * the rate for interruptible transmission service shall be adjusted based on said new rate of return.

Edison proposes an effective date of July 26, 1978, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the city of Riverside, Calif., and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file a petition to intervene 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 September 8, 1978. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25130 Filed 9-6-78; 8:45 am]

[6740-02]

[Docket No. ER78-575]

SOUTHERN CALIFORNIA EDISON CO.

Proposed Tariff Change

AUGUST 31, 1978.

Take notice that Southern California Edison Co. (Edison) on August 24, 1978, tendered for filing a change of rate for interruptible transmission services under the provisions of Edison's agreement with the city of Anaheim, as embodied in Rate Schedule FPC 83. Edison indicates that this is an increase of .01 mill per kilowatthour. Edison further indicates that said filing is in accordance with terms of the agreement stating that whenever the California Public Utilities Commission (CPUC) finds a new overall rate of return on retail operations to be reasonable for Edison * * * the rate for interruptible transmission service shall be adjusted based on said new rate of return.

Edison proposes an effective date of July 26, 1978, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the city of Anaheim, Calif., and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest said application should file a petition to intervene 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 September 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25131 Filed 9-6-78; 8:45 am]

[6740-02]

[Docket No. ER78-582]

UPPER PENINSULA POWER CO.

Filing

AUGUST 31, 1978.

Take notice that Upper Peninsula Power Co. (UPPCO) on August 25, 1978, tendered for filing pursuant to § 205 of the Federal Power Act and Part 35 of the Federal Energy Regulatory Commission's Regulations a letter agreement dated July 10, 1978 for the sale of short-term firm power by UPPCO to the city of Marquette Board of Light and Power. UPPCO indicates that this agreement for the sale of short-term firm power has been consummated in accordance with the provisions of § 4.03 of the Interconnection Agreement between UPPCO and Marquette dated March 7, 1978 (UPPCO Rate Schedule FERC No. 20).

UPPCO states that under the proposed agreement, UPPCO will sell to Marquette 4000 kW of firm electric generating capacity from September 3, 1978 through December 30, 1978, and continuing thereafter until April 28, 1979 at the mutual agreement of the parties. UPPCO accordingly requests that the effective date of this letter agreement be September 3, 1978, and requests waiver of the notice provisions of Section 35.3 of the Commis-

sion's Regulations in order to permit the commencement of service at that time.

Copies of the filing were served on the city of Marquette Board of Light and Power.

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 and 1.10). All such petitions or protests should be filed on or before September 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25132 Filed 9-6-78; 8:45 am]

[6740-02]

[Docket No. ER78-577]

WISCONSIN POWER & LIGHT CO.

Filing

AUGUST 31, 1978.

Take notice that on August 24, 1978, Wisconsin Power & Light Co. (WPL) tendered for filing a Wholesale Power Contract dated May 9, 1978, between the city of Wisconsin Rapids and WPL.

WPL states that this contract provides for service to a new customer at a new delivery point and consequently the parties made Application to and received a Certificate of Authority from the Public Service Commission of Wisconsin to establish an interconnection.

WPL requests an effective date of September 15, 1978, and therefore requests waiver of the commission's notice requirements.

According to WPL, copies of this filing have been provided to the city of Wisconsin Rapids and the Public Service Commission of Wisconsin.

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 September 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25133 Filed 9-6-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 960-5]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

National Emission Standards for Hazardous Air Pollutants

On December 23, 1971 (36 FR 24876), March 8, 1974 (39 FR 9308), August 6, 1975 (40 FR 33152), September 23, 1975 (40 FR 43850) and November 22, 1976 (51397), under section 111 of the Clean Air Act, as amended, the Administrator of the Environmental Protection Agency (EPA) promulgated regulations establishing standards of performance for new stationary sources (NSPS). On April 6, 1973 (38 FR 8820) and October 21, 1976 (41 FR 4650), under section 112 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for hazardous air pollutants (NESHAP) for four pollutants. Sections 111(c) and 112(d) direct the Administrator to delegate his authority to implement and enforce NSPS and NESHAP to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On January 23, 1976, the Regional Administrator notified David Standley, commissioner of the Massachusetts Department of Environmental Quality Engineering (DEQE), that authority to implement and enforce specified standards of performance for new stationary sources and national emission standards for hazardous air pollutants was being delegated to the Massachusetts DEQE. The original notice of delegation appeared in the May 13, 1976, FEDERAL REGISTER (41 FR 19759). The Commissioner subsequently requested additional delegations of authority to implement and enforce the NSPS amendment for fossil fuel and wood residue-fired steam generators on December 27, 1976, and the vinyl chloride NESHAP regulations on February 28, 1977. EPA had adopted these regulations after the original delegation. After a review of this subsequent request, the Regional Administrator has determined that for the standards set forth in the following official letters to the Commissioner delegation is appropriate subject to the conditions set forth in the following letters and items (1) through (11) of the original delegation letter of January 23, 1976.

Mr. DAVID STANDLEY,
Commissioner, Department of Environmental Quality Engineering, Boston, Mass.

DEAR MR. STANDLEY: This is in response to your letter of December 27, 1976, requesting delegation of the authority to implement and enforce the amendments to New Source Performance Standards (NSPS) for fossil fuel-fired steam generators to include fossil fuel and wood residue-fired steam generating units as promulgated in 40 CFR part 60 on November 22, 1976.

The Environmental Protection Agency, Region I, (EPA) has reviewed the pertinent laws of the Commonwealth of Massachusetts and the rules and regulations of the Department of Environmental Quality Engineering (DEQE), and has determined that they provide an adequate procedure for implementation and enforcement of the NSPS by the Commonwealth of Massachusetts. Therefore, we hereby delegate our authority, pursuant to s111(c)(1) of the Clean Air Act, as amended, for implementation and enforcement of the NSPS for fossil fuel and wood residue-fired steam generating units as promulgated in 40 CFR part 60.

This delegation is contingent upon DEQE's acceptance of all conditions contained in the EPA Regional Administrator's January 23, 1976 letter of delegation. All conditions are incorporated herein by reference, and shall be fully effective as if they were set forth in full.

A notice announcing this delegation will be published in the FEDERAL REGISTER. All reports required in 40 CFR part 60 will be required to be sent to the DEQE as well as to EPA.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives written notice of any objections within 10 days of receipt of this letter, the DEQE will be deemed to have accepted all of the terms of this delegation.

Yours truly,

ROBERT C. THOMPSON,
Acting Regional Administrator, Region I.

Mr. DAVID STANDLEY,
Commissioner, Department of Environmental Quality Engineering, Boston, Mass.

DEAR MR. STANDLEY: This is in response to your letter of February 28, 1977, requesting delegation of the authority to implement and enforce the National Emission Standards for Hazardous Air Pollutants (NESHAP) for vinyl chloride as promulgated in the October 21, 1976, FEDERAL REGISTER at 40 CFR part 61, subpart F.

We have reviewed the pertinent laws and regulations of the Commonwealth of Massachusetts, Department of Environmental Quality Engineering (DEQE) and have determined that they provide an adequate procedure for implementation and enforcement of the NESHAP by the DEQE. Therefore we hereby delegate our authority, pursuant to 112(d)(1) of the Clean Air Act, as

amended, for implementation and enforcement of the NESHAP for vinyl chloride to the Commonwealth of Massachusetts, Department of Environmental Quality Engineering for all sources located in the State.

This delegation is based upon conditions 1-11 as contained in the EPA Regional Administrator's delegation approval letter to you on January 23, 1976. These conditions are incorporated herein by reference, and shall be fully effective as if they were set in full.

A notice announcing this delegation will be published in the FEDERAL REGISTER. All reports required in 40 CFR part 61 will be required to be sent to the DEQE as well as to EPA.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives written notice of any objections within 10 days of receipt of this letter, the DEQE will be deemed to have accepted all the terms of this delegation.

Sincerely yours,

ROBERT C. THOMPSON,
Acting Regional Administrator,
Region I.

Therefore, under the authority delegated to him by the Administrator, the Regional Administrator notified the Commissioner on July 1, 1977, that authority to implement and enforce the additional NSPS and NESHAP regulations was delegated to the DEQE. Copies of the requests for delegation of authority and related material are available for public inspection at the Environmental Protection Agency, Region I, Room 2113, JFK Federal Building, Boston, Mass. 02203.

Effective immediately, all reports required pursuant to the vinyl chloride NESHAP regulations and the NSPS amendment noted in the above letter should be submitted to EPA region I and should also be submitted to DEQE at the following address: Massachusetts Department of Environmental Quality Engineering, Division of Air Quality Control, 600 Washington Street, Boston, Mass. 02111.

This notice is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended, 42 U.S.C. 7411 and 7412.

Date: August 30, 1978.

WILLIAM R. ADAMS, Jr.,
Regional Administrator, Region I.

[FR Doc. 78-25032 Filed 9-6-78; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on August 29, 1978. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before September 25, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

INTERSTATE COMMERCE COMMISSION

The ICC requests clearance of Schedules A, I, and J to a regulation codified at 49 CFR 1109.25. This regulation was adopted in a proceeding entitled Ex Parte 338, Standards and Procedures for the Establishment of Adequate Railroad Revenue Levels. Schedules A, I, and J require the submission of data by Class I railroads concerning financial condition, flow of funds, and payments to affiliates. The data collected by the schedules is used by the Commission in yearly proceedings that it conducts to determine the adequacy of railroad revenue. Filing of the schedules is mandatory. The ICC estimates that respondents number approximately 41 and that reporting burden averages from 42 to 216 hours annually.

In Ex Parte 338, which was served on July 7, 1978, ICC made this reporting requirement effective immediately. Presumably, reporting for the period preceding June 30, 1978—ICC's reporting deadline—has been completed. However, the reporting deadline and effective date for 1978 reporting, if not completed, and future reporting is contingent on ICC's compliance with 44 U.S.C. 3512, which precludes the collection of information from 10 or more persons until the Comptroller General has had the opportunity to determine that the information required is not presently available from other Federal sources and that the proposed reporting requirement is consistent with section 3512. This notice represents the beginning of the GAO review.

JOHN M. LOVELADY,
Assistant Director,
Regulatory Reports Review.

[FR Doc. 78-25173 Filed 9-6-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[Docket No. D78-519]

AREA MANAGER AND DEPUTY AREA MANAGER, CHICAGO OFFICE

Amendment to Redelegation of Authority with Respect to Region V

AGENCY: Department of Housing and Urban Development.

ACTION: Withdrawal of Redelegation of Authority.

SUMMARY: The Assistant Secretary for Community Planning and Development is approving the withdrawal of certain power and authority from the Area Manager and Deputy Area Manager of the Chicago Area Office with respect to all Community Development Block Grant Program activities of the city of East St. Louis, Ill. This withdrawal of power and authority is being accomplished in order to centralize and facilitate the exercise of delegated power and authority of the Assistant Secretary for Community Planning and Development with respect to Title I of the Housing and Community Development Act of 1974.

EFFECTIVE DATE: July 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Ron Gatton, Regional Administrator, Region V, Chicago, 300 South Wacker Drive, Chicago, Ill. 60606, 312-353-5680.

SUPPLEMENTAL INFORMATION: On February 5, 1975, 40 FR 5386, the Assistant Secretary for Community Planning and Development redelegated certain power and authority of the Secretary with respect to Title I of the Housing and Community Development Act of 1974. In subsection A. 2. b. of that redelegation of authority it is stated that a Regional Administrator may retain in full the power and authority set forth in section A. 1. thereof, notwithstanding the limitation set forth in subsection A. 2. a., if the Regional Administrator determines that such power and authority should be withheld or withdrawn from the Area Manager and Deputy Area Manager of a specific field office over which the Regional Administrator has general supervisory direction, provided that

the Regional Administrator "shall first publish in the FEDERAL REGISTER such determination specifying the field office or offices affected and indicating approval of that determination by the Assistant Secretary for Community Planning and Development."

Consistent with the foregoing section A. 3. of the above referenced redelegation of authority grants to Area Managers and Deputy Area Managers full and exclusive final authority for the block grant program as described in section A. 1. thereof, "unless the Regional Administrator or Deputy Regional Administrator having general supervisory direction over a specific office determines as provided in section A. 2. that the community development block grant program should be administered by the Regional Office and has published such determination in the FEDERAL REGISTER."

It has been determined by the Regional Administrator for Region V that with respect to the city of East St. Louis, Ill., it is now appropriate to withdraw from the Area Manager and Deputy Area Manager of the Chicago Area Office the power and authority set forth in section A. 1. of the above referenced redelegation of authority and to retain that power and authority in the Regional Administrator. The Assistant Secretary for Community Planning and Development has approved this determination.

Accordingly, the above referenced redelegation of authority relating to Title I of the Housing and Community Development Act of 1974 is hereby amended to withdraw from the Area Manager and Deputy Area Manager of the Chicago Area Office and to invest in the Regional Administrator for Region V the power and authority of the Assistant Secretary for Community Planning and Development with respect to all activities of the city of East St. Louis, Ill. under Title I of the Housing and Community Development Act of 1974, as amended.

This amendment will remain in effect until further notice.

Issued at Washington, D.C., August 24, 1978.

RON GATTON,
Regional Administrator, Region V.

Approved:

ROBERT C. EMBRY,
Assistant Secretary for Community Planning and Development.

[FR Doc. 78-25103 Filed 9-6-78; 8:45 am]

[4210-01]

Office of the Secretary

[Docket No. D-78-520]

ACTING REGIONAL ADMINISTRATOR, REGION IV (ATLANTA)

Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Regional Administrator for Region IV.

EFFECTIVE DATE: August 2, 1978.

FOR FURTHER INFORMATION CONTACT:

George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, room 213, 1371 Peachtree Street NE., Atlanta, Ga. 30309, 404-881-2584.

DESIGNATION OF ACTING REGIONAL ADMINISTRATOR FOR REGION IV

The employees appointed to the following positions in Region IV (Atlanta) are hereby designated to serve as Acting Regional Administrator, Region IV, during the absence of the Regional Admnistrator, with all powers, functions, and duties redelegated or assigned to the Regional Administrator: Provided, That no employee is authorized to serve as Acting Regional Administrator unless all other employees whose titles precede his/hers in this designation are unable to serve by reason of absence:

1. Deputy Regional Administrator.
2. Special Assistant to the Regional Administrator.
3. Director, Office of Regional Community Planning and Development.
4. Director, Office of Regional Housing.
5. Director, Office of Regional Fair Housing and Equal Opportunity.
6. Regional Counsel.
7. Director, Office of Regional Administration.
8. Director, Program Planning and Evaluation Staff.
9. Special Assistant to the Regional Administrator (Federal Regional Council).
10. Regional Emergency Services Officer.
11. Labor Relations Officer.

This designation supersedes the designation effective January 17, 1977 (42 FR 9233, Feb. 15, 1977).

(Delegation of Authority by the Secretary effective May 4, 1962 (27 FR 4319, May 4, 1962); Dept. Interim Order II (31 FR 815, Jan. 21, 1966)).

This designation shall be effective as of August 2, 1978.

M. BRUCE NESTLEHUTT,
Deputy Regional Administrator, Region IV (Atlanta).

[FR Doc. 78-25080 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-329]

ACTING SERVICE OFFICE SUPERVISOR, REGION IV (ATLANTA)

Designation for Coral Gables and Tampa Service Offices

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Service Office Supervisor for the Coral Gables and Tampa Service Offices. This revision is necessary due to the changes in organizational structure resulting from the reorganization of the Department.

EFFECTIVE DATE: June 18, 1978.

FOR FURTHER INFORMATION CONTACT:

George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 213, 1371 Peachtree Street NE., Atlanta, Ga. 30309, 404-881-2584.

DESIGNATION OF ACTING SERVICE OFFICE SUPERVISOR FOR CORAL GABLES AND TAMPA SERVICE OFFICES

Each of the officials appointed to the following positions is designated to serve as Acting Service Office Supervisor during the absence of, or vacancy in the position of, the Service Office Supervisor with all the powers, functions, and duties redelegated or assigned to the Service Office Supervisor: *Provided*, That no official is authorized to serve as Acting Service Office Supervisor unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position.

1. Deputy Supervisor.
2. Chief, Valuation Branch.
3. Chief, Loan Management Branch.
4. Chief, Property Disposition Branch.

This designation supersedes the designation effective March 15, 1976 (41 FR 20438, May 18, 1976).

(Delegation of Authority by the Secretary effective May 4, 1962, (27 FR 4319, May 4, 1962); Departmental Interim Order II (31 FR 815, January 21, 1966))

This designation shall be effective as of June 18, 1978.

R. W. BUSKIRK,
Area Manager,
Jacksonville Area Office.

A. RUSSELL MARANE,
Regional Administrator,
Region IV (Atlanta).

[FR Doc. 78-25081 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-530]

ACTING SERVICE OFFICE SUPERVISOR, REGION IV (ATLANTA)

Designation for Orlando Service Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Service Office Supervisor for the Orlando Service Office. This revision is necessary due to the changes in organizational structure resulting from the reorganization of the Department.

EFFECTIVE DATE: June 18, 1978.

FOR FURTHER INFORMATION CONTACT:

George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Adminstration, Atlanta Regional Office, Department of Housing and Urban Development, Room 213, 1371 Peachtree Street NE., Atlanta, Ga. 30309, 404-881-2584.

DESIGNATION OF ACTING SERVICE OFFICE SUPERVISOR FOR ORLANDO SERVICE OFFICE

Each of the officials appointed to the following positions is designated to serve as Acting Service Office Supervisor during the absence of, or vacancy in the position of, the Service Office Supervisor with all the powers, functions, and duties redelegated or assigned to the Service Office Supervisor: *Provided,* That no official is authorized to serve as Acting Service Office Supervisor unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Chief, Valuation Branch.
2. Chief, Architectural and Engineering Branch.
3. Chief, Mortgage Credit Branch.

This designation supersedes any previous designations of Acting Service Office Supervisor.

This designation shall be effective as of June 18, 1978.

R. W. BUSKIRK,
Area Manager,
Jacksonville Area Office.

A. RUSSELL MARANE,
Regional Administrator,
Region IV (Atlanta).

[FR Doc. 78-25082 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-531]

ACTING SERVICE OFFICE SUPERVISOR, REGION IV (ATLANTA)

Designation for Memphis Service Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Service Office Supervisor for the Memphis Service Office. This revision is necessary due to the changes in organizational structure resulting from the reorganization of the Department.

EFFECTIVE DATE: June 18, 1978.

FOR FURTHER INFORMATION CONTACT:

George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 213, 1371 Peachtree Street NE., Atlanta, Ga. 30309, 404-881-2584.

DESIGNATION OF ACTING SERVICE OFFICE SUPERVISOR FOR MEMPHIS SERVICE OFFICE

Each of the officials appointed to the following positions is designated to serve as Acting Service Office Supervisor during the absence of, or vacancy in the position of, the Service Office Supervisor with all the powers, functions, and duties redelegated or assigned to the Service Office Supervisor: *Provided,* That no official is authorized to serve as Acting Service Office Supervisor unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Chief, Valuation Branch.
2. Chief, Mortgage Credit Branch.
3. Chief, Property Disposition Branch.
4. Chief, Architectural and Engineering Branch.

This designation supersedes the designation effective March 15, 1976 (41 FR 20438, May 18, 1976).

(Delegation of Authority by the Secretary effective May 4, 1962, (27 FR 4319, May 4, 1962); Departmental Interim Order II (31 FR 815, January 21, 1966))

This designation shall be effective as of June 18, 1978.

FRED O. DEBRUHL, SR.,
Acting Area Manager,
Knoxville Area Office.

A. RUSSELL MARANE,
Regional Administrator,
Region IV (Atlanta).

[FR Doc. 78-25083 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-532]

ACTING SERVICE OFFICE SUPERVISOR, REGION IV (ATLANTA)

Designation for Nashville Service Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Service Office Supervisor for the Nashville Service Office. This revision is necessary due to the changes in organizational structure resulting from the reorganization of the Department.

EFFECTIVE DATE: June 18, 1978.

FOR FURTHER INFORMATION CONTACT:

George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 213, 1371 Peachtree Street NE., Atlanta, Ga. 30309, 404-881-2584.

DESIGNATION OF ACTING SERVICE OFFICE SUPERVISOR FOR NASHVILLE SERVICE OFFICE

Each of the officials appointed to the following positions is designated to serve as Acting Service Office Supervisor during the absence of, or vacancy in the position of, the Service Office Supervisor with all the powers, functions, and duties redelegated or assigned to the Service Office Supervisor: *Provided,* That no official is authorized to serve as Acting Service Office Supervisor unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position.

1. Deputy Supervisor for Development.
2. Deputy Supervisor for Management.
3. Chief, Valuation Branch.
4. Chief, Architectural and Engineering Branch.

This designation supersedes the designation effective March 15, 1976 (41 FR 20438, May 18, 1976).

(Delegation of Authority by the Secretary effective May 4, 1962 (27 FR 4319, May 4, 1962); Departmental Interim Order II (31 FR 815, January 21, 1966).)

This designation shall be effective as of June 18, 1978.

FRED O. DEBRUHL, Sr.,
Acting Area Manager,
Knoxville Area Office.

A. RUSSELL MARANE,
Regional Administrator,
Region IV (Atlanta).

[FR Doc. 78-25084 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-522]

ACTING AREA MANAGER, REGION IV (ATLANTA)

Designation for Birmingham Area Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Area Manager for the Birmingham Area Office. This revision is necessary due to the changes in organizational structure resulting from the reorganization of the Department.

EFFECTIVE DATE: June 18, 1978.

FOR FURTHER INFORMATION CONTACT:

George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 213, 1371 Peachtree Street NE., Atlanta, Ga. 30309, 404-881-2584.

DESIGNATION OF ACTING AREA MANAGER FOR BIRMINGHAM AREA OFFICE

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: *Provided*, That no official is authorized to serve as Acting Area Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Area Manager.
2. Director, Housing Division.
3. Area Counsel.
4. Deputy Director for Management, Housing Division.
5. Deputy Director for Development, Housing Division.
6. Director, Community Planning and Development Division.

This designation supersedes the designation effective May 13, 1975 (40 FR 20845, May 13, 1975).

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971))

This designation shall be effective as of June 18, 1978.

JOHN E. WILSON,
Area Manager,
Birmingham Area Office.

A. RUSSELL MARANE,
Regional Administrator,
Region IV (Atlanta).

[FR Doc. 78-25085 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-521]

ACTING AREA MANAGER, REGION IV (ATLANTA)

Designation for Atlanta Area Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Area Manager for the Atlanta Area Office. This revision is necessary due to the changes in organizational structure resulting from the reorganization of the Department.

EFFECTIVE DATE: June 18, 1978.

FOR FURTHER INFORMATION CONTACT:

George A. Milburn, Jr., director, Management and Budget Division, Office of Regional Administration, atlanta Regional Office, Department of Housing and Urban Development, Room 213, 1371 Peachtree Street NE., Atlanta, Ga. 30309, 404-881-2584.

DESIGNATION OF ACTING AREA MANAGER FOR ATLANTA AREA OFFICE

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: *Provided*, That no official is authorized to serve as Acting Area Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Area Manager.
2. Director, Housing Division.
3. Director, Community Planning and Development Division.
4. Area Counsel.

This designation supersedes the designation effective May 13, 1975 (40 FR 20845, May 13, 1975).

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971))

This designation shall be effective as of June 18, 1978.

WILLIAM A. HARTMAN, Jr.,
Area Manager,
Atlanta Area Office.

A. RUSSELL MARANE,
Regional Administrator,
Region IV (Atlanta).

[FR Doc. 78-25086 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-523]

ACTING AREA MANAGER, REGION IV (ATLANTA)

Designation for Columbia Area Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Area Manager for the Columbia Area Office. This revision is necessary due to the changes in organizational structure resulting from the reorganization of the Department.

EFFECTIVE DATE: June 18, 1978.

FOR FURTHER INFORMATION CONTACT:

George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 213, 1371 Peachtree Street NE., Atlanta, Ga. 30309, 404-881-2584.

DESIGNATION OF ACTING AREA MANAGER FOR COLUMBIA AREA OFFICE

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager, during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: *Provided*, That no official is authorized to serve as Acting Area Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Area Manager.
2. Director, Housing Division.
3. Director, Community Planning and Development Division.
4. Deputy Director for Management, Housing Division.
5. Deputy Director for Development, Housing Division.
6. Area Counsel.

This designation supersedes the designation effective May 13, 1975 (40 FR 20845, May 13, 1975).

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971)).

This designation shall be effective as of June 18, 1978.

FRANKLIN H. CORLEY, Jr.,
Area Manager,
Columbia Area Office.

A. RUSSELL MARANE,
Regional Administrator,
Region IV (Atlanta).

[FR Doc. 78-25087 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-524]

ACTING AREA MANAGER, REGION IV (ATLANTA)

Designation for Greensboro Area Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Area Manager for the Greansboro Area Office. this revision is necessary due to the changes in organizational structure resulting from the reorganization of the Department.

EFFECTIVE DATE: June 18, 1978.

FOR FURTHER INFORMATION CONTACT:

George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 213, 1371 Peachtree Street NE., Atlanta, Ga. 30309, 404-881-2584.

DESIGNATION OF ACTING AREA MANAGER FOR GREENSBORO AREA OFFICE

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: Provided, That no official is authorized to serve as Acting Area Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Area Manager.
2. Director, Community Planning and Development Division.
3. Director, Housing Division.
4. Area Counsel.

This designation supersedes the designation effective May 13, 1975 (40 FR 20845, May 13, 1975).

(Delegation of Authority by the Secretary effective October 1, 1970, (36 FR 3389, February 23, 1971).)

This designation shall be effective as of June 18, 1978.

BETSY H. STAFFORD,
Area Manager,
Greensboro Area Office.

A. RUSSELL MARANE,
Regional Administrator,
Region IV (Atlanta).

[FR Doc. 78-25088 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-525]

ACTING AREA MANAGER, REGION IV (ATLANTA)

Designation for Jackson Area Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Area Manager for the Jackson Area Office. This revision is necessary due to the changes in organizational structure resulting from the reorganization of the Department.

EFFECTIVE DATE: June 18, 1978.

FOR FURTHER INFORMATION CONTACT:

George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 213, 1371 Peachtree Street NE., Atlanta, Ga. 30309, 404-881-2584.

DESIGNATION OF ACTING AREA MANAGER FOR JACKSON AREA OFFICE

Each of the officals appointed to the following positions is designated to serve as Acting Area Manager during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: *Provided,* That no official is authorized to serve as Acting Area Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Area Manager.
2. Director, Housing Division.
3. Director, Community Planning and Development Division.
4. Deputy Director for Development, Housing Division.
5. Deputy Director for Mangement, Housing Division.
6. Director, Adminstrative Management Division.

This designation supersedes the designation effective September 11, 1975 (40 FR 54279, November 21, 1975).

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971).)

This designation shall be effective as of June 18, 1978.

JAMES S. ROLAND,
Area Manager,
Jackson Area Office.

A. RUSSELL MARANE,
Regional Adminstrator,
Region IV (Atlanta).

[FR Doc. 78-25089 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-526]

ACTING AREA MANAGER, REGION IV (ATLANTA)

Designation for Jacksonville Area Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Area Manager for the Jacksonville Area Office. This revision is necessary due to the changes in organizational structure resulting from the reorganization of the Department.

EFFECTIVE DATE: June 18, 1978.

FOR FURTHER INFORMATION CONTACT:

George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 213, 1371 Peachtree Street NE., Atlanta, Ga. 30309, 404-881-2584.

DESIGNATION OF ACTING AREA MANAGER FOR JACKSONVILLE AREA OFFICE

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: *Provided,* That no official is authorized to serve as Acting Area Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Area Manager.
2. Director, Housing Division.
3. Director, Community Planning and Development Division.
4. Area Counsel.
5. Deputy Director for Management, Housing Division.
6. Deputy Director for Development, Housing Division.

This designation supersedes the designation effective February 13, 1977 (42 FR 8010, February 8, 1977).

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971).)

This designation shall be effective as of June 18, 1978.

R. W. BUSKIRK,
Area Manager,
Jacksonville Area Office.

A. RUSSELL MARANE,
Regional Administrator,
Region IV (Atlanta).

[FR Doc. 78-25090 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-527]

ACTING AREA MANAGER, REGION IV (ATLANTA)

Designation for Knoxville Area Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Area Manager for the Knoxville Area Office. This revision is necessary due to the changes in organizational structure resulting from the reorganization of the Department.

EFFECTIVE DATE: June 18, 1978.

FOR FURTHER INFORMATION CONTACT:

George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, room 213, 1371 Peachtree Street NE., Atlanta, Ga. 30309, 404-881-2584.

DESIGNATION OF ACTING AREA MANAGER FOR KNOXVILLE AREA OFFICE

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: *Provided,* That no official is authorized to serve as Acting Area Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Area Manager.
2. Director, Housing Division.
3. Director, Community Planning and Development Division.
4. Director, Administrative Management division.

This designation supersedes the designation effective September 10, 1975 (40 FR 54279, November 21, 1975).

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971).)

This designation shall be effective as of June 18, 1978.

FRED O. DEBRUHL, Sr.,
Action Area Manager,
Knoxville Area Office.

A. RUSSELL MARANE,
Regional Administrator,
Region IV (Atlanta).

[FR Doc. 78-25091 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-528]

ACTING AREA MANAGER, REGION IV (ATLANTA)

Designation for Louisville Area Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Area Manager for the Louisville Area Office. This revision is necessary due to the changes in organizational structure resulting from the reorganization of the Department.

EFFECTIVE DATE: June 18, 1978.

FOR FURTHER INFORMATION CONTACT:

George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, room 213, 1371 Peachtree Street NE., Atlanta, Ga. 30309, 404-881-2584.

DESIGNATION OF ACTING AREA MANAGER FOR LOUISVILLE AREA OFFICE

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: *Provided,* That no official is authorized to serve as Acting Area Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Area Manager.
2. Area Counsel.
3. Director, Housing Division.
4. Director, Community Planning and Development Division.

This designation supersedes the designation effective May 13, 1975 (40 FR 20846, May 13, 1975).

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971).)

This designation shall be effective as of June 18, 1978.

FRED O. PORTERFIELD,
Area Manager,
Louisville Area Office.

A. RUSSELL MARANE,
Regional Administrator,
Region IV (Atlanta).

[FR Doc. 78-25092 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-509]

ACTING AREA MANAGER, CHICAGO AREA OFFICE

Designation and Delegation of Authority

Designation of acting area manager. Each of the officials appointed to the following positions is designated to serve as acting area manager during the absence of the area manager, with all the powers, functions, and duties redelegated or assigned to the area managers: *Provided,* That no official is authorized to serve as acting area manager unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Manager
2. The Director, Housing
3. The Area Counsel
4. The Director, Community Planning & Development

Effective date. This designation and delegation shall be effective as of June 19, 1978.

ELMER BINFORD,
Area Manager,
Chicago Area Office.

[FR Doc. 78-25093 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-510]

ACTING SERVICE OFFICE SUPERVISOR, CINCINNATI SERVICE OFFICE

Designation and Delegation of Authority

Designation of Acting Service Office Supervisor. Each of the officials appointed to the following positions is designated to serve as Acting Service Office Supervisor during the absence of the Service Office Supervisor, with all the powers, functions, and duties redelegated or assigned to the Service Office Supervisors: *Provided,* That no official is authorized to serve as Acting Service Office Supervisor unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Chief, Property Disposition Branch
2. The Chief, Valuation Branch

Effective date. This designation and delegation shall be effective as of June 19, 1978.

NORMAN L. DEAS,
Service Office Supervisor,
Cincinnati Service Office.

[FR Doc. 78-25094 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-511]

ACTING SERVICE OFFICE SUPERVISOR, CLEVELAND SERVICE OFFICE

Designation and Delegation of Authority

Designation of Acting Service Office Supervisor. Each of the officials appointed to the following positions is designated to serve as Acting Service Office Supervisor during the absence of the Service Office Supervisor, with all the powers, functions, and duties redelegated or assigned to the Service Office Supervisors: *Provided,* That no official is authorized to service as Acting Service Office Supervisor unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Supervisor for Development
2. The Deputy Supervisor for Management
3. Chief, Housing Programs Branch
4. Chief, Assisted Housing Management Branch

Effective date. This designation and delegation shall be effective as of June 19, 1978.

WILLIAM J. HARRIS,
Acting Service Office Supervisor,
Cleveland Service Office.

[FR Doc. 78-25095 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-512]

ACTING AREA MANAGER, COLUMBUS AREA OFFICE

Designation and Delegation of Authority

Designation of Acting Area Manager. Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence of the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Managers: *Provided,* That no official is authorized to serve as Acting Area Manager unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Manager
2. The Director of Housing
3. The Director, Community Planning & Development
4. The Director of FHEO
5. The Area Counsel.

Effective date. This designation and delegation shall be effective as of June 19, 1978.

SYLVESTER C. ANGEL,
Area Manager,
Columbus Area Office.

[FR Doc. 78-25096 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-513]

ACTING AREA MANAGER, DETROIT AREA OFFICE

Designation and Delegation of Authority

Designation of acting area manager. Each of the officials appointed to the following positions is designated to serve as acting area manager during the absence of the area manager, with all the powers, functions, and duties redelegated or assigned to the area managers: *Provided,* That no official is authorized to serve as acting area manager unless all officials listed before him in this designation are unavailable to act by reason of absence of vacancy in the position:

1. The Deputy area manager
2. The Program Operations Officer
3. The Director of Housing
4. The Director, Community Planning & Development
5. The Area Counsel

Effective date. This designation and delegation shall be effective as of June 19, 1978.

S. W. BROWN,
Area Manager,
Detroit Area Office.

[FR Doc. 78-25097 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-514]

ACTING INSURING OFFICE DIRECTOR, GRAND RAPIDS INSURING OFFICE

Designation and Delegation of Authority

Designation of Acting Insuring Office Director. Each of the officials appointed to the following positions is designated to serve as Acting Insuring Office Director, during the absence of the Insuring Office Director, with all the powers, functions, and duties redelegated or assigned to the Insuring Office Directors: *Provided,* That no official is authorized to serve as Acting Insuring Office Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Director
2. The Director of Housing Development Division
3. The Director of Housing Management
4. The Attorney-Advisor

Effective date. This designation and delegation shall be effective as of June 19, 1978.

JOHN W. KIRKWOOD,
Insuring Office Director,
Grand Rapids Insuring Office.

[FR Doc. 78-25098 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-515]

ACTING AREA MANAGER, INDIANAPOLIS AREA OFFICE

Designation and Delegation of Authority

Designation of Acting Area Manager. Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence of the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Managers: *Provided,* That no official is authorized to serve as Acting Area Manager unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Manager
2. The Director of Housing
3. The Area Counsel
4. The Director, Community Planning and Development

Effective date. This designation and delegation shall be effective as of June 19, 1978.

HOWARD L. CAMPBELL,
Area Manager,
Indianapolis Area Office.

[FR Doc. 78-25099 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-516]

ACTING AREA MANAGER, MILWAUKEE AREA OFFICE

Designation and Delegation of Authority

Designation of Acting Area Manager. Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence of the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Managers: *Provided,* That no official is authorized to serve as Acting Area Manager unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Area Manager
2. Director of Housing
3. Director, Community Planning & Development
4. Area Counsel

Effective date. This designation and delegation shall be effective as of June 19, 1978.

JOHN KANE,
Area Manager,
Milwaukee Area Office.

[FR Doc. 78-25100 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-517]

ACTING AREA MANAGER, MINNEAPOLIS-ST. PAUL AREA OFFICE

Designation and Delegation of Authority

Designation of Acting Area Manager. Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence of the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Managers: *Provided,* That no official is authorized to serve as Acting Area Manager unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Manager
2. The Director, Housing Division
3. The Area Counsel
4. The Director, Community Planning and Development Division
5. The Director, Administrative Management Division

Effective date. This designation and delegation shall be effective as of June 19, 1978.

THOMAS T. FEENEY,
Area Manager,
Minneapolis-St. Paul Area Office.

[FR Doc. 78-25101 Filed 9-6-78; 8:45 am]

[4210-01]

[Docket No. D-78-518]

DIRECTOR, OFFICE OF REGIONAL ADMINISTRATION, ET AL.

Designation To Serve as Acting Regional Administrator (Region V) Chicago

The officers appointed to the following listed position in Region V (Chicago) are hereby designated to serve as Acting Regional Adminstrator, Region V (Chicago), during the absence of both the Regional Administrator and the Deputy Regional Administrator, with all the powers, functions, and duties redelegated or assigned to both the Regional Administrator and Deputy Administrator: *Provided,* That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose title precede his in this designation are unable to act by reason of absence:

1. Director, Office of Regional Administration.
2. Director, Office of Regional Housing.
3. Director, Office of Regional Community Planning and Development.
4. Director, Office of Regional Fair Housing and Equal Opportunity.
5. Regional Counsel.

This designation supersedes the designation effective January 1, 1977.

Effective date: July 14, 1978.

RON GATTON,
Regional Administrator,
Region V (Chicago).

[FR Doc. 78-25102 Filed 9-6-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 26176 b]

NORTHWEST PIPELINE CORP.

R/W Application for Natural Gas Meter Station Site

AUGUST 30, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., 315 East 200 South, Salt Lake City, Utah 84111, has applied for a right-of-way for a natural gas meter station site encompassing 0.143 acres on the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, MOFFAT COUNTY, COLORADO

T. 10N., R. 94W.,
Sec 27, N½ NW¼.

The above-named meter station, in conjunction with the related Rocky Mountain Natural Gas Gathering System, would enable the applicant to collect natural gas in areas through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of enviornmental and other analytic reports, necessary for determining whether or not the application should be approved and, if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.*

Any comment, claim, or objections must be filed with the Chief, Branch of adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 78-25046 Filed 9-6-78; 8:45 am]

[4310-84]

[Colorado 011902 C]

NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

AUGUST 30, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., 315 East 200 South, Salt Lake City, Utah 84111, has applied for a right-of-way for a 4¼" and 6⅝" o.d. natural gas pipeline for the Piceance Creek Gathering System approximately 2.747 miles long, across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLORADO

T. 2 S., R., 95 W.
Sec. 16, SE¼SW¼;
Sec. 21, W½W½, NE¼SW¼, NE¼NW¼;
Sec. 28, NW¼NW¼;
Sec. 29, NE¼SW¼, NW¼SE¼, W½NE¼, NE¼NE¼.

The above-named gathering system will enable the applicant to collect natural gas in areas through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and, if approved, under what terms and conditions, (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.*

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202,

as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 78-25047 Filed 9-6-78; 8:45 am]

[4310-84]

[Colorado 27131]

ROCKY MOUNTAIN NATURAL GAS CO., INC.

Pipeline Application

AUGUST 28, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Rocky Mountain Natural Gas Co., Inc., 1600 Sherman Street, Denver, Colo. 80203, has applied for a right-of-way for 3.5 inch o.d. natural gas distribution pipeline totaling approximately 2.65 linear miles across the following public lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 S., R. 97 W.,
Sections 22, 25, 26 and 36.
T. 3 S., R. 97 W.,
Sections 1 and 12, all in Rio Blanco County.

The primary purpose for construction of the proposed pipeline is to enable the applicant to convey natural gas from the Big Hole, Blue Gravel, and Black Sulphur Creek Natural Gas Fields by way of the Big Hole Natural Gas Tranmission Line to an industrial customer.

The purposes of this notice are: To inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands of having bona fide objections to the proposed natural gas pipeline right-of-way to file their objections in this office.

Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 78-25045 Filed 9-6-78; 8:45 am]

[4310-84]

[Wyoming 64694]

WYOMING

Application

AUGUST 25, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C 185), the Northwest Pipeline Corp. of Salt Lake City, Utah filed an application for a right-of-way to construct a 6⅝ inch o.d. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING,

T. 19 N., R. 112 W.,
Sec. 8, SW¼ and S½SE¼.
T. 19 N., R. 113 W.,
Sec. 10, N½NW¼, SW¼NW¼, W½SW¼, SE¼SW¼, N½SE¼ and SW¼SE¼;
Sec. 12, SW¼NE¼, SW¼NW¼ and N½S½.

The proposed pipeline will transport natural gas from the Wilson Ranch No. 4 well located in the SW¼ of section 3 thence southwesterly to a point in the SW¼ of section 10, thence easterly through section 12, T. 19 N., R. 113 W., thence easterly to extend their gathering system through section 8, T. 19 N., R. 112 W., Lincoln County, Wyo., to an existing line in section 15, T. 19 N., R. 112 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 186 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-25048 Filed 9-6-78; 8:45 am]

[4310-09]

Bureau of Reclamation

CONTRACT NEGOTIATIONS WITH FREMONT-MADISON IRRIGATION DISTRICT, MINIDOKA PROJECT, IDAHO

Intent to Begin Contract negotiations for a Rehabilitation and Betterment Program

Although the Department of the Interior has not formally adopted procedures for public participation in contract negotiations, we believe that it is in the interests of the Department to advise the public that a contract is being considered.

The Department of the Interior, through the Bureau of Reclamation, intends to open negotiations with Fremont-Madison Irrigation District leading to a contract pursuant to the Rehabilitation and Betterment Act of 1949, as amended (63 Stat. 724, 64 Stat. 11), and the Reclamation Project Act of 1939 (53 Stat. 1187), for the return of 81 percent of the costs of rehabilitating Island Park Dam. Island Park Dam and Reservoir, a feature of the Minidoka Federal Reclamation Project located in southeastern Idaho, provides a supplemental water supply to irrigated lands within the Fremont-Madison Irrigation District. The proposed work program, scheduled to begin in 1979, includes rehabilitation of the "bathtub" spillway and outlet works of the dam and modification of the emergency spillway. Costs of the program are estimated to be $2.6 million.

The public is invited to observe the negotiating sessions and to submit written comments on the form of proposed contract not later than 30 days after the completed contract draft is declared to be available to the public.

For further information on scheduled negotiating sessions and copies of the proposed contract form, please contact: Mr. Richard M. Rigby, Contract and Repayment Specialist, Division of Water, Power, and Lands, Bureau of Reclamation, P.O. Box 043, Boise, Idaho 83724, telephone 208-384-1163.

Dated: August 31, 1978.

D. D. ANDERSON,
Acting Commissioner
of Reclamation.

[FR Doc. 78-25066 Filed 9-6-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Allen Kurta, The Museum, Michigan State University, East Lansing, Mich. 48824.

The applicant requests a permit to take (capture) Indiana bats (*Myotis sodalis*) to determine their status and distribution in Michigan, using nets. Specimens will be released at the capture sites.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3185. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before October 10, 1978. Please refer to the file number when submitting comments.

Dated: September 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-25167 Filed 9-6-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Capron Park, Attleboro, Mass.

The applicant requests a permit to purchase in interstate commerce, one pair of white-handed gibbons (*Hylobates lar*) from Southwick Birds and Animals for enhancement of propagation.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3192. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before October 10, 1978. Please refer to the file number when submitting comments.

Dated: September 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S Fish and Wildlife Service.

[FR Doc. 78-25168 Filed 9-6-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Gladys Porter Zoo, 500 Ringgold Street, Brownsville, Tex. 78520.

The applicant requests a permit to import one male captive-bred ruffed lemur (*Lemur variegatus*) from the Basel, Switzerland Zoo for enhancement of propagation.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3189. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before October 10, 1978. Please refer to the file number when submitting comments.

Dated: September 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-25169 Filed 9-6-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Minnesota Zoological Garden, 12101 Johnny Cake Ridge Road, Apple Valley, Minn. 55124.

The applicant requests a permit to import one pair of captive-bred white-winged wood ducks (*Cairina scutulata*) from the Wildfowl Trust, Slimbridge, England, for enhancement of propagation.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3194. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before October 10, 1978. Please refer to the file number when submitting comments.

Dated: September 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office U.S. Fish and Wildlife Service.

[FR Doc. 78-25170 Filed 9-6-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Dr. James M. Dolan, General Curator, San Diego Wild Animal Park, Route 1, Post Office Box 725E, Escondido, Calif. 92025.

The applicant requests a permit to export six male and eleven female captive-bred Arabian oryx (*Oryx leucoryx*): four females to Shaumari Wildlife Reserve in Jordan; two males and two females to the Zurich Zoo; two males and two females to the Hannover Zoo and two males and three females to the Rotterdam Zoo. The purpose of the export is to enhance propagation of the species. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Services (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3195. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before October 10, 1978. Please refer to the file number when submitting comments.

Dated: September 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-25171 Filed 9-6-78; 8:45 am]

[4810-25]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

ADVISORY COMMITTEE ON ACTUARIAL EXAMINATIONS

Invitation for Membership on Proposed Renewed Advisory Committee

To assist the Joint Board for the Enrollment of Actuaries in the performance of the examination duties imposed on it by the Employee Retirement Income Security Act of 1974

(Pub. L. 93-406) (ERISA), the Joint Board proposes to renew, for a period of 2 years, its Advisory Committee on Joint Board Actuarial Examinations. This notice describes the advisory committee and invites applications from those interested in serving on it.

1. *General.* The Joint Board is responsible for the enrollment of individuals who wish to perform actuarial services under ERISA. To qualify for enrollment, an applicant must have actuarial experience and must satisfy either an education or examination requirement. The examination requirement may be met by successful completion of Joint Board examinations in basic actuarial mathematics and methodology and in actuarial mathematics and methodology relating to pension plans. An individual also may meet the examination requirement by successful completion of actuarial organization examinations which the Joint Board has determined cover the same subject areas, have at least a comparable level of difficulty, and require at least the same competence as its examinations. To assist the Joint Board in meeting its mandate in this area, an Advisory Committee has been established.

The Joint Board, in cooperation with the Society of Actuaries, the American Society of Pension Actuaries, and the Casualty Actuarial Society, is presently considering jointly-sponsored examinations which would be acceptable to the Joint Board for enrollment purposes, and also will be acceptable to those actuarial organizations as part of their education and examination programs.

The Joint Board and the participating actuarial organizations hope to reach agreement on a program framework which can reasonably be expected to produce examinations which are mutually satisfactory and of at least the same quality as the Joint Board's 1977 and 1978 examinations.

2. *Name of Group.* Advisory Committee on Actuarial Examinations.

3. *Purpose.* The purpose of the Advisory Committee, as renewed, will remain that of assisting the Joint Board in fulfilling its examination responsibility under ERISA. The Advisory Committee will discuss the philosophy of and topics appropriately covered by such examinations and will make recommendations on the topics to be covered. It also will recommend to the Joint Board proposed examination questions. The Joint Board will maintain liaison with the Advisory Committee in this process to insure that its views of examination content are understood.

4. *Function.* The manner in which the Advisory Committee will function in preparing examination questions will depend upon whether a jointly sponsored examination program is adopted.

Under the proposed jointly sponsored examination program, examination committees of the participating actuarial organizations would draft examination questions and submit them to the Advisory Committee for its consideration. The Advisory Committee will review the questions from those provided by the examination committees, select appropriate questions, and prepare drafts of actuarial examinations for submission to the Joint Board and the participating actuarial organizations. (Some revising of those questions may be expected, and it may be necessary for the Advisory Committee to originate questions.) These examinations would be used by the Joint Board for enrollment purposes, and by the participating actuarial organizations in their education and examination programs.

If a jointly-sponsored examination program is not adopted, the Advisory Committee's function with respect to examination questions would shift from review to initiation thereof and draft examinations would be submitted to the Joint Board alone. In addition, the Advisory Committee could be asked for its advice and recommendation with respect to the adequacy for enrollment purposes of the examinations of actuarial organizations.

5. *Membership.* The Joint Board will take steps to insure maximum practicable representation on the Advisory Committee of points of view regarding the Joint Board's actuarial examinations extant in the community of actuaries. The Joint Board anticipates appointing actuaries to the Advisory Committee from various actuarial organizations who will reflect the thinking of those organizations concerning the proper content of the examinations. Since the participating actuarial organizations in the jointly-sponsored examination program under consideration represent a large segment of the actuarial profession, this appointive process could insure expression of a broad spectrum of viewpoints. The Joint Board also anticipates appointing actuaries to the Advisory committee who, regardless of affiliation with one of the participating actuarial organizations, will express independent views. All members of the Advisory Committee, of course, will be expected to act in the public interest; that is, to produce examinations which will insure a level of competence in the actuarial profession commensurate with enrollment to perform actuarial services under ERISA.

The jointly-sponsored examination concept is in the embryonic stage at this time, and it is thus not possible to precisely predict its final form. Accordingly, those individuals who apply for membership on the Advisory Committee must be willing to adapt to possible changes in the program framework.

Membership normally will be limited to actuaries previously enrolled by the Joint Board to avoid the possibility of those who may wish to take the Joint Board's actuarial examinations in the future from being prematurely exposed to questions which may appear on such examinations. The Advisory Committee will be comprised of no more than nine members.

The Advisory Committee will meet about four to six times a year. Advisory Committee members should be prepared to devote approximately 80-120 hours, including meeting time, to the work of the Advisory committee over the course of a year. Members of the Advisory Committee will be reimbursed, in accordance with applicable Government regulations, for travel. meals, and lodging expenses incurred to attend Advisory Committee meetings.

Actuaries interested in serving on the Advisory Committee should express their interest and fully state their qualifications in a letter addressed to:

Joint Board for the Enrollment of Actuaries
c/o U.S. Department of the Treasury,
Washington, D.C. 20220.

The deadline for accepting applications is October 16, 1978.

Dated: August 31, 1978.

LESLIE S. SHAPIRO,
Executive Director.

[FR Doc. 78-25108 Filed 9-6-78; 8:45]

[4410-01]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. FREMONT BANK

Proposed Consent Judgment and Competitive Impact Statement

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), a proposed consent judgment and a competitive impact statement (CIS) as set out below have been filed with the U.S. District Court for the Northern District of California in *United States* v. *Fremont Bank*, Civil Action No. C-76-1347-LHB, filed June 30, 1976. The complaint in this case alleged that the defendant violated section 1 of the Sherman Act by selling builders commitments for low-interest, government-subsidized mortgage loans on the condition that the builders also purchase from the defendant conventional take-out commitments. The proposed judgment enjoins defendant from conditioning the availability of Government National

Mortgage Association commitments on the builder's purchase of conventional take-out commitments. The CIS describes the terms of the judgment and the background of the action. Public comment is invited within the statutory sixty (60) day waiting period. These comments and the Department of Justice's responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Kenneth C. Anderson, Chief, Special Regulated Industries Section, Antitrust Division, Department of Justice, Safeway Building, Room 504, Washington, D.C. 20530, within the statutory 60-day comment period.

Dated: August 29, 1978.

CHARLES F. B. MCALEER,
Special Assistant for Judgment Negotiations.

George Edelstein, Steven J. Gordon, Thomas L. Greaney, Constance K. Robinson, U.S. Department of Justice, Antitrust Division, Room 504, Safeway Building, Washington, D.C. 20530.

UNITED STATES DISTRICT COURT, FOR THE NORTHERN DISTRICT OF CALIFORNIA

United States of America, Plaintiff, v. *Fremont Bank*, Defendant.
Civil Action No. C-76-1347-LHB.
Filed: August 29, 1978.

STIPUALTION

It is stipulated by and between the undersigned parties, plaintiff, United States of America, and defendant, Fremont Bank, by their respective attorneys, that:

1. The parties consent that a final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16] and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipualtion, this Stipultion shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff and defendant in this or any other proceeding.

Dated: August 29, 1978.

For the Plaintiff; John H. Shenefield, *Assistant Attorney General;* Richard J. Favretto, Kenneth C. Anderson, *Attorneys, Department of Justice;* George Edelstein; Steven J. Gordon; Thomas L. Greaney; Constance K. Robinson, *Attorneys, Department of Justice.*

For the Defendant; Richard E. V. Harris; Gilbert Serota, Orrick, Herrington, Rowley & Sutcliffe, Eleventh Floor, 600 Montgomery Street, San Francisco, Calif. 94111.

George Edelstein, Steven J. Gordon, Thomas L. Greaney, Constance K. Robinson, U.S. Department of Justice, Antitrust Division, Room 504, Safeway Building, Washington, D.C. 20530, Telephone: 202-739-2244.

UNITED STATES DISTRICT COURT, FOR THE NORTHERN DISTRICT OF CALIFORNIA

United States of America, Plaintiff, v. *Fremont Bank*, Defendant.
Civil Action No. C-76-1347-LHB.
Filed: August 29, 1978.

FINAL JUDGMENT

Plaintiff, United States of America, filed its Complaint herein on June 30, 1976. Defendant Fremont Bank, in its Answer, filed August 23, 1976 denied the legal and factual allegations set forth in the complaint and defendant, Fremont Bank having appeared by its counsel, and both parties by their respective attorneys having consented to the making and entry of this Final Judgment without trial or adjudication of any fact or law herein, and without this Final Judgment constituting any evidence or any admission by either party in respect to any issue of law or fact;

NOW, THEREFORE, before any testimony has been taken herein, without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

ORDERED, ADJUDGED AND DECREED, as follows:

I

This Court has jurisdiction over the subject matter of this action and of the parties hereto. The complaint states a claim upon which relief may be granted against the defendant under Section I of the Sherman Act.

II

As used in this Final Judgment:

(A) "Defendant" shall mean Fremont Bank;

(B) "Person" shall mean any corporation, partnership, firm, individual, or any other business or legal entity;

(C) "GNMA" means the Government National Mortgage Association, an agency of the Federal Government, created to subsidize mortgages for residential buildings by making commitments to purchase mortgages and purchasing said mortgages pursuant to 12 U.S.C. 1723(e);

(D) "GNMA mortgage loan" means a below market or low interest rate mortgage subsidized by GNMA pursuant to the Emergency Housing Act of 1975, 12 U.S.C. 1723(e), which mortgage is purchased by GNMA after the loan has been made to a qualified purchaser of a single-family residence;

(E) "GNMA mortgage take-out commitment" means a promise for consideration by a lender, who has a forward commitment from GNMA, to lend a certain sum of money on specified terms at a later date to qualifying customers of a builder to finance single family residences;

(F) "Conventional take-out commitment" other than a GNMA mortgage take-out commitment, means a commitment for consideration by a lender to a builder of single family residences to lend a certain sum of money on specified terms at a later time to qualifying customers of a builder to finance their residences.

III

The provisions of this Final Judgment applicable to the defendant shall also apply to each of its officers, employees, agents, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant is enjoined and restrained from making or offering to make any GNMA mortgage take-out commitment to any person on the condition, expressed or implied, that such person obtain any conventional take-out commitment from defendant.

Nothing herein shall be deemed to prevent defendant from making or offering to make both a GNMA mortgage take-out commitment and a conventional take-out commitment to any person.

V

For the purpose of determining or securing compliance with this Final Judgment, and provided that defendant has applied to participate in a GNMA program authorized in the enabling legislation codified in 12 U.S.C. 1723(e), as amended, and any acts extending the expiration date of said law, any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant, made to its principal office, be permitted, subject to any legally recognized privilege: (a) access during the office hours of the defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession, or under the control of defendant relating to any matters contained in this Final Judgment; and (b) subject to the reasonable convenience of defendant, and without restraint or interference from it, to interview officers, directors, agents, servants or employees of the defendant, who may have counsel present, regarding any such matters. Upon the written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, defendant shall submit such reports in writing with respect to any of the matters contained in this Final Judgment as from time to time may be requested. No information obtained by the means provided in this Section V or previously obtained by plaintiff from defendant shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

If at any time, information or documents are furnished by defendant to plaintiff, defendant represents and identifies in writing the material in any such information or documents of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to defendant prior to divulging such material in any

legal proceeding (other than a Grand Jury proceeding) to which defendant is not a party.

VI

Jurisdiction is retained for the purpose of enabling either of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the modification, construction, or carrying out of this Final Judgment, for the enforcement of compliance therewith, and the punishment of violations thereof.

VII

This Final Judgment shall remain in Full Force and effect for the period of ten (10) years from the date it is entered, or the period ending ninety (90) days after the expiration of the Emergency Home Purchase Act of 1974, as amended, 12 U.S.C. 1723(e), as amended, and any acts extending the expiration date of said law, whichever is shorter.

VIII

Entry of this Final Judgment is in the public interest.

Date:

——— ———,

U.S. District Judge.

U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

United States of America Plaintiff, v. *Fremont Bank, Defendant.*

Civil Action No. C-76-1347-LHB.

Filed: August 29, 1978.

George Edelstein, Steven J. Gordon, Thomas L. Greaney, Constance K. Robinson, U.S. Department of Justice, Antitrust Division, Room 504, Safeway Building, Washington, D.C. 20530, telephone: 202-739-2244.

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and penalties Act (15 U.S.C. § 16 (b)-(h), P.L. 93-528 (December 21, 1974)) the United States of America hereby files this competitive impact statement relating to the proposed Final Judgment in this civil antitrust proceeding.

I

NATURE AND PURPOSE OF THE PROCEEDINGS

This is a civil antitrust action by the United States against Fremont bank, Fremont, California. The complaint, which was filed on June 30, 1976, alleges that the defendant has entered into unlawful contracts which restrain interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

The instant case was brought to enjoin defendant from entering into such contracts.

II

PRACTICES AND EVENTS GIVING RISE TO THE ALLEGED VIOLATION OF THE ANTITRUST LAWS

During the early 1970's mortgages for single family residences were either not available or were available only at high interest rates ranging between 9 and 10 ½ percent. The housing industry was in a depressed state. The Congress responded by passing the Emergency Home Purchase Act of 1974 (12 U.S.C. 1723(e)) a central purpose of which was to authorize the Secretary of the Department of Housing and Urban Development to make available low interest home mortgage money whenever the Secretary deemed the economic circumstances to warrant such action. A 1975 Amendment (12 U.S.C. 1723(e) § 206) authorized the Secretary to make available a maximum of $10 billion in mortgage money at any given time. Mortgages under this program have a maximum interest rate of 7 ½ percent.

The act provides that the Secretary of Housing and Urban Development shall delegate the overall administration and policy direction of the emergency mortgage program to the Government National Mortgage Association (hereinafter "GNMA"). GNMA distributes the mortgage funds to lenders through the Federal National Mortgage Association (hereinafter "FNMA") and the Federal Home Loan Mortgage Corporation (hereinafter "FHLMC").

Each participating lender receives an allocation of the GNMA mortgage money. A builder will then request that the lender commit a portion of its allocation of this money for his proposed project. The builder, in turn, will be able to guarantee that qualifying purchasers will be able to finance the purchase of the builder's home at an interest rate considerably below the prevailing market rate for conventional mortgages. Thus, the commitments of GNMA mortgage money are valuable to the builder in that it makes his homes more attractive to potential buyers.

For the commitment, a lender can charge the builder a commitment fee of a maximum of 1 percent of the amount of the commitment. This commitment fee is then remitted by the lender to GNMA.

In July, 1975, $2 billion of GNMA mortgage funds were released for distribution to lenders. The defendant received an allocation of $2,374,000. The defendant then committed its entire allocation of these funds to builders in California.

The complaint alleged that beginning in 1975, the defendant entered into contracts with builders for the commitment of GNMA mortgage funds under which the defendant would commit GNMA mortgage funds to the builders on the condition that the builders purchase from the defendant conventional take-out commitments.

According to the complaint, these contracts prevented the builders from obtaining conventional take-out commitments from lenders of their own choosing, and deprived lenders which compete with the defendant of the opportunity to issue conventional take-out commitments to such builders.

III

EXPLANATION OF THE PROPOSED FINAL JUDGMENT

The United States and defendant have agreed that a Final Judgment, in the form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act, provided that the United States has not withdrawn its consent. The stipulation provides that there has been no admission by any party with respect to any issue of law or fact. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the Judgment is conditioned upon a determination by the Court that it is in the public interest.

Section IV of the proposed final judgment enjoins the defendant from making or offering to make any GNMA mortgage take-out commitment to any person on the condition, express or implied, that such a person obtain any conventional take-out commitment from defendant. However, Section IV does not prevent defendant from otherwise making or offering to make both a GNMA mortgage take-out commitment and a conventional take-out commitment to any person.

The proposed Final Judgment expressly provides in Section III that its terms apply to the defendant's officers, employees, agents, successors, and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

Under Section V of the proposed Final Judgment, the Department of Justice will have access upon reasonable notice to the records and personnel of the defendant in order to determine the defendant's compliance with the provisions of the Final Judgment, provided that defendant has applied to participate in a GNMA program authorized in the enabling legislation codified in 12 U.S.C. 1723(e), as amended, and any acts extending the expiration date of said law. Under Section VI of the Final Judgment, jurisdiction is retained by the Court for the purpose of enabling any party to apply for such orders or directions as may be necessary to carry out the Final Judgment, for modification of any of its provisions, or for punishment of violations of it.

Section VII of the proposed Final Judgment limits its force and effect to a period of ten (10) years from the date it is entered or the period ending ninety (90) days after the expiration of the Emergency Home Purchase Act of 1974, as amended, 12 U.S.C. 1723(e), as amended, and any acts extending the expiration date of said law, whichever is shorter.

REMEDIES TO THE PRIVATE PLAINTIFF

Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured in his business or property as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust action.

Under the provision of Secton 5(a) of the Clayton Act (15 U.S.C. § 16(a)), the proposed Final Judgment may not be used as prima facie evidence in any subsequent private lawsuit which may be brought against the defendant since it is a consent judgment that will be entered before any testimony has been taken.

V

PROCEDURES AVAILABLE FOR MODIFICATIONS OF THE PROPOSED JUDGMENT

As provided by the Antitrust Procedure and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Kenneth C. Anderson, Chief, Special Regulated Industries Section, Department of Justice, Safeway Building, Room 504, Washington, D.C. 20530 within the 60-day period provided by the Act. These comments and responses to them will be filed with the Court and published in the Federal Register. All comments will be given due consid-

eration by the Department of Justice which remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should be determined that some modification of the Final Judgment is necessary.

VI

ALTERNATIVES TO THE PROPOSED FINAL JUDGMENT

The proposed Final Judgment prohibits the defendant from engaging in the illegal conduct alleged in the complaint. The only possible alternative to the judgment would be to litigate the issues. This case, however, does not involve any unusual or novel issues of fact of law which might make litigation a more desirable alternative than entry of the proposed Final Judgment.

VII

OTHER MATERIALS

There are no materials or documents which the Government considered determinative in formulating this proposed Final Judgment. Therefore none are being filed along with this Competitive Impact Statement.

GEORGE EDELSTEIN,
STEVEN J. GORDON,
THOMAS L. GREANEY,
CONSTANCE K. ROBINSON,
Attorneys,
Department of Justice.

[FR Doc. 78-25107 Filed 9-6-78; 8:45 am]

[4410-01]

NATIONAL COMMISSION FOR THE REVIEW OF ANTITRUST LAWS AND PROCEDURES

PUBLIC HEARINGS

Notice is hereby given that the National Commission for the Review of Antitrust Laws and Procedures (hereinafter "Commission") in accordance with Executive Order 12022 and section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will hold public hearings on September 12, 13, and 14, 1978 as previously noticed in FR Doc. 78-24695 (August 31, 1978) but the location of the hearings on September 12, for the hours 10 a.m. to 1 p.m., is changed to Room 2237 Rayburn House Office Building, Independence Avenue and South Capitol Street SW., Washington, D.C. The hearings scheduled for the afternoon of September 12, and for September 13 and 14 remain scheduled for Room 2141 of the Rayburn House Office Building.

For an explanation of the purpose of these hearings reference is made to the FEDERAL REGISTER notice listed above. This prior notice also set forth information relating to submissions to the Commission.

Dated: September 6, 1978.

TIMOTHY G. SMITH,
Staff Director, for John H. Shenefield, Chairman.

[FR Doc. 78-25426 Filed 9-6-78; 11:24 am]

[7537-01]

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

ARCHITECTURE, PLANNING AND DESIGN ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Architecture, Planning, and Design Advisory Panel (Professional Fellowships in Design and Design Project Fellowship Panel) to the National Council on the Arts will be held on October 2 and 3, 1978; from 9 a.m. to 5:30 p.m. on October 2, and from 9 a.m. to 5:30 p.m. on October 3, in Room 1130, Columbia Plaza Building, 2401 E Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. The accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6), and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

Dated: August 30, 1978.

JOHN H. CLARK,
Director, Office of Council and Panel Operations National Endowment for the Arts.

[FR Doc. 78-25051 Filed 9-6-78; 8:45 am]

[7537-01]

ARCHITECTURE, PLANNING, AND DESIGN ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Architecture, Planning, and Design Advisory Panel to the National Council on the Arts will be held October 4, 1978, from 9 a.m. to 5:30 p.m., in Room 1426, Columbia Plaza Building, 2401 E. Street NW., Washington, D.C.

This meeting will be open to the public on a space available basis. The topic for discussion will be Policy and Guidelines.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

Dated: August 30, 1978.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 78-25052 Filed 9-6-78; 8:45 am]

[7537-01]

FEDERAL-STATE PARTNERSHIP ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal-State Partnership Advisory Panel to the National Council on the Arts will be held October 3, 1978, from 9 a.m. to 5 p.m., and October 4, 1978, from 9 a.m. to 5 p.m., at the Grant-Humphreys Mansion, 770 Pennsylvania Street, Denver, Colo.

This meeting will be open to the public on a space available basis. The topic for discussion will be Policy and Guildelines.

Further information with reference to this meeting can be obtained from Mr. John. H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

Dated: August 30, 1978.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 78-25053 Filed 9-6-78; 8:45 am]

[7537-01]

MUSEUM ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel to the National Council on the Arts will be held on October 3 and 4, 1978; from 9:30 a.m. to 5 p.m. on October 3, 1978, and 9 a.m. to 5 p.m. on October 4, 1978, in Room 1422, Columbia Plaza Building, 2401 E. Street NW., Washington, D.C.

A portion of this meeting will be open to the public on October 3, from 9:30 a.m. to 10:30 a.m. on a space available basis. The agenda for this session will include Accessible Arts Demonstration.

The remaining sessions of this meeting on October 3, from 10:30 a.m. to 5 p.m., and October 4, from 9 a.m. to 5 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

Dated: August 30, 1978.

JOHN H. CLARK,
Director, Office of Council and Panel Operations National Endowment for the Arts.

[FR Doc. 78-25054 Filed 9-6-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 39 and 36 to Facility Operating License Nos. DPR-39 and DPR-48 issued to Commonwealth Edison Co. (the licensee) which revised Technical Specifications for operation of the Zion Station, Unit Nos. 1 and 2, located in Zion, Ill. The amendments are effective as of the date of issuance.

These amendments consist of minor administrative and editorial changes and provide consistency between Zion Station and other Commonwealth facilities in the area of fire brigade training requirements. In addition, minor changes are included to correct typographical errors contained in earlier license amendments.

The applications for these amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated June 29 and as supplemented July 18, 1978, (2) Amendment Nos. 39 and 36 to License Nos. DPR-39 and DPR-48, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Zion-Benton Public Library District, 2600 Emmans Avenue, Zion, Ill. 60099. 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 15th day of August 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-25077 Filed 9-6-78; 8:45 am]

[7590-01]

[Docket No. 50-286]

POWER AUTHORITY OF THE STATE OF NEW YORK

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR-64, issued to the Power Authority of the State of New York (the licensee), for the operation of the Indian Point Nuclear Generating Unit No. 3, located in Buchanan, Westchester County, N.Y. The amendment is effective as of its date of issuance.

The amendment increases the authorized maximum steady state reactor core power level from 2760 megawatts thermal to 3025 megawatts thermal (100 percent of rated power).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated April 20, 1977, (2) Amendment No. 17 to License No. DPR-64, (3) the Commission's related safety evaluation, (4) the Commission's safety evaluation dated April 6, 1978, relating to the removal of license condition limiting operation to 91 percent of rated thermal power for Indian Point nuclear generating unit No. 3, and (5) supplement 1 to item (4) dated April 17, 1978. 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 White Plains Public Library, 100 Martine Avenue, White Plains, N.Y. A copy of items (2), (3), (4), and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 18th day of August 1978.

For the Nuclear Regulatory Commission.

GARY G. ZECH,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-25076 Filed 9-6-78; 8:45 am]

[7590-01]

[Docket No. 50-277]

PHILADELPHIA ELECTRIC CO. ET AL.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to facility operating license No. DPR-44 issued to Philadelphia Electric Co., Public Service Electric & Gas Co., Delmarva Power & Light Co., and Atlantic City Electric Co. (the licensees), for operation of the Peach Bottom Atomic Power Station, Unit No 2, located in Peach Bottom, York County, Pa.

The amendment would revise the provisions in the technical specifications to permit operation of Peach Bottom Atomic Power Station Unit No. 2 with a new fuel type during cycle 4 and to include technical specifications associated with the operating limits for cycle 4.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By October 10, 1978, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice for domestic licensing proceedings in 10 CFR Part 2. If a request for a hearing or petition for leave to invervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will isssue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to his petition to intervene which must include a list of the contentions which he seeks to have litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by the above date. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Troy B. Conner, Jr., Esq., 1747 Pennsylvania Avenue NW., Washington, D.C. 20666, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer of the Atomic Safety and Licensing Board designated to rules on the petition and/or request, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR § 2.714(a)(i)–(v) and § 2.714(d).

For further details with respect to this action, see the application for amendment dated July 28, 1978, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126.

Dated at Bethesda, Md., this 29th day of August 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-24919 Filed 9-6-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-36]

SAFETY RECOMMENDATIONS AND RESPONSES

INTERMODAL RECOMMENDATION LETTER

During its investigations of several recent tank car derailments, the National Transportation Safety Board found that assistance provided to local public safety officials during wreckage-clearing operations involving hazardous materials needs to be improved. Safety procedures are needed for wreckage removal, product transfer, and rerailing of damaged hazardous materials cars.

Public safety officials and railroad personnel often must combine their efforts to stabilize an emergency. Past accidents have demonstrated that several days may pass before the wreckage can be cleared. Also, since hazardous materials can be released during the wreckage-clearing operations, public safety officials should monitor and maintain protective control measures in the affected area. To do so, they must understand their role in guarding against risks associated with the wreckage-clearing operation and must understanding the expectatons of all persons who plays a role in stabilizing the emergency.

The Board believes that because of the large number of hazardous materials being shipped, the circumstances under which they can be released, and the varying levels of emergency-response capability in local communities, it is unreasonable to expect all local firefighters and railroad personnel to be aware in advance of what specific public-protection measures should be taken without additional technical support.

Procedures for unloading tank cars are contained in 49 CFR 174.50, 174.67, and 174.204(a)(2); but they do not require any type of coordination with civil authorities regarding emergency control. The Board is aware that following derailments at Pensacola, Fla., on November 9, 1977, and at Waverly, Tenn., last February, the Bureau of Explosives of the Association of American Railroads developed special procedures to identify clues of potential hazardous materials releases during wreckage-clearing activities. Additional procedures to control the dangers and communicate them to firefighters are also being developed by the Bureau. Completion, implementation, and subsequent refinement of these procedures should be encouraged to reduce the vulnerability of the public, firefighters, wreckage-clearing personnel, and others to hazardous materials releases.

Accordingly, the Safety Board on August 30 recommended that the Association of American Railroads—

Complete development and documentation of safety procedures for identifying and assessing hazardous materials dangers, and for coordinating wreckage-clearing operations with local public safety officials. (I-78-14)

Disseminate these safety procedures, as soon as they are documented, to railroad personnel, wreckage-clearing contractor personnel, special emergency response team personnel, and public officials in the communities through which railroads operate. (I-78-15)

Establish a procedure for regular reviews of selected railroad wreckage-clearing operations so that these safety procedures can be upgraded promptly as new safety concerns are identified. (I-78-16)

The Safety Board has requested urgent action for the first two Class I recommendations; I-78-16 is designated "Class II, Priority Action."

Marine Recommendation Letter

Last June 17, the steam showboat *Whippoorwill* was overturned by a tornado while in transit on Lake Pomona, Kans. Of the 60 persons on board, 15 were killed and 5 were injured.

An on-scene investigation by the Safety Board to determine the probable cause of the *Whippoorwill's* capsizing was completed on June 21, and the resultant evidence is being analyzed. The Board's investigator worked closely with the Osage County Sherriff's Department to obtain physical evidence and statements from eyewitnesses.

Because of the unique configuration of the *Whippoowill* and the unusual meteorological conditions involved, the Safety Board will not complete its investigation for several months. However, preliminary analysis indicates that the *Whippoorwill's* intact stability was significantly reduced, because water was carried within its integral hull tanks and voids. Because of this reduced stability, the vessel could capsize if it is subjected to relatively low wind volocities.

As a result of the accident, the *Whippoorwill* sustained only minor damage and has resumed passenger service. The Board believes that it is highly likely that water will accumulate in its tanks and voids again in view of the design of the bilge drainage system and because the hull will probably leak from the vessel salvage operations. Accordingly, on August 30 the Safety Board addressed the following Class I, Urgent Action recommendation to the Governor of the State of Kansas; to the Kansas Steamboat Co., owner of the *Whippoorwill;* and to Mr. Bruce L. Rogers, the operator:

Inspect the *Whippoorwill* internally to insure that the hull does not leak. Keep the vessel's integral hull tanks and voids empty and dry while the vessel is underway. (M-78-62)

Pipeline Recommendation Letters

The Safety Board has issued five "Class I, Urgent Action" safety recommendations as a result of its investigation into the deaths of four employees of the Oklahoma Natural Gas Co. (ONG) last April 24 in Oklahoma City, Okla. The men were asphyxiated while working in a regulator vault in a shopping center.

Investigation of the accident showed that ONG dispatched a crew on March 29 to shut off gas service to the shopping center The crew was unable to close a valve, inside the vault, that was under water upstream of the regulator, so they disconnected the line on the low-pressure side of the regulator at a 2-inch union and plugged the line without first stopping the flow of gas. There was another valve outside the vault; however, it was paved over with asphalt, and the crew did not attempt to uncover it.

On April 24, ONG assigned a different crew to restore gas service to the shopping center. Two employees were overcome by gas while attempting to reconnect the 2-inch union without first stopping the flow of gas inside the vault. This crew also was unable to close the valve inside the vault upstream of the regulator, and they did not try to uncover the valve outside the vault. Instead, the men removed the plug and stuffed the line with a rag. When the rag was pulled out, however, they were unable to align the union properly to start the threads. The escaping gas filled the 3- by 4- by 6-foot vault within minutes and the men were overcome. Three other ONG employees entered the vault through the 19-inch opening to rescue the men and were also overcome; the crew did not have a respirator at the job site.

One man was pulled out of the vault by other ONG workers and was revived at the scene; the other four men died. A mainline valve finally was turned off, and rescue personnel with air packs removed the asphyxiated men from the vault. The five men involved had each been employed by ONG an average of 20 years, and three of them were supervisors. Although ONG has trained its men on the use of air-breathing masks, ventilators, and life-belts, the company does not have written instructions about where this safety equipment shall be used.

The Safety Board concludes that if the ONG workmen had pumped the water out of the vault and made the valve operable, of if they had uncovered the valve outside the vault so that it could be used to stop the flow of gas before connecting the 2-inch union, this accident would not have occurred. The Board has investigated similar accidents involving gas company employees who were overcome by gas while working in a vault and found that, in many cases, senior gas men who were acquainted with the hazards of natural gas were involved.

Accordingly, the Safety Board on August 28 issued safety recommendations asking that the—

Oklahoma Natural Gas Co.

Require its employees to use valves or other means to stop the flow of gas before disconnecting or reconnecting active gas lines. (P-78-53)

In training both new and long-term employees, emphasize the need to have available safety equipment while performing certain hazardous work in confined spaces and the importance of testing the atmosphere, the use of safety devices, and the use of safe procedures. (P-78-54)

Revise its safety manual to include written instructions on where and how to use safety equipment as an on-the-job complement to existing training activities. (P-78-55)

Materials Transportation Bureau, U.S. Department of Transportation:

Expedite its role in setting standards for gas company safety and health, promulgate necessary regulations, and coordinate all actions with the Occupational Safety and Health Administration to assure that regulations developed are compatible. (P-78-56)

American Gas Association:

Advise its member companies of the circumstances of this accident and urge them to review their operating practices, procedures, and regulations related to personnel working in confined areas. This review should include both promulgation of procedures and enforcement activities. (P-78-57)

In the letter addressed to the Materials Transportation Bureau, the Safety Board noted that on December 22, 1976, the Office of Pipeline Safety Operations (OPSO) issued an advance notice of proposed rulemaking in Docket No. 39. This notice proposed development of additional safety and health regulations for gas system employees and pointed out the need to better define applicability of Occupational Safety and Health Administration (OSHA) and OPSO regulations as they relate to gas system operations. The Safety Board investigated an accident, which occurred in Buffalo, N.Y., on March 26, 1977, that resulted in the deaths of two gas company employees who were performing repairs in a manhole. During its investigation the Board learned that neither OSHA nor OPSO has adequate standards governing employee safety while working in manholes or vaults.

Railroad Recommendation Letters

The Safety Board has completed its investigation of the accident which occurred last February 10 in Pittsburgh, Pa., when a trolley car suddenly turned into the path of an oncoming bus. Both the car and the bus were

owned by the Port Authority of Allegheny County. Four persons were killed, 37 persons were injured, and damage was estimated to be $48,000.

In a recommendation letter addressed to the Port Authority of Allegheny County on August 28, the Safety Board notes that operation of the track switch from one position to the other can only be done electrically by a fault in the circuit or by action initiated by a trolley operator. The trolley operator only has a capability to operate the track switch when the trolley pole of his car is on the catenary contactor switch. He can do this by using a track switch control lever on the operating console or by applying power with the power pedal.

During the investigation, the trolley car operator testified that the switch arbitrarily operated to the curve track, contrary to his desired route, seconds before his car entered the switch and that he did nothing to cause the switch to operate. However, the reported position of his car at the time the switch operated would have placed the car's trolley pole past and clear of the catenary contactor.

The switch components and cables, the circuit components, and the car in the accident were checked for faults and none were found. Operating tests through the switch, including tests conducted using the car involved in the accident, revealed no undesired operations. Therefore, since no faults were found in the circuitry and equipment, and since the reported malfunction could not be duplicated, the Board concludes that the movement of the switch was caused by the operator. The Safety Board notes that the track switch does not have any protective devices to prevent its operation if there is conflicting traffic, either trolley car or rubber-tired vehicles, in the immediate vicinity of the switch. Also, there are no signals to indicate the position of the switch or to govern traffic movements over it. Detector devices to control the operation of the switch in conjunction with governing signals for all traffic would preclude an untimely operation of the track switch.

In view of the above, the Safety Board has issued two "Class II, Priority Action" recommendations to the Port authority of Allegheny County:

Disable the inherent feature of the trolley car that permits the operation of an electric switch movement by depressing the power pedal. (R-78-49)

Provide switch-operating protection to prevent the Palm Garden Loop and similar switches from being operable when an opposing vehicle is within a danger zone. (R-78-50)

Also as a result of the investigation of this accident, the Safety Board addressed a separate recommendation letter to the Governor of Pennsylvania. The Board stated that investigation disclosed that the city of Pittsburgh apparently had no emergency disaster procedure plan. There was confusion at the scene as a result of the movement of vehicles into and out of the area where the injured persons were being treated and placed in emergency vehicles to be transported to a hospital. No one assumed command and established a central authority or command post at the accident site, although the Fire Chief to the Fourth District did assume some control of activities, the Board found. The Board ststes that emergency planning should include a detailed onsite disaster emergency plan with which all personnel are familiar, and the person or persons who are to be in command of the operations should be named. Much valuable time can be saved with such a procedure. Accordingly, the Board, also on August 28, recommended that the Governor of the Commonwealth of Pennsylvania—

Encourage and assist municipalities that have emergency response facilities to develop emergency procedures in a disaster plan that includes the designation of a controlling, onscene officer. (R-78-51)

Responses to Safety Recommendations

Aviation

A-78-9.—This was one of eight recommendations issued last March 2 as a result of the Safety Board's special study, "Emergency Locator Transmitters—An Overview." Under date of May 30 the Federal Aviation Administration initially responded to these recommendations and, with specific reference to A-78-9, stated that this recommendation had been the subject of a regulatory study. After a complete review, FAA concluded that the present rules pertaining to inspection of emergency locator transmitters (ELT) are satisfactory and that no further action was planned. (See 43 FR 26805, June 22, 1978.)

On June 21 the Safety Board requested that FAA reconsider its position regarding A-78-9 and that action be initiated to implement the recommendation. The Board noted that an FAA Directed Safety Investigation conducted in 1975 indicated that numerous unwanted ELT activations and failures to activate resulted form battery corrosion leaks, short circuits, and use beyond shelf life as well as damage of the ELT itself due to battery corrosion and leakage, and improper installation of the ELT. Also noted was that in June 1976, a letter from AFS-800 of FAA to AFS-1 concerning "Corrective Actions Based on Results from the Directed Safety Investigation—Emergency Locator Transmitters Activations" stated, among other things, that remedial action in process or planned by AFS-800 included:

2. Amend FAR 43, Appendix D, to require periodic testing of the ELT and its batteries.

NOTE.—This amendment was introduced at the December 1975 Biennial Operations Review as Proposal Number 63.

On August 9, in response to the Board's June 21 letter, FAA states that as noted in Operations Review Program Notice No. 4, No. 76-28, published at 41 FR 56290, the proposal was not dropped but was placed in deferred status. Under Operations Review procedures, the deferral of a proposal does not foreclose FAA's taking separate rulemaking action on the deferred proposal should need for such action be determined. In addition, FAA says, since the proposal was not dropped, final disposition of the proposal must be determined prior to completion of the operations Review Program.

FAA reports that as an alternative to the regulatory action recommended in A-78-9, it has initiated an educational program which focuses on the inspection and maintenance of ELT equipment. Key feature is a 35mm slide/voice presentation which portrays guidelines for conducting a 100-hour/annual aircraft inspection. In this presentation, slide numbers 105-114 are devoted to radio equipment with specific emphasis placed on the ELT by slide number 110. FAA reports that a copy of this presentation has been distributed to each General Aviation District Office, available to mechanic schools, flight schools, accident prevention counselors, and any other interested aviation organizations.

After receiving the Board's request for reconsideration of A-78-9, FAA states that it reviewed both Proposal No. 61 and 14 CFR Part 43, Appendix D. FAA concludes that, at the present time, the regulations providing for the inspection of ELT equipment are satisfactory.

Marine

M-75-10 and 11.—Letter of August 11 from the U.S. Coast Guard reports on implementation of recommendations issued as a result of investigation into the explosion and fire on board the tank barge *Ocean 80* at Carteret, N.J., on October 25, 1972.

Recommendation M-75-10 asked Coast Guard to evaluate, with the assistance of local fire departments, the effectiveness of terminal firefighting capabilities and require changes necessary to reduce hazards to other properties, marine craft, and the environment. Coast Guard states that it is now considering comments received on its proposed rules for waterfront facilities, published in the Federal Register on April 10, 1978, and, after these comments and opinions have been considered, will develop detailed updated waterfront facility regulations.

In response to M-75-11, which recommended that Coast Guard thor-

oughly investigate for 1 year all oil pollution incidents involving cargo transfer spills to evaluate the adequacy of 33 CFR Parts 154 through 156. Coast Guard reports publication in the FEDERAL REGISTER of June 27, 1977, of a notice of proposed rulemaking revising these regulations. Three public hearings were held in November 1977 and more than 100 written comments have been received, in addition to the oral comments at the hearings. Coast Guard plans to publish the final rule in late September.

Pipeline

P-76-14 and 15.—By letter of August 7, Mid-Valley Pipeline Company reports on actions taken in response to recommendations issued following investigation of the January 17, 1975, rupture of the company's crude oil terminal in Lima, Ohio.

A study and analysis of the entire Mid-Valley pipeline system was conducted to identify any conditions which might exist where pressure relief systems could not prevent an accident such as the Lima accident from occurring. One other location has been identified as needing additional pressure relief capability. Implementation of this relief system involves receiving facilities owned by a Mid-Valley shipper, and Mid-Valley is negotiating for permission to implement this system.

As recommended, a pressure relief system, designed to provide adequate pressure relief protection not only for Lima facilities but also the 20-inch pipeline between Pyrmont and Lima, was installed along with the reconstruction of the Lima facilities. Mid-Valley further reports that existing procedures prohibiting routine parking of vehicles in or near buildings where hazardous materials are handled have been enforced.

Railroad

R-77-36.—Amtrak on August 4 responded to the Safety Board's inquiry of June 25 seeking to know what corrective measures Amtrak has taken to prevent recurrence of the January 16, 1977, derailment of a National Railroad Passenger Corporation train at New Castle, Ala. This recommendation, which resulted from investigation of the accident, asked that Amtrak establish inspection and repair procedures that will insure that locomotive units with defective truck components will not be dispatched. Amtrak reports the issuance of "Amtrak Special Inspection" instructions for SDP-40-F locomotives to all National Railroad Passenger Corporation officers of its carrier railroads. The instructions were also issued to Amtrak forces.

R-78-13.—The Federal Railroad Administration on August 3 provided comments on a recommendation issued last March 9 after the Safety Board determined that several recent derailments were probably caused by the breaking of wheels due to overheating. Response to recommendations R-78-11 and 12, issued concurrently, was made by FRA on July 5, reported at 43 FR 35567, August 10, 1978.

In response to recommendation R-78-13, which asked FRA to promulgate regulations to establish adequate service records so that wheel problems may be promptly detected and corrective action taken, FRA reports that it has underway at Transportation Systems Center a Hazard Analysis and Priority Determination Study to aid FRA in identifying safety problem areas and prioritizing preventive regulatory activities. One part of this study is the development of an improved informational basis for judging issues of locomotive and rail car component safety. Based on study results, FRA will determine the need for regulatory action.

R-78-25.—Letter of July 7 from the Kansas City Southern Railway Co. and Louisiana & Arkansas Railway Co. concerns a recommendation issued as a result of the investigation of the December 28, 1977, freight train/truck collision at Goldanna, La. The recommendation asked Louisiana & Arkansas Railway Co. to assure that traincrews are properly supervised and comply with speed restrictions and other instructions.

The response assures the Safety Board that "we will continue to properly supervise and instruct our employees with reference to all company rules and restrictions, as we have done in the past." The company further states, "We take the highest interest in the safety of our employees and the public in general. We therefore have no argument with the ultimate conclusion of your recommendation, other than its implication that there may have been a lack of supervision in this company's rail operations."

R-78-41.—Letter of July 11 from the Federal Railroad Administration responds to a recommendation issued by the Safety Board on June 27 after a ConRail commuter train collided with Amtrak's "Montrealer" at Seabrook, Md., on June 9. The recommendation asked FRA to use its emergency powers to require any carrier with locomotives and/or cars equipped with the General Railway Signal Company's cab signal systems to immediately establish instructions for the safe operation of trains so equipped until this equipment is repaired.

FRA's response reports that on the same day the recommendation was issued, FRA took immediate interim action in the form of two telegrams, one addressed to all known owners or operators of General Railway Signal (GRS) cab signal amplifiers 59265-32 Group 4 and 5, 59265-35 Group 1, and 59265-36 Group 1; it advised all addressees of the inherent hazards of the equipment and of the safety precautions needed for safe train operation. The second telegram was addressed to the General Railway Signal Company and advised that organization of FRA's notification of GRS cab signal equipment mentioned above. Also, FRA requested advice of anticipated remedial action. Copies of both telegrams are attached to the FRA response.

NOTE.—The above notice reports on Safety Board recommendation letters recently released and recommendation response letters received. Single copies of the Board's letters in their entirety are available to the general public without charge. Copies of the full text of the responses to recommendations may be obtained at a cost of $4.00 for service and 10 cents per page for reproduction.

All requests for copies must be in writing, identified by recommendation number. Address inquiries to: Public inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

SEPTEMBER 1, 1978.

[FR Doc. 78-25136 Filed 9-6-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CONTRACTING SYSTEM FOR MOTION PICTURE PRODUCTIONS

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget.

ACTION: Notice of issuance of contracting system for motion picture productions.

SUMMARY: OFPP Policy Letter No. 78-5 was issued on August 28, 1978, prescribing a uniform Government-wide system for contracting for motion picture productions. The policy letter is set forth in Attachment 1 below.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles W. Clark, Deputy Assistant Administrator for Logistics, 202-395-6194.

LESTER A. FETTIG,
Administrator.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., August 28, 1978.

Policy Letter No. 78-5

To the Heads of Executive Departments and Establishments

Subject: Contracting for Motion Picture Productions

1. *Purpose.* The purpose of this Policy Letter is to prescribe a uniform Government-wide system for contracting for motion picture productions.

2. *Definition.* Motion picture production, as used in this Policy Letter, refers to 8-mm, 16-mm, 35-mm, and 70-mm sound-on-film. It does not include videotape, sound slide, multi-media productions, or separate media services.

3. *Applicability.* The policy and approach specified herein will be followed by all executive departments and agencies.

4. *Background.* Management studies indicate widespread dissatisfaction with the Government's current motion picture production contracting practices. Commercial producers as well as many Government users are critical of the present system which permits each agency to use its own forms, procedures, and policies in contracting for productions. Common problems noted in the various studies include:

a. A lack of adequate information regarding opportunities for audiovisual production work. There is no central point where a prospective contractor can obtain information on opportunities and requirements.

b. Agencies, and sometimes single facilities, maintain lists of producers and solicit proposals only from firms on their individual lists. While most agencies publish synopses of their requirements in the Commerce Business Daily, many suppliers complain that by the time the notices are published there is not adequate time to submit proposals.

c. The procedures and criteria used by agencies to evaluate proposals differ widely, resulting in inconsistent treatment of proposals and unacceptably high administrative costs to the agencies.

d. Agencies' interpretations of regulatory requirements vary widely. Over 100 proposals have been received in response to a single solicitation. Suppliers, not knowing that they are competing with so many firms, spend time, money, and creativity in submitting proposals they would not otherwise submit. Similarly, agencies must commit time and resource to evaluate unduly large numbers of proposals.

e. Many Government purchasing offices lack expertise in the audiovisual production field. Agency contracting personnel frequently have general procurement or supply backgrounds but are not familiar with the special requirements of audiovisual productions. Costly delays result and some final products are not suitable for their intended use.

f. Suppliers experience difficulty in establishing credentials and qualifications because of the different requirements of each agency. They also have problems in maintaining awareness of policy and procedural changes within agencies and of changing working relationships.

5. *Policy.* A single, uniform Government-wide system shall be used by executive agencies in contracting for the production of motion pictures. The uniform system is described in paragraph 6 below, and it is intended to:

a. Reduce waste and inefficiency inherent in many existing departmental and agency contracting procedures;

b. Ensure that the Government obtains quality motion picture productions at fair, competitive prices;

c. Provide a central point within the Government where producers can obtain information on motion picture contracting procedures; and

d. Enhance competition for Government contracts.

6. *Uniform system.*

a. *Executive agent.* The Directorate for Audiovisual Activities, Department of Defense, has been designated Executive Agent for the Office of Federal Procurement Policy and is tasked with establishing and maintaining the uniform system. The Executive Agent will also serve as the central source of information regarding the Government's motion picture production program.

b. *Open invitation.* Contracts will be offered to all firms interested in doing motion picture work for the Government. Notices will be placed at least semiannually in the Commerce Business Daily and, to the extent feasible, in the trade press inviting all interested firms and persons to submit to the Executive Agent a 16-mm sound sample film that they have produced within the previous three years. The sample film, accompanied by a statement explaining the purpose of the film, the sponsor, the contract price and/or production cost, will be reviewed by an Interagency Audiovisual Review Board (IARB).

c. *Interagency audiovisual review board.* The IARB will be chaired by the Executive Agent and will be composed of members of the Federal Audiovisual Committee (FAC). The FAC is an interagency committee chaired by the Office of Federal Procurement Policy. The Committee includes representatives from over 20 agencies. Its purpose is to advise and assist in the formulation of Government policy for audiovisual activities. Each agency represented on the FAC may appoint one member to the IARB. A minimum of five IARB members must participate in the evaluation of each film. The meetings of the IARB during which sample films are reviewed will be open to the public. However, the public may not participate in nor be present during the formal evaluation of the films.

d. *Criteria for evaluating films submitted to the IARB.* Films submitted to the IARB will be evaluated on the basis of the following criteria:

(1) Achievement of purpose(s): Did the film accomplish its states purpose(s)? Was it appropriate for its intended audience? Was the manner of presentation appropriate? What were the reviewers' impressions of the film? 0–20 Points

(2) Creativity: Did the film provide a fresh or innovative way of conveying the message? 0–25 Points

(3) Continuity: Did the subject develop in logical or understandable manner? 0–15 Points

(4) Technical Qualtiy: Did the following qualities in the film exhibit technical competence? Direction, Writing Photography, Editing, Photography, Editing, Artwork/Animation, Narration, Music and Sound, Special Effects. 0–40 Points

e. *Eligibility for qualified film producers list.* (1) Contracting authority. Producers submitting films to the IARB which receive an average composite score of 70 of more and who enter into a contract with the Executive Agent will be placed on a Qualified Film Producers List (QFPL). The contracts between the producers and Executive Agent will contain standard provisions covering Government motion picture work and will be awarded under the authority of this Policy Letter and 10 U.S.C. 2304(a)(10)(vi). Awards for productions and other work provided under this system will be in the form of orders placed under these contracts.

(2) Resubmission opportunity. Producers submitting films that receive an average composite rating of less than 70 will be promptly notified and afforded an opportunity to submit another film.

(3) Initial qualification. The QFPL will always be open and producers may continue to submit films to the IARB until they qualify for a contract and placement on the QFPL. All films, however, will be evaluated on a first-in first-out basis. To lessen the initial burden of film review work, a "grandfather arrangement" will be used. Under the "grandfather arrangement" any FAC member may certify that one or more films of specific producers have been reviewed during the previous three years and found to be of good quality, and the member may thereby recommend the producer for a contract and inclusion on the QFPL. Contractors who qualify for initial inclusion on the QFPL under the "grandfather arrangement" will be required to submit a sample film to the IARB as soon as practicable but in no event later than one year from the date of their contract.

(4) Removal from QFPL. Once qualified by the IARB for inclusion on the QFPL, a contractor (hereinafter called producer) will remain qualified until an agency complains of unsatisfactory work on a specific production or until the producer requests removal from the list. If an agency complains of unsatisfactory work, the IARB will review the film and the factual situation resulting in the complaint. When merited, the IARB may recommend termination of the producer's contract and removal of the firm from the QFPL. Also, if a producer does not respond to five consecutive solicitations, he will be asked whether he wishes to remain on the QFPL.

(5) Structure of the QFPL. Firms placed on the QFPL will not be classified by subject matter or geographic areas unless they so request. Copies of the QFPL will be distributed to all using agencies and to persons requesting copies.

f. *Obtaining names of producers from QFPL.* (1) Contacting the Executive Agent. When an agency needs to have a film produced, it will contact the Executive Agent and request a specific number of firms from the QFPL. These will be provided by the Executive Agent in increments of five on a rotational basis. For every five firms that the procuring agency requests, it will be permitted to pick a maximum of two additional names from the QFPL. The names provided to the agency plus the names picked by the agency will be placed at the time they are referred.

(2) Number of proposals to be solicited. Since referrals from the QFPL will have entered into Government contracts with the Executive Agent, agencies will not reissue standard contractual terms and conditions for each award. Agencies will solicit proposals for their specific requirements from no fewer than five contractors on the QFPL (unless a noncompetitive acquisition is justified in accordance with agency regulations). The exact number of firms on the QFPL,

above five, from which proposals will be solicited for specific films will be determined by the agency in light of its particular requirement. As a general guide, however, agencies should not solicit proposals from more than 10 contractors for films costing less than $100,000.

g. *Solicitation formats.* In soliciting proposals for specific productions, agencies will use the solicitation formats developed by the FAC. These formats will be provided by the Executive Agent.

H. *Two Approaches to Soliciting Proposals.* In using the solicitation formats obtained from the Executive Agent, agencies must first determine whether scripting will be separated from production. This is a judgmental determination involving two approaches to filmmaking. The first approach is that a clear separation can be made in some films between scripting and production and that any producer can produce a satisfactory film from a completed script. The second approach holds that production of some films (from initial research through treatment, scripting, and production) is a continuous process and requires the continuity of one creative individual from start to finish. Solicitation formats have been developed for each of these approaches and the proper format must be used depending on the approach selected.

i. *Scripting Separated from Production.* (1) Obtaining Scripts. When an agency determines that scripting for a particular film should be separated from production, the agency will obtain and approve a script. Generally, scripts may be obtained directly from writers under existing small purchase procedures.

(2) Obtaining Production Proposals. Once the script has been acquired it will be included in the production specifications and used by the agency in soliciting competitive proposals for the production from firms on the QFPL.

(3) Evaluation Criteria. Production proposals submitted by producers, when scripting has been separated from production, will be evaluated on the basis of:

The composition of the proposed personnel team to be used in the production effort and resumes/qualification statements for: Producer/Director, Editor, and cinematographer.

The identification of any similar past efforts by the same team.

Sample Film(s). One or two recent sample films produced by the proposed team or the producer.

The proposed production price.

(4) Production Awards. The production award will be made to that responsible producer submitting the best proposal, price and other factors considered.

j. *Scripting Included with production.* (1) Obtaining Treatments or Treatments and Scripts. Where scripting is to be included as part of the production effort, agencies may make one or more awards for treatments or treatments and scripts to firms on the QFPL.

(2) Evaluation Criteria. Proposals for treatments or treatments and scripts will be evaluated by the agency on the basis of the following data which will be submitted by each interested producer:

The composition of the personnel team which will be used in a production effort (should production subsequently be undertaken) and resumes/qualifications statements for each, including: Scriptwriter(s), Producer/Director, Editor, and Cinematographer.

A brief narrative describing the producer's understanding of the purpose and subject matter of the proposed film.

The identification of any similar past efforts by the same team.

Sample Film(s). One or two sample films recently produced by the proposed team or the producer.

Sample of previous treatment or script if specifically requested by the agency.

(3) Awards for Treatments or Treatments and Scripts. Awards for the development of treatments or treatments and scripts will be made to one or more producers submitting proposals. These awards will be made at a preestablished fixed price determined by the agency and included in the solicitation. Awards for the development of multiple scripts (not treatments) should be made only in unusual cases.

(4) Production Awards. The treatments or treatments and scripts will be evaluated together with prices for the proposed production and the award for the production work will be made to that responsible producer whose proposal is most advantageous to the Government, price and other factors considered.

k. *Responsibility Determinations.* The evaluation criteria contained in paragraphs i.(3) and j.(2) are the technical criteria that agencies will consider in evaluating production proposals. Agency contracting officers, however, will determine a particular firm's responsibility prior to making a production award. For this purpose, financial and other data may be requested from the firm.

l. *8(a) Contracts.* Contracts made pursuant to Section 8(a) of the Small Business Act will be handled in accordance with existing regulations and use of the system herein described is not required.

7. *Implementation.* The General Services Administration and the Department of Defense shall make such changes to the Federal Procurement Regulations and the Defense Acquisition Regulation as necessary to implement the uniform contracting system.

8. *Effective Date.* The contracting system required by this Policy Letter shall be fully implemented by all departments and agencies commencing March 30, 1979. Thereafter, solicitations for motion picture production proposals and awards for motion picture production contracts shall be made in accordance with the uniform system.

LESTER A. FETTIG,
Administrator.

[FR Doc. 78-25196 Filed 9-6-78; 8:45 am]

[3110-01]

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 August 30, 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

Gaseous fuels and emergency telephone survey, EIA-81, weekly, Natural gas distribution pipeline, companies, 9,090 responses, 363,600 hours, Energy and Science Division, 395-3810.

Foreign crude oil cost report, EIA-67, quarterly, firms acquiring 100,000 bbls of crude oil per day, 64 responses, 704 hours, Energy and Science Division, 395-3810.

ENVIRONMENTAL PROTECTION AGENCY

Study of organic compounds in human tissues and, body fluids, single-time, organic compounds study, 190 responses, 190 hours, Ellett, C. A., 395-6132.

NATIONAL ENDOWMENT FOR THE ARTS

Challenge Grant Application Package, A-G, single-time, arts orgs., e.g., theatres orchestras, museums, 300 responses, 12,000 hours, Warren Topelius, Budget Review Division, 395-6132.

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service, farmer-to-consumer direct marketing survey, annually, farmers, who sell direct to consumers, 5,500 responses, 1,750 hours, Office of Federal Statistical Policy and Standard, 673-7956.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, national metric needs assessment, S-186 (A, B, C), single-time, State departments of education, colleges, local schools, 448 responses, 1,213 hours, Office of Federal Statistical Policy and Standard, 673-7956.

Office of Human Development, evaluation of vocational rehabilitation services for deaf clients—survey of vocational rehabilitation services for deaf clients, single-time, services provided for deaf clients, 53 responses, 53 hours, Human Resources Division, 395-3532.

DEPARTMENT OF LABOR

Labor Management and Service Administration, VRR survey questionnaire, LMSA-42T, single-time, individual reservists, National Guard members and recently discharged veterans, 600 responses, 300 hours, Human Resources Division, 395-3532.

NEW FORMS

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, Certification of Enforcement of Vehicle Size and Weight Laws, annually, State agencies designated by Governor, 52 responses, 26 hours, Economics and General Government Division, 395-3451.

DEPARTMENT OF TREASURY

Assistant Secretary (domestic finance), 1978 Survey of Local Government Finances (municipalities and townships RS-9B, RS-9C, RS-9D, annually, governments, 26,360 responses, 44,220 hours, Ellett, C. A., 395-6132.

REVISIONS

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service, December Enumerative Survey, annually, farmers, 49,120 responses, 15,216 hours, Office of Federal Statistical Policy and Standard, 673-7956.

Agricultural Stabilization and Conservation Service, Inspection Certificate and Sales Memorandum, MQ-94 and MQ-94 VC, on occasion, peanut handlers, 210,000 responses, 70,000 hours, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, NIOSH Cross-sectional and prospective Medical Industrywide Studies (reproductive history studies), on occasion, depends on study, 11,700 responses, 5,850 hours, Office of Federal Statistical Policy and Standard, 673-7956.

Social Security Administration, Request for Enrollment in Supplementary Medical Insurance, SSA-4040, on occasion, application for supplemental medical insurance under medicare program, 90,000 responses, 9,000 hours, Marsha Traynham 395-3773.

National Institutes of Health, Role of Artifical Sweeteners in Bladder Cancer—Water Supply Data Abstracting Form, single time, water utilities in United States areas with tumor registries, 9,600 responses, 9,600 hours, Richard Eisinger, 395-3214.

DEPARTMENT OF THE INTERIOR

U.S. Fish and Wildlife Service, Declaration for Importation or Exportation of Fish or Wildlife, 3-177, on occasion, any importer/exporter of wildlife or wildlife products, 50,000 responses, 25,000 hours, Ellett, C. A., 395-6132.

Bureau of Mines:

Ground Mica, 6-1258-A, annually, shipments—consumers, 31 responses, 62 hours, Office of Federal Statistical Policy and Standard, 673-7956.

Natural Graphite, 6-1295-A, annually, consumers of natural graphite, 339 responses, 339 hours, Ellett, C. A., 395-6132.

Synthetic Graphite, 6-1296-A, annually, producers of synthetic graphite, 22 responses, 22 hours, Office of Federal Statistical Policy and Standard, 673-7956.

DEPARTMENT OF TRANSPORTATION

Departmental and other:

Leak Report—Gas Pipeline Transmission and Gathering System, RSPA-2, on occasion, transmission and gathering gas pipeline operators, 522 responses, 522 hours, Strasser, A., 395-6132.

Leak Report—Gas Pipeline Distribution System, RSPA-1, on occasion, distribution gas p/l operators, 903 responses, 903 hours, Strasser, A., 395-6132.

Annual Report—Gas Pipeline Distribution System, RSPA-3, annually, distribution gas p/l operators, 1,608 responses, 1,608 hours, Strasser, A., 395-6132.

Annual Report—Gas Pipeline Transmission and Gathering Systems, RSPA-4, annually, transmission and gathering gas p/l operators, 590 responses, 590 hours, Strasser, A., 395-6132.

EXTENSIONS

RAILROAD RETIREMENT BOARD

Report of Physical Condition of Claimant Under Railroad Unemployment Insurance Act, SI-34, on occasion, physicians, 1,500 responses, 125 hours, Human Resources Division, 395-3532.

Statement of Authority To Act for Employee-Sickness Benefits, SI-10, on occasion, claimants for sickness benefits, 500 responses, 41 hours, Human Resources Division, 395-3532.

Statement of Residence (from time of separation from spouse until death), G-238, on occasion, employee's spouse or disinterested person, 600 responses, 150 hours, Human Resources Division, 395-3532.

Request for Court Statement Regarding Divorce or Annulment, G-238A, on occasion, court clerks/spouses, 1,000 responses, 83 hours, Human Resources Division, 395-3532.

Request for Termination of Supplementary Medical Insurance, G-718, on occasion, RRB medicare enrollee, 500 responses, 41 hours, Human Resources Division, 395-3532.

Supplemental Information on Accident and Insurance, SI-IC, on occasion, claimants for sickness benefits, 20,000 responses, 1,667 hours, Human Resources Division, 395-3532.

Unemployment Claims (agents and claimants statement re benefits for days worked by claimants), UI-48 and UI-54, on occasion, UI claimants and claims agents, 1,200 responses, 200 hours, Human Resources Division, 395-3532.

Application for Accrued Benefits due under the Railroad Unemployment Insurance Act and Unpaid at Death, UI-63, on occasion, application for benefits due under RUIA unpaid at death, 600 responses, 70 hours, Human Resources Division, 395-3532.

Designation or Change of Beneficiary (by railroad employees), AA-11A, on occasion, railroad employees, 10,000 responses, 1,667 hours, Human Resources Division, 395-3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Agreement to Sell Property, SSA-8060-U3, on occasion, determining whether conditional eligibility payments can be made, 55,000 responses, 9,350 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF THE INTERIOR

Bureau of Mines:

Consumers Report on Fluorspar (supply and disposition), 6-1062-QA, quarterly, consumers, 1,690 responses, 1,690 hours, Office of Federal Statistical Policy and Standard, 673-7956.

Production of Miscellaneous Metals and Nonmetal Minerals, 6-1292-A, on occasion, producers of minor metals and nonmetals minerals, 100 responses, 50 hours, Office of Federal Statistical Policy and Standard, 673-7956.

Fluorspar Producers and Processors, 6-1060-QA, quarterly, producers and processors, 78 responses, 78 hours, Office of Federal Statistical Policy and Standard, 673-7956.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-25195 Filed 9-6-78; 8:45 am]

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

TRADE POLICY STAFF COMMITTEE

Addition to Requests for Written Views and Comments; Correction

The following item was inadvertently omitted from a list that was set forth in a FEDERAL REGISTER notice of August 22, 1978 (43 FR 38445), soliciting written public views and comments on the possible conversion by the United States of certain specific and compound rates of duty to ad valorem rates in the "Tokyo Round" of Multilateral Trade Negotiations:

Tariff Item No. 167.05;
Description: Ale, porter, stout, and beer;
Rates of duty: Col. 1, 6 cents/gallon; Col. 2, 50 cents/gallon.

The text of the notice of August 22 is repeated below.

"1. Solicitation of views—In the FEDERAL REGISTER of Thursday, July 28, 1977 (42 FR 38445) The Trade Policy Staff Committee (TPSC) solicited public views and comments on tariff, nontariff, and other matters that are, or may be, under consideration in the "Tokyo Round" of Multilateral Trade Negotiations (MTN). The TPSC hereby solicits additional written public views and comments on the possible conversion by the United States of certain specific and compound rates of duty to ad valorem rates in the MTN.

Interested parties may obtain a copy of the list of proposed rates from the Secretary of the TPSC, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Room 728, Washington, D.C. 20506.

The conversion of specific and compound rates was recently the subject of an investigation and report by the U.S. International Trade Commission (USITC) (USITIC Publication 896, July 1978). In connection with its investigation the Commission held a public hearing on April 24, 1978.

On the basis of the aforementioned report by the USITC and other information and advice submitted to the TPSC, consideration is being given to the conversion of the rates of duty on the following items in column 1 of the Tariff Schedules of the United States (TSUS) to an ad valorem basis:

(LIST OMITTED)

In accordance with the international obligations of the United States, any initial column 1 rate conversion that may be made will represent the average trade weighted ad valorem equivalent of the specific or compound rate of duty on all imports of that item during the 3 calendar years, 1975 through 1977, from countries entitled to most-favored nation tariff treatment. A decision to convert rates is without prejudice to the separate decision to reduce current rates of duty in the MTN under the authority contained in section 101 of title I of the Trade Act of 1974.

In order to be most helpful to the TPSC, written views and comments should be submitted by September 8, 1978. No public hearings are planned. Submissions should be addressed to the Secretary of the TPSC.

2. Suggestions for the preparation of written submissions—Each submission should state clearly on the first page the name and address of the parties making the submission (as well as the party on whose behalf the submission is made, if different from the party making the submission), and the subject matter of the submission. The TPSC suggests that submissions include the following points:

(i) An introductory summary statement indicating the interest of the person or organization on whose behalf the submission is made;

(ii) The tariff numbers and brief description of the items of interest;

(iii) Statistical data and other information relevant to a decision on conversion of the rate involved, e.g., estimated impact on domestic production and employment.

(iv) Testimony and briefs submitted separately to the USITC are available to the TPSC. Thus, views and comments additional to those submitted to the USITC, rather than merely duplicating them, are of greatest value to the Committee.

3. Information exempt from public inspection—Parties are referred to § 2003.6 of the TPSC regulations (15 CFR 2003.6) for the rules concerning information that is either "business confidential" or exempt from public inspection under section 135(a)(1)(A) of the Trade Act of 1974. Section 135(g)(1)(A) provides that information and advice that is not technically "business confidential", but that is submitted in confidence by the private sector to officers or employees of the United States in connection with trade negotiations, is exempt from disclosure to any person other than Government employees designated by the Special Representative for Trade Negotiations to receive such information, member of House Ways and Means and Senate Finance Committees, who are accredited as delegates to trade negotiations and designated staff members of those committees and private sector advisory committees formally chartered pursuant to section 135 of the Trade Act of 1974.

Persons making submissions containing material for which confidentiality is requested should clearly so state and should insure that all portions of their submissions containing such material are clearly identified (such as by stamping "business confidential" or "submitted in confidence" at the top and bottom of each page) and are easily separable. A nonconfidential summary should be supplied.

In addition, persons making submissions may request that their submissions or parts thereof, be withheld from distribution to the private sector advisory committees formed pursuant to section 135 of the Trade Act of 1974.

4. Public inspection of written materials—Subject to the regulations of the TPSC all unclassified written materials filed with the committee in connection with this notice will be open to public inspection, by appointment with the Secretary of the TPSC.

5. Communications—All submissions and other communications regarding this solicitation should be sent in 20 copies addressed to the Secretary of the TPSC, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Room 728, Washington, D.C. 20506. The telephone number of the Secretary of the Committee is 202-395-7210."

RICHARD MATTHEISEN,
Acting Chairman,
Trade Policy Staff Committee.

[FR Doc. 78-25120 Filed 9-6-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 15105; SR-BSE-78-5]

BOSTON STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

AUGUST 29, 1978.

On June 19, 1978, the Boston Stock Exchange, Inc. ("BSE"), 53 State Street, Boston, Mass. 02109, filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and rule 19b-4 thereunder, copies of a proposed rule change which would amend chapter II, section 15 of the BSE rules to incorporate into those rules the policy of semiannual confirmation of G.T.C. (good-til-canceled) orders.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 34-14956, July 13, 1978) and by publication in the FEDERAL REGISTER (43 FR 32007, July 24, 1978). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-25038 Filed 9-6-78; 8:45 am]

[8010-01]

[Release No. 15106; SR-NAS-78-6]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Order Approving Proposed Rule Change

AUGUST 30, 1978.

On June 28, 1978 the National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street NW., Washington, D.C. 20006, filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder copies of a proposed rule change to assess a $25 late filing fee against members who fail to submit written notification to the NASD of the termination of employment of a registered person within 30 calendar days of such termination.[1]

[1] This proposed rule change supersedes SR-NASD-76-1 (Securites Exchange Act

Footnotes continued on next page

According to the NASD, the purpose of the late filing fee is to insure timely review of terminations for cause of registered persons whose activities in the member firm require staff investigation and where such activities may lead to District Business Conduct Committee sanctions.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-14980, June 20, 1978) and by publication in the FEDERAL REGISTER (43 FR 32483, July 27, 1978). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered securities association, and in particular, the requirements of section 15A, and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-25039 Filed 9-6-78; 8:45 am]

[8010-01]

[Release No. 34-15104]

LIST OF FOREIGN ISSUERS WHICH HAVE SUBMITTED INFORMATION REQUIRED BY THE EXEMPTION RELATING TO CERTAIN FOREIGN SECURITIES

Foreign issuers with total assets in excess of $1 million and a class of equity securities held of record by 500 or more persons, of which 300 or more shareholders reside in the United States, are subject to the registration, reporting, proxy and insider trading provisions of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended by Pub. L. 94-29 (June 4, 1975)) (the "act").[1]

Rule 12g3-2(b) (17 CFR 240.12g3-2(b)) provides an exemption from registration under section 12(g) of the act for a foreign issuer which submits on a current basis material specified in the rule to the Commission. Such required material includes that information about which investors ought reasonably to be informed with respect to the issuer and its subsidiaries and which the issuer (1) has made public pursuant to the law of the country of its domicile or in which it is incorporated or organized, (2) has filed with a stock exchange on which its securities are traded and which was made public by such exchange and/or (3) has distributed to its security holders.

When it adopted rule 12g3-2 and other rules relating to foreign securities (see Securities Exchange Act Release No. 8066, Apr. 28, 1967), the Commission indicated that from time to time it would issue lists containing those foreign issuers which have obtained exemptions from the registration provisions of section 12(g) of the act by providing the information specified in rule 12g3-2(b). The purpose of the present release is to call to the attention of brokers, dealers and investors that some form of relatively current information concerning the foreign issuers included on the attached list is available in the public files of the Commission. The attached list includes those foreign issuers which, as of July 31, 1978, appear to be current in furnishing information under rule 12g3-2(b). There is a total of 152 foreign issuers on the list.

The Commission also wishes to bring to the attention of brokers, dealers, and investors the fact that current information concerning certain foreign issuers may not be available in the United States. The Commission continues to expect that brokers and dealers will consider this fact in connection with their obligations under the Federal securities laws to have a reasonable basis for recommending these securities to their customers. The Commission will continue to review activity in the markets for foreign securities to determine whether the present rules are achieving their purpose and whether further rules or rule revisions are necessary in the public interest or for the protection of investors.

Any questions regarding rule 12g3-2 or the list included herein should be directed to Carl T. Bodolus, Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, 202-755-1505.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Dated: August 29, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

LIST OF FOREIGN PRIVATE ISSUERS WHICH APPEAR TO QUALIFY FOR THE EXEMPTION PROVIDED IN RULE 12g3-2(b) AS OF JULY 31, 1978

Registrant file number and domicile

Abitibi Paper Co., Ltd., 82-80, London, England.
The Afrikander Lease, Ltd., 82-245, Johannesburg, South Africa.
Agnico-Eagle Mines, Ltd., 82-179, Toronto, Ontario, Canada.
Aktiebolaget Svenska Kullagerfabriekn, 82-139, Gothenberg, Sweden.
Algoma Steel Corp., Ltd., 82-99, Sault Ste. Marie, Ontario, Canada.
Amalgamated Bonanza Petroleum Ltd., 82-293, Calgary, Alberta, Canada.
Anglo American Corp. of South Africa, Ltd., 82-97, Johannesburg, South Africa.
Anglo American Gold Investment Co., Ltd. (formerly West Rand Investment Trust, Ltd.), 82-146, Johannesburg, South Africa.
Anglo United Development Corp., Ltd., 82-190, Toronto, Ontario, Canada.
B.A.T. Industries, Ltd., 82-33, London, England.
Bank of Montreal, 82-126, Montreal, Quebec, Canada.
Basic Resources International S.A., 82-203, Luxembourg, Luxembourg.
Beecham Group, Ltd., 82-22, Middlesex, England.
Belmoral Mines, Ltd. (N.P.L.), 82-279, Calgary, Alberta, Canada.
Bethlehem Copper Corp., 82-248, Vancouver, British Columbia, Canada.
Blyvooruitzicht Gold Mining Co., Ltd., 82-69, Johnannesburg, South Africa.
The Border & Southern Stockholders Trust, Ltd., 82-287, London, England.
Bovis Corp., Ltd., 82-62, Toronto, Ontario, Canada.
The Bowater Corp., 82-3, Toronto, Ontario, Canada.
Bracken Mines Ltd., 82-219, Johannesburg, South Africa.
Bralorne Resources, Ltd., 82-143, Vancouver, British Columbia, Canada.
Bramalea Consolidated Developments, Ltd., 82-154, Toronto, Ontario, Canada.
Brascan, Ltd., 82-4, Toronto, Ontario, Canada.
Burmah Oil Co., Ltd., 82-5, Glasgow, Scotland.
Camflo Mines, Ltd., 82-193, Toronto, Ontario, Canada.
Canada Tungsten Mining Corp., Ltd., 82-290, Vancouver, British Columbia, Canada.
Canadian Barranca Corp., Ltd., 82-292, Edmonton, Alberta, Canada.
Canadian Imperial Bank of Commerce, 82-103, Toronto, Ontario, Canada.
Celanese Canada, Ltd., 82-171, Montreal, Quebec, Canada.
Charter Consolidated, Ltd., 82-233, London, England.
Chromasco, Ltd., 82-106, Montreal, Quebec, Canada.
Cominco, Ltd., 82-107, Montreal, Quebec, Canada.
Coniagas Mines, Ltd., 82-168, Toronto, Ontario, Canada.

Footnotes continued from last page

Release No. 12070 (Feb. 4, 1976), 41 FR 5872 (Feb. 10, 1976)), which the NASD has withdrawn.

[1] Foreign issuers may also be subject to such requirements of the act by reason of having securities registered and listed on a national securities exchange in the United States or subject to the reporting requirements by reason of having registered securities under the Securities Act of 1933 (15 U.S.C. 77a et seq., as amended by Pub. L. 94-29 (June 4, 1975)).

Consolidated-Bathurst, Ltd., 82-172, Montreal, Quebec, Canada.
Consolidated Gold Fields, Ltd., 82-251, London, England.
The Dai'ei, 82-230, Osaka, Japan.
DeBeers Consolidated Mines, Ltd., 82-91, Johannesburg, South Africa.
Deelkraal Gold Mining Co., Ltd., 82-246, Johannesburg, South Africa.
Den Norske Amerikalinje A/S, 82-111, Oslo, Norway.
Denison Mines, Ltd., 82-155, Toronto, Ontario, Canada.
Dickenson Mines, Ltd., 82-8, Toronto, Ontario, Canada.
Dominion Bridge Co., Ltd., 82-93, Montreal, Quebec, Canada.
Dominion Textile Co. Ltd., 82-113, Montreal, Quebec, Canada.
Domtar, Ltd., 82-18, Montreal, Quebec,
Domtar, Ltd., 82-18, Montreal, Quebec, Canada.
Moornfontein Gold Mining Co., Ltd., 82-213, Johannesburg, South Africa.
Dresdner Bank AG, 82-229, Frankfurt a.M., Federal Republic of Germany.
Dupont of Canada, Ltd., 82-19, Montreal, Canada.
Durban Roodepoort Deep, Ltd., 82-156, Johannesburg, South Africa.
East Daggafontein Mines, Ltd., 82-42, Johannesburg, South Africa.
East Driefontein Gold Mining Co., Inc., 82-124, Johannesburg, South Africa.
East Malartic Mines, Ltd., 82-212, Toronto, Ontario, Canada.
East Rand Gold & Uranium, Co., Ltd., 82-289, Johannesburg, South Africa.
East Rand Proprietary Mines, Ltd., 82-239, Johannesburg, South Africa.
Elandsrand, Gold Mining Co., Ltd., 82-266, Johannesburg, South Africa.
Elsburg Gold Mining Co., Ltd., 82-269, Johannesburg, South Africa.
Energie & Resources O'Brien, Ltd., 82-262, Toronto, Ontario, Canada.
L. M. Ericsson Telephone Co., 82-115, Stockholm, Sweden.
Falconbridge Nickel Mines, Ltd., 82-30, Toronto, Ontario, Canada.
Fiat SPA, 82-116, Turin, Italy.
Fisons, Ltd., 82-202, Suffolk, England.
Ford Motor Co. of Canada, Ltd., 82-20, Oakville, Ontario, Canada.
Free State Geduld Mines, Ltd., 82-40, Johannesburg, South Africa.
Fuji Photo Film Co., Ltd., 82-78, Tokyo, Japan.
Glaxo Holdings, Ltd., 82-10, London, England.
Gold Fields of South Africa, Ltd., 82-204, Johannesburg, South Africa.
Gold Fields Property Co., Ltd., 82-214, Johannesburg, South Africa.
Great Canadian Oil Sands, Ltd., 82-228, Toronto, Ontario, Canada.
Great West Life Assurance Co., 82-77, Winnipeg, Manitoba, Canada.
The Grootviel Proprietary Mines, Ltd., 82-222, Johannesburg, South Africa.
Gulf Oil, Ltd. (Canada), 82-101, Toronto, Ontario, Canada.
Hal Roach Studios Corp., 82-250, Toronto, Ontario, Canada.
Host Ventures, Ltd., 82-257, Vancouver, British Columbia, Canada.
IAC, Ltd., 82-120, Toronto, Ontario, Canada.
Imasco, Ltd., 82-118, Montreal, Quebec, Canada.
Indusmin, Ltd., 82-201, Toronto, Ontario, Canada.
Intercoast Resources Corp., 82-278, Vancouver, British Columbia, Canada.
International Brenmac Development Corp. (N.P.L.), 82-277, Vancouver, British Columbia, Canada.
The Investors Group, 82-13, Winnipeg, Manitoba, Canada.
Kerr Addison Mines, Ltd., 82-14, Toronto, Ontario, Canada.
Kinross Mines, Ltd., 82-220, Johannesburg, South Africa.
Kirin Brewery Co., Ltd., 82-188, Tokyo, Japan.
Kloof Gold Mining Co., Ltd., 82-205, Johannesburg, South Africa.
Lancana Mining Corp., 82-265, Toronto, Ontario, Canada.
Lake Shore Mines, Ltd., 82-15, Toronto, Ontario, Canada.
Leslie Gold Mines, Ltd., 82-223, Jonannesburg, South Africa.
Libanon Gold Mining Co., Ltd., 82-215, Johannesburg, South Africa.
Little Long Lac Mines, Ltd., 82-198, Toronto, Ontario, Canada.
Magnum Fund, Ltd., 82-125, Amsterdam, The Netherlands.
Marievale Consolidated Mines, Ltd., 82-224, Johannesburg, South Africa.
M.I.M. Holdings, Ltd., 82-173, Brisbane, Australia.
Minerals & Resources Corp., 82-206, Pembroke, Bermuda.
Moore Corp., Ltd., 82-128, Toronto, Ontario, Canada.
Na-Churs International, Ltd., 82-209, Toronto, Ontario, Canada.
New Cinch Uranium, Ltd. (N.P.L.), 82-283, British Columbia, Canada.
New Dimension Resources, Ltd., 82-272, Toronto, Ontario, Canada.
Noranda Mines, Ltd., 82-158, Toronto, Ontario, Canada.
Nowsco Well Service, Ltd., 82-261, Calgary, Alberta, Canada.
Nu-Energy Development Co., 82-286, Vancourver, British Columbia, Canada.
Onaping Mines, Ltd., 82-273, Toronto, Ontario, Canada.
Pan Canadian Petroleum, Ltd., 82-285, Calgary, Alberta, Canada.
Patino N. V., 82-135, The Hague, The Netherlands.
Philex Mining Corp. 82-136, Manila, The Philippines.
Pop Shoppes International Inc. (PSI), 82-256, Ontario, Canada.
Power Corp. of Canada, Ltd., 82-137, Montreal, Quebec, Canada.
President Brand Gold Mining Co., Ltd., 82-39, Johannesburg, South Africa.
President Steyn Gold Mining Co., Ltd., 82-44, Johannesburg, South Africa.
Quebec Sturgeon River Mines, Ltd., 82-186, Toronto, Ontario, Canada.
Ranchmen's Resources (1976), Ltd., 82-274, Calgary, Alberta, Canada.
The Randfontein Estates Gold Mining Co. Witewatersrand, Ltd., 82-267, Johannesburg, South Africa.
Rand Organisation, Ltd., 82-17, London, England.
Reed Shaw Osler, Ltd., 82-254, Toronto, Ontario, Canada.
Rothmans International Ltd., 82-84, Basildon, Essex, England.
Royal Trust Co., 82-196, Montreal, Quebec, Canada.
Rustenburg Platinum Holdings, Ltd., 82-241, Johannesburg, South Africa.
St. Helena Gold Mines, Ltd., 82-232, Johannesburg, South Africa.
Santos, Ltd., 82-34, Adelaide, Australia.
Sanyo Electric Co., Ltd., 82-264, Tokyo, Japan.
Shell Canada, Ltd., 82-94, Toronto, Ontario, Canada.
Sherritt Gordon, Mines, Ltd., 82-29, Toronto, Ontario, Canada.
Shiseido, Co., Ltd., 82-225, Tokyo, Japan.
Siemens Aktiengesellschaft, 82-73, Munich, Federal Republic of Germany.
Silvana Mines, Inc., 82-284, New Denver, British Columbia, Canada.
Simpsons, Ltd., 82-53, Toronto, Ontario, Canada.
South African Land & Exploration Co., Ltd., 82-59, Johannesburg, South Africa.
Southvaal Holdings, Ltd., 82-197, Johannesburg, South Africa.
Spartan Capital Corp., Ltd., 82-160, Ottawa, Ontario, Canada.
Sponner Mines & Oils, Ltd., 82-112, Toronto, Ontario, Canada.
Stampede International Resources, Ltd., 82-242, Vancouver, British Columbia, Canada.
Steel, Co. of Canada, Ltd., 82-141, Toronto, Ontario, Canada.
Taro-Vit Chemical Industries, Ltd., 82-210, Haifa, Israel.
TDK Electronics Co., Ltd., 82-255, Tokyo, Japan.
Toronto Dominion Bank, 82-142, Toronto, Ontario, Canada.
Toyota Motor Co., Ltd., 82-208, Tokyo, Japan.
Treasure Cay, Ltd., 82-288, Abaco, Bahamas.
U.C. Investments, Ltd., 82-235, Johannesburg, South Africa.
Union Corp., Ltd., 82-231, Johannesburg, South Africa.
Unisel Gold Mines, Ltd., 82-236, Johannesburg, South Africa.
United Keno Hill Mines, Ltd., 82-61, Toronto, Ontario, Canada.
United Siscoe Mines, Ltd., 82-194, Montreal, Quebec, Canada.
Van Reefs Exploration & Mining Co., Ltd., 82-56, Johannesburg, South Africa.
Velcro Industries N.V., 82-145, Curacao, Netherlands Antilles.
Venterspost Gold Mining Co., Ltd., 82-216, Johannesburg, South Africa.
Vlakfontein Gold Mining Co., Ltd., 82-217, Johannesburg, South Africa.
Voyager Petroleums, Ltd., 82-189, Calgary, Albert, Canada.
Welkom Gold Mining Co., Ltd., 82-57, Johannesburg, South Africa.
West Driefontein Gold Mining Co., Ltd., 82-90, Johannesburg, South Africa.
Western Areas Gold Mining Co., Ltd., 82-268, Johannesburg, South Africa.
Western Deep Levels, Ltd., 82-58, Johannesburg, South Africa.
Western Holdings, Ltd., 82-54, Johannesburg, South Africa.
Winkelhaak Mines, Ltd., 82-221, Johannesburg, South Africa.
F. W. Woolworth & Co., Ltd., 82-200, London, England.
Wright Hargreaves Mines, Ltd., 82-60, Toronto, Ontario, Canada.

[FR Doc. 78-25037 Filed 9-6-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1518]

ALABAMA

Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Baldwin County constitutes a disaster area because of damage resulting from severe storms and flooding beginning about July 25, 1978. The Small Business Administration will accept applications for disaster relief loans from disaster victims within the above-named county and adjacent counties within the State of Alabama. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on October 19, 1978, and for economic injury until the close of business on May 21, 1979, at:

Small Business Administration,
District Office,
908 South 20th Street,
Birmingham, Ala. 35205

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: August 29, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-25057 Filed 9-6-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1517]

NEBRASKA

Declaration of Disaster Loan Area

The following 25 counties and adjacent counties within the State of Nebraska constitute a disaster area as a result of natural disasters as indicated:

County, Natural Disaster(s), and Date(s)
Adams: Hailstorm—July 8, 1978.
Blaine: Hail, Wind, and Insect Infestation—June 17, 1978, June 24, 1978, and July 4, 1978.
Box Butte: Hail—June 17, 1978.
Box Butte: Hailstorm with Heavy Rain—July 1, 1978.
Box Butte: Hail, High Winds, Tornado, and Flooding—July 20, 1978.
Box Butte: Heavy Hail and Flooding—July 21, 1978.
Boyd: Hailstorm and Wind—June 21, 1978.
Brown: Hail, Wind, Rain, Tornado, and Flooding—June 21, 1978, June 22, 1978 and June 25, 1978.
Butler: Hailstorm—July 14, 1978.
Butler: High Winds and Hail—July 3, 1978.
Butler: High Winds—July 6, 1978.
Dakota: Hail and Wind—June 17, 1978.
Dixon: Hail and Wind—June 17, 1978.
Fillmore: Tornado, Heavy Rains, and Hail—June 19, 1978.
Fillmore: High Winds, Heavy Hail—June 30, 1978.
Grant: Hail, Wind, and Insect Infestation—June 17, 1978 and July 5, 1978.
Hall: Hailstorm and Windstorm—June 21, 1978.
Hall: Hail, Wind, and Heavy Rain—July 5, 1978, July 6, 1978 and July 8, 1978.
Hooker: Hail, Windstorms, and Insect Infestation—June 17, 1978, June 24, 1978, July 1, 1978 and July 5, 1978.
Howard: Severe Hail and Wind—June 21, 1978, and June 22, 1978.
Kearney: Hailstorm—July 8, 1978.
Keya Paha: Hail, Wind, Rain, Tornado, Flooding, and Insect Infestation—June 21, 1978, June 22, 1978 and June 25, 1978.
Kimball: Hailstorm—July 6, 1978 and July 19, 1978.
Logan: Hailstorm, Winds, and Insect Infestation—June 17, 1978.
McPherson: Hailstorm, Wind, and Insect Infestation—June 17, 1978.
Morrill: Hail and High Winds—June 16, 1978, June 24, 1978, July 6, 1978, July 15, 1978, July 18, 1978, July 20, 1978 and July 21, 1978.
Nemaha: Heavy Rains and Flooding—July 22, 1978 and July 23, 1978.
Rock: Hail, Wind, Rain, Tornado, Flooding, and Insect Infestation—June 21, 1978, June 22, 1978, and June 25, 1978.
Scotts Bluff: Hail, Heavy Rain, and Insect Infestation—June 16, 1978, June 17, 1978, June 23, 1978, June 27, 1978, July 5, 1978, July 18, 1978 and July 19, 1978.
Sherman: Hailstorm and High Winds—June 21, 1978.
Thomas: Hail, Wind, and Insect Infestation—June 17, 1978.
Valley: Tornado, Wind, ahd Hail—June 21, 1978.

Eligible persons, firms, ahd organizations may file applications for loans for physical damage until the close of business on October 30, 1978, and for economic injury until the close of business on May 29, 1979, at:

Small Business Administration,
District Office,
Empire State Building,
19th and Farnam Street,
Omaha, Nebr. 68102

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: August 29, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-25062 Filed 9-6-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1516; Amdt. No. 1]

NEW YORK

Declaration of Disaster Loan Area

The above numbered Declaration (See 43 FR 38149) is amended by adding Nassau and Suffolk Counties and adjacent counties within the State of New York, which constitute a disaster area because of damage resulting from heavy rain, tornado, and flooding which occurred on August 12, 1978. All other information remains the same; i.e., the termination dates for filing applications for physical damage is close of business October 19, 1978, and for economic injury until the close of business on May 18, 1979.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: August 29, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-25058 Filed 9-6-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1519]

NORTHERN MARIANA ISLANDS OF THE PACIFIC

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that the Northern Mariana Islands of the Pacific constitute a disaster area because of damage resulting from Tropical Storm Carmen beginning about August 9, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business of October 19, 1978, and for economic injury until the close of business on May 18, 1979, at:

Small Business Administration,
Branch Office,
Pacific Daily News Bldg., Room 507,
Agana, Guam 96910

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: August 29, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-25059 Filed 9-6-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 5197]

SOUTH CAROLINA

Declaration of Disaster Loan Area

Beaufort, Berkeley, Charleston, Colleton, Georgetown, Horry, and Jasper Counties within the State of South Carolina constitute a disaster area because of a decrease in the shrimp harvested this year. The reduction in the harvest is the direct result of severe cold water temperature generated by the freezing weather of 1977-78. Eligible persons, firms, and organizations may file applications for loans for economic injury until the close of business on August 29, 1978, at:

Small Business Administration,
District Office,
1801 Assembly Street,
Columbia, S.C. 29201

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: August 29, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-25060 Filed 9-6-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1511, Amdt. No. 2]

TEXAS

Declaration of Disaster Loan Area

The above numbered declaration (See 43 FR 37049) and Amdt. No. 1 (See 43 FR 38656) are amended in accordance with the President's declaration of August 3, 1978, to include Throckmorton and Stephens Counties in the State of Texas. The Small Business Administration will accept applications for disaster relief loans from disaster victims in the above-named counties, and adjacent counties, within the State of Texas. All other information remains the same; i.e., the termination date for filing applications for physical damage is close of business on October 2, 1978, and for economic injury until close of business on May 3, 1979.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008.)

Dated: August 17, 1978.

H. A. THEISTE,
Acting Administrator.

[FR Doc. 78-25061 Filed 9-6-78; 8:45 am]

[8025-01]

REGION X—ADVISORY COUNCIL MEETING

Public Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area of Spokane, Wash., will hold a public meeting at 9 a.m., P.d.t., on Monday, October 2, 1978, in Room 695, U.S. Courthouse Building, West 920 Riverside Avenue, Spokane, Wash., to discuss such business as may be presented by members, the staff of the Small Business Administration, or others attending.

For further information, write or call William S. Schumacher, District Director, U.S. Small Business Administration, U.S. Courthouse, Room 651, Post Office Box 2167, Spokane, Wash. 99210, 509-456-3781, FTS 439-3781.

Dated: August 31, 1978.

K DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 78-25056 Filed 9-6-78; 8:45 am]

[8025-01]

[Proposed License No. 02/02-0346]

PETER J. SCHMITT SBIC, INC.

Application for a License to Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1978)) under the name of Peter J. Schmitt SBIC, Inc., 678 Bailey Avenue, Buffalo, N.Y. 14206, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the rules and regulations promulgated thereunder.

The proposed officers, directors, and stockholders are as follows:

Charles B. Barcelona, Chairman of the Board and Director, 106 Knob Hill Road, Orchard Park N.Y. 14127.
William Wannstedt, President and Director, 502 13th Avenue, Huntington, W. Va. 25701.
Timothy F. Foley, Vice President and Director, 79 Huntington Court, Hamburg, N.Y. 14075.
Robert G. Petrie, Treasurer and Director, 28 Woodstock, Glenwood, N.Y. 14069.
Gregory L. Davis, Secretary, 455 Hopkins Road, Williamsville, N.Y. 14221.
Laurence E. Kufel, Assistant Secretary, 113 Albert Drive, Lancaster, N.Y. 14086.
* Peter J. Schmitt Co., Inc., parent company (100 percent owner), 678 Bailey Avenue, Buffalo, N.Y. 14206.

* All of the common stock, voting, issued and outstanding is owned by Loblaw Companies, Ltd., and Loblaws Ltd., both situated at Wittington Tower, Suite 1801, 22d Street, Clair Avenue, East Toronto, Ontario, Canada 4 MT 2S7. Both Loblaw companies in turn are owned by George Weston Ltd. Co. of Ontario, Canada, one of the largest food brokerage firms in the country.

The applicant proposes to commence operations with a capitalization of $500,000, derived from the sale of 50,000 shares of common stock at $10 per share to its parent, Peter J. Schmitt Co., Inc., 678 Bailey Avenue, Buffalo, N.Y. 14206.

The applicant is one of the largest wholesale distributors of grocery and frozen food products, operating warehouses as well as retail outlets and franchise outlets throughout the States of New York and Pennsylvania and employs in excess of 5,000 people. Applicant will conduct its operations principally in New York and Pennsylvania but will provide loans to small business concerns with particular attention to assisting retail merchants in the urban area of Buffalo, outlying communities, rural and small town localities with limited or no facilities for the areas residents.

Matters involved in SBA's consideration of the application include the general business reputation of the owner and management and the probability of successful operations of the new company, in accordance with the Act and regulations.

Notice is further given that any person may, not later than September 22, 1978, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.01, Small Business Investment Companies.)

Dated: March 10, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-25055 Filed 9-6-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA); SPECIAL COMMITTEE 139—AIRBORNE EQUIPMENT STANDARDS FOR MICROWAVE LANDING SYSTEM (MLS)

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. I) notice is hereby given of a meeting of the RTCA special committee 139 on airborne equipment standards for microwave landing system (MLS) to be held September 28-29, 1978, Air Transport Association of America, Conference Room A, 5th Floor, 1709 New York Avenue NW., Washington, D.C., commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) chairman's introductory remarks; (2) briefing on minimum operational performance standards format; (3) review committee terms of reference; (4) establish guidelines and limits for committee activities; (5) identification of tasks and time for accomplishment; and (6) other business.

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 present oral statements or obtain information should

contact the 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.

Issued in Washington, D.C., on August 28, 1978.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 78-24906 Filed 9-6-78; 8:45 am]

[4910-06]

Federal Railroad Administration

[Docket No. RFA 505-77-5]

PURCHASE OF REDEEMABLE PREFERENCE SHARES

Revision of Application

Project: The Federal Railroad Administration ("FRA") notified the public on June 29, 1977 (42FR 33100) that the Illinois Central Gulf Railroad Co. ("applicant"), 233 North Michigan Avenue, Chicago, Ill. 60601, had filed an application with the FRA under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 825, seeking financial assistance through the sale to the United States of redeemable preference shares ("shares") in the years 1977 through 1981 having an aggregate par value of $164,750,014. Notice is hereby given that applicant has filed a revision of this application with FRA seeking purchase of shares by FRA in the years 1979 through 1982 in the aggregate amount of $123,462,000. Applicant proposes to redeem the par value of the shares and to pay dividends on the shares in accordance with a schedule such that payments will commence 11 years from the date of issuance of the shares and the par value of all shares will be redeemed within 30 years of their date of issuance.

The proceeds of the sale of the shares are to used by the applicant to rehabilitate and improve (1) rail facilities located on its Bluford Line, its Tallahatchie-Yazoo Line and the Paducah and Illinois Railroad, as more fully described in the above-referenced notice published in the FEDERAL REGISTER on June 29, 1977, (2) the North Yard in Jackson, Miss., (3) portions of applicant's rail line in its Fulton District between Oaks, Ky. and Woodstock, Tenn., and (4) rail facilities located in applicant's Chicago District.

The work will be performed in accordance with the following schedule:

Project	Completion date	FRA funding[1]
Bluford Line	1982	$27,671,000
Tallahatchie-Yazoo Line.	1982	35,558,000
Paducah and Illinois RR.	1982	3,534,000
North Yard, Jackson, Miss.	1982	10,520,000
Fulton District	1980	8,580,000
Chicago District	1981	5,000,000
Administration, equipment, machinery.		19,580,000
Subtotal		110,443,000
Escalation factor of 8 percent per year.		13,019,000
Total		123,462,000

[1]Excludes (i) deductions for the value of salvage released and (ii) increases for contingency costs.

Justification for project: The applicant states that the project will enable it to maintain and improve essential freight services, track and bridge work will allow increased operation speeds and reduce accidents, and yard work will expedite traffic flow within the yard area.

Comments: Interested persons may submit written comment on the application to the Associate Administrator for Federal Assistance, Federal Railroad Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

To the extent permitted by law, the application will be made available for inspection during normal business hours in Room 5415 at the above address of the FRA in accordance with the regulations of the Office of the Secretary of Transportation set forth in Part 7 of Title 49 of the Code of Federal Regulations. The comments will be considered by the FRA in evaluating the application. However, formal acknowledgement of comments will not be provided.

The FRA has not approved or disapproved this application nor has it passed upon the accuracy or adequacy of the information contained therein

(Sec. 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Dated: September 1, 1978.

Comment closing date: On or before September 27, 1978.

WILLIAM E. LOFTUS,
Acting Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc. 78-25071 Filed 9-6-78; 8:45 am]

[4910-60]

Materials Transportation Bureau

UNITED NATIONS RECOMMENDATIONS ON THE TRANSPORT OF DANGEROUS GOODS

Notice of Public Meeting

A public meeting will be held on October 18, 1978, at 9:30 a.m. in room 3201 of the Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590. The purpose of this meeting will be to discuss the results of the August 1978 meetings of the Group of Rapporteurs and Group of Experts on Explosives, the subsidiary bodies of the United Nations Committee of Experts on the Transport of Dangerous Goods. In addition, the meeting will provide a forum by which interested parties may provide information to assist the MTB in the development of U.S. positions for the next meeting of the Committee of Experts which will be held in November 1978 in Geneva, Switzerland. Anticipated items of discussion at the public meeting include:

1. Criteria for grouping of poisons by degree of hazard (inhalation toxicity).
2. Revision of UN list of pesticides.
3. Multimodal tank-containers.
4. Permanent marking of reconditionable packagings.
5. Water resistance of fiberboard packagings.
6. Consignment procedures for dangerous goods shipments.
7. Proposals to amend the definitions of classes.

Interested persons are invited to attend and participate in this meeting.

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

[FR Doc. 78-25146 Filed 9-6-78; 8:45 am]

[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

[Notice No. 78-13; Reference: ATF O 1100.94]

DELEGATION TO THE ASSISTANT DIRECTOR (REGULATORY ENFORCEMENT) OF AUTHORITIES OF THE DIRECTOR IN 27 CFR PART 173, RETURNS OF SUBSTANCES, ARTICLES, OR CONTAINERS

Delegation Order

1. *Purpose.* This order delegates certain authorities, now vested in the director by regulations in 27 CFR Part 173, to the Assistant Director (Regulatory Enforcement) and permits redelegation to Regulatory Enforcement personnel in Bureau Headquarters.

2. *Background.* Under current regulations, the Director has authority to take final action on matters relating to

the returns and records of the disposition of articles from which distilled spirits may be recovered, of substances of the character used in the manufacture of distilled spirits, and of containers of the character used for the packaging of distilled spirits; and to the manufacture and disposition of liquor bottles. It has been administratively determined that certain authorities now vested in the Director by regulations in 27 CFR Part 173, Returns of Substances, Articles, or Containers, belong at and should be delegated to a lower organizational level.

3. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 221, dated June 6, 1972, and by 26 CFR 301.7701-9, there is hereby delegated to the Assistant Director (Regulatory Enforcement) the authority to take final action on the following matters relating to 27 CFR Part 173, Returns of Substances, Articles, or Containers:

(*a*) To prescribe all forms including records and reports required by subpart F of Part 173, under 27 CFR 173.2.

(*b*) To approve, pursuant to 27 CFR 201.501, the use of other suitable materials for the manufacture of bottles which are designed or intended for use as containers of distilled spirits sold for beverage purposes, under 27 CFR 173.5.

(*c*) To approve other methods for permanently marking the indicia on domestic liquor bottles, under 27 CFR 173.33; and to approve letter applications to manufacture distinctive liquor bottles not bearing the indicia required by 27 CFR 173.33.

(*d*) To approve other methods for permanently marking the indicia on imported empty liquor bottles or on imported filled liquor bottles, under 27 CFR 173.34; and to approve letter applications accompanied by photographs covering the use of distinctive liquor bottles not bearing the indicia required by regulations.

4. *Redelegation.*

(*a*) The authority in paragraph 3a above may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of branch chief.

(*b*) The authority in paragraph 3b above may not be redelegated.

(*c*) The authority in paragraphs 3c and 3d above may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of ATF specialist.

Effective date. This order becomes effective on August 28, 1978.

Signed: August 28, 1978.

JOHN S. KROGMAN,
Acting Director.

[FR Doc. 78-25065 Filed 9-6-78; 8:45 am]

[4810-33]

Comptroller of the Currency

FIRST NATIONAL BANK AT EAST ST. LOUIS, EAST ST. LOUIS, ILL.

Acceleration of Registration

On my opinion that acceleration of effectiveness is appropriate in the public interest and for the protection of investors, the Registration Statement on Form F-1 filed on July 13, 1978, by The First National Bank at East St. Louis, East St. Louis, Ill., for the registration of its common stock, is hereby declared effective immediately pursuant to sections 12(g) and 12(i) of the Securities Exchange Act of 1934, as amended, and § 11.4(c) of the Regulations of the Comptroller of the Currency.

Dated: August 25, 1978.

JOHN G. HEIMANN,
Comptroller of the Currency.

[FR Doc. 78-25035 Filed 9-6-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Service Order No. 1332]

RAILROAD OPERATING REGULATIONS FOR FREIGHT CAR MOVEMENT

Decided August 29, 1978.

In a petition filed August 11, 1978, the Asssociation of American Railroads (AAR) seeks various revisions of Service Order No. 1332.

Service Order No. 1332 was issued on August 7, 1978 (43 FR 35317, August 9, 1978), in accordance with our findings on July 31, 1978, that the time periods of 24 hours prescribed in Corrected Second Revised Service Order No. 1309 with respect to the placing, removal, and forwarding of cars, and the movement of cars to or from repair, cleaning, or weighing tracks should be replaced with a 60-hour time period. In that decision we determined the Corrected Second Revised Service Order No 1309 be allowed to expire at 11:59 p.m., July 31, 1978, and that it be replaced with a new order (Service Order No. 1332) incorporating the new 60-hour time period found to be proper.

The AAR now objects to the limited inclusion of empty cars owned by the line holding the cars; to cars containing company freight; and to cars requiring special handling because of excessive dimensions. The AAR also requests that cars held for Federal or State grain inspections be made exempt from the order. It asks that cars bearing the registered reporting marks of affiliated railroads be considered the cars of any or all of the affiliated lines; it objects to certain recordkeeping requirements imposed by Service Order No. 1332, and it seeks a 60-hour time limitation for completion of light repairs, cleaning, or weighing instead of 24 hours presently imposed by the order.

All of these provisions except that relating to recordkeeping were included in Corrected Second Revised Service Order No. 1309 and were not objected to by any carrier or by the AAR during the period that order was in effect. Notwithstanding, each of the objections offered by the AAR will be considered on its merits.

The AAR requests that section (a)(1)(iv) *Exception*, be revised so as to make system cars exempt from the order at all times. Consistent with this request it also requests that the reference to "system" cars in section (a)(5), *Cars Held for Repairs, Weighing or Cleaning*, be deleted.

Service Order No. 1332 was issued upon our finding that acute shortages of freight cars exist throughout the country. These shortages are related to car types but are not related to the ownership of any particular car. It makes little difference to a shipper whether the car furnished to transport his freight is owned by the railroad which serves his facility or is owned by some other carrier, so long as the car is suitable. In fact, because of restrictions applicable to "foreign" cars imposed by Mandatory Car Service Rules 1 and 2, or by an outstanding car location directive issued by the AAR or by a Service Order issued by this Commission, the use of a system car may be essential. The Commission recognizes that the relationship between the supply of and demand for freight cars is not constant and that on any given day there may be a temporary surplus of empty cars at any point. Empty cars owned by other railroads, should be returned promptly to the car owner if not needed for immediate loading. Admittedly, no useful purpose would be served by requiring that empty system cars be moved from one point to another merely to obtain compliance with the order. Consequently, system cars have been made exempt from those provisions of the order requiring that empty system cars be placed or forwarded within 60-hours. However, since a general shortage of cars still exists, carriers should be required promptly to perform any necessary repairs, cleaning, or weighing of their system empty cars before

they are placed in temporary storage, in order that they may be immediately available for use when required.

The request of the AAR for revision of section (a)(1)(iv), *Exception*, and of section (a)(5) *Cars Held for Repairs, Weighing or Cleaning*, subsection (i), with respect to system cars is denied.

The AAR requests that a new exception making cars held for Federal or State grain inspection be exempt from the order. We see no reason for such an exception. These cars are not presently subject to the order while so held. The order merely requires that they can be placed on inspection tracks and proper notice as required by the applicable tariffs, be given within 24 hours, exclusive of Saturdays, Sundays, and holidays after arrival at destination or hold point. Responsibility for detention of cars subject to inspection rests upon the consignee or owner after cars have been placed on inspection or hold tracks and proper notice given.

The request of the AAR for a new exception applicable to cars of grain applicable to Federal or State inspection is denied.

The AAR also requests that cars containing company freight be made exempt from this order. To the extent that company freight moves in freight cars normally used for transporting revenue freight, excessive delays to such cars contributes to the shortages of cars available to commerical shippers. Service Order No. 1332 merely requires that cars of company freight be moved promptly and, that on arrival at billed destination, they be placed promptly in a position for unloading, or, if not immediately wanted, the consignee (i.e., the employee or supervisor responsible for unloading) be promptly notified that the cars have arrived. There is nothing in the order which requires their prompt unloading or which interferes in any way with the issuance of subsequent instructions for placement or for movement to some other point for unloading. We do not believe that this limited application of Service Order No. 1332 to carloads of company freight places any undue burden on the carriers. No exception applicable to carloads of company material will be made.

The AAR also requests that an exception be made for shipments of excessive dimensions which require special handling or controlled movement. Such cars normally are not accepted from the shipper until after authority for movement has been obtained. If cars are offered by shippers which exceed the dimensions authorized via the intended route of movement, they should be held subject to demurrage until reduced to proper dimensions or until authority to move subject to special handling is received. No exception will be granted.

Modification of section (a)(ix), *Definitions*, is requested to include in the definition of a "system car," cars which bear the registered reporting marks of any railroad directly affiliated with another railroad. No standards to define affiliation are suggested. We find merit in the suggestion of the AAR provided that a suitable definition of affiliated cars is provided. Accordingly, this section will be revised to read as follows:

(a)(1)(ix) *Defintions:* System cars are cars bearing the registered reporting marks of the railroad holding the cars, including any railroad identified as a component part of a system of railroads as defined in the list of "Home Roads," published on page 1112 of the Official Railway Equipment Register, ICC RER No. 408, issued by W. J. Trezise, or successive issues thereof. Foreign cars are cars bearing the registered reporting marks of a railroad other than the one holding the cars, neither of which is identified in the list of "Home Roads" as being a part of the same system. Private cars are cars bearing the registered reporting marks of a company or person other than a railroad.

The AAR petition requests that section (a)(x) *Records Required*, be revised to eliminate all requirements for recordkeeping other than those pertaining to arrival and departure of each car. Liberalization of the reocrdkeeping requirements as proposed would limit enforcement activities to on-the-ground observations of a substantial portion of the car movements subject to the order. Service Order No. 1332 prescribes maximum time periods for placement, removal, forwarding, repairing, cleaning, and weighing of cars and for giving of required notices. Only records related to a car arriving in and departing from a terminal or station would be maintained if the AAR's proposed revision were adopted. There would be no requirement that records be made of any of the various other car movement functions subject to the order. Obviously, such limited recordkeeping is grossly inadequate to enable either the carrier's staff or the Commission's personnel to determine whether or not any particular car is or has been moved within the time limits prescribed. The recordkeeping requirements relate only to the specific car movements subject to the order and are the minimum necessary to secure compliance. Although they are required to be maintained at the point at which a car is held, or if held at a nonagency station at the agency station responsible for such nonagency station, there is no requirement that they be maintained at a central office within such station. If the carrier desires to maintain car movement records pertaining to arrival and forwarding at a yard office, those pertaining to placement, removal, and giving of notice at the office in which demurrage and other station records are maintained, and those related to repairs, cleaning, and weighing of cars at a repair track or mechanical department office, it may do so. The only requirements are that such records must be maintained and that they must be maintained at the station or yard where the cars are held.

The request of the AAR for revision of section (a)(ix), *Records Required*, is denied.

Another request of the AAR seeks to modify section (a)(5), *Cars Held for Repairs, Weighing or Cleaning*, (a)(5)(i) to eliminate the application of this provision to system cars and to increase to 60-hours the time allowed for completion of light repairs or cleaning. We have already denied the request of the AAR to eliminate the application of Service Order No. 1332 to system cars. (See section (a)(1)(iv) *supra.*) The AAR also suggests that the 24-hour time limit for light repairs and cleaning be eliminated. It makes no suggestion as to the length of time reasonable to perform such operations. Light repairs are defined as those which require less than 20 man-hours to accomplish. Essentially these are running repairs although they may include limited renewal of flooring and lining. These repairs are commonly performed on repair tracks adjacent to train yards and separate and distinct from repair shops in which heavier repairs are made. The time lost in the holding of cars awaiting the completion of light repairs is no less unproductive time than the holding of cars for any other purpose. In times of car shortages such loss of car utilization must be held to a minimum if the shortages are to be overcome. If any repair point is unable to make light repairs to cars consistently within the time limits provided in Service Order No. 1332, there are ample provisions in the order through which carriers can request an exception for any repair point unable to complete repairs within the time limits provided.

With respect to the cleaning of cars if the carriers rigidly enforce the requirements of section (a)(3)(iv) by declining to remove cars from tracks serving receivers until all foreign matter directly related to the inbound load has been removed, as required by Rules 14 and 27 of the Uniform Freight Classification, much car cleaning may be avoided. We are not persuaded that any valid reason has been shown to eliminate the 24-hour period allowed for completion of light repairs or cleaning of cars. The request of the AAR is denied.

The AAR has correctly brought to our attention a defect in section (a)(5)(iii) applicable to the weighing of cars. We agree that the time period

for completion of weighing should not begin until the car is actually available for weighing and not from the time the car has been designated to weigh. Accordingly, this subsection will be revised to read:

Section (a)(5)(iii). Cars which must be weighed shall be weighed and restenciled, if required, within 60-hours, exclusive of Sundays and holidays, after the cars become available for weighing at the point at which the weighing is to be accomplished.

Finally, the AAR requests that subparagraph (ii) of section (a)(6), *Movement of Freight Cars*, be deleted. We agree. This provision serves no useful purpose. Subparagraph (1) of this section prohibits the delaying of cars by holding on sidings for the purpose of increasing the time in transit. Section (a)(6)(ii) of Service Order No. 1332 will be eliminated.

It is ordered, Service Order No. 1332 be amended as provided herein. The petition of the AAR in all other respects is denied.

By the Commission. Commissioner Gresham would grant an exception for excessive dimension shipments requiring advance clearance and controlled movements. In all other respects, he concurs with the majority. Chairman O'Neal was absent and did not participate, and Commissioner Murphy did not participate.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-25040 Filed 9-6-78; 8:45 am]

[7035-01]

[Ex Parte No. MC—43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

Decided: August 21, 1978.

Charles Zumstein d.b.a. C. E. Zumstein Co. (MC-134183 and two subs) has filed an application for approval of contract carrier rental contract No. 2-3052 with Zemaco, Inc. of Lewisburg, OH, lessee under paragraph (b) of § 1057.6 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057).

Findings:

1. The contract does not contain any guaranteed minimum annual rental agreement.

It is ordered:

1. Applicant's request for approval of the contract carrier rental contract No. 2-3052 is denied.

By the Commission, Motor Carrier Leasing Board, Board Members Joel E. Burns, Robert S. Turkington, and W. F. Sibbald, Jr. Board Member Turkington not participating.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-25143 Filed 9-6-78; 8:45 am]

[7035-01]

[Docket No. AB-26 (Sub-No. 13F)]

SOUTHERN RAILWAY CO. ABANDONMENT IN GREENWOOD COUNTY, S.C.

Findings

Notice is hereby given pursuant to section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Decision decided August 22, 1978, a finding, which is administratively final, was made by the Commission, Review Board No. 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 354 ICC 584 (1978), for public use as set forth in said decision and further provided, that the abandonment may not be effected until the applications in Finance Docket Nos. 28767 and 28768 are approved, the present and future public convenience and necessity permit the abandonment by the Southern Railway Co. of a portion of its line of railroad extending from railroad milepost V-80.1 to mile-post V-89.1, a distance of 9 miles, located in Greenwood County, SC. A certificate of public convenience and necessity permitting abandonment was issued to the Southern Railway Co. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-25141 Filed 9-6-78; 8:45 am]

[7035-01]

[Decisions Volume No. 26]

DECISION-NOTICE

Decided: August 22, 1978.

The following applications are governed by Special Rule 247 of the Commission's Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or 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 applicant which 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 which will be served on each party of record. 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 may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We find:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. This decision is not a major Federal action significantly affecting the quality of the human environment.

It is ordered:

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

By the Commission, Review Board No. 2, Members Boyle, Eaton, and Liberman.

H. G. Homme, Jr.,
Acting Secretary.

MC 200 (Sub-310F), filed July 26, 1978. Applicant: RISS INTERNATIONAL CORP., a Delaware corporation, 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody, 903 Grand Avenue, Kansas City, MO 64106. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: Such *commodities* as are dealt in by wholesale grocery companies (except commodities in bulk), from the facilities of Colgate-Palmolive Co., at Kansas City, KS, to Boone, Chariton, Cedar Rapids, Sioux City, Davenport, and Bettendorf, IA, and Moline and Rock Island, IL, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Kansas City, MO.)

MC 2960 (Sub-21F), filed July 21, 1978. Applicant: ENGLAND TRANSPORTATION CO. OF TEXAS, a corporation, 2301 McKinney Street, Houston, TX 77023. Representative: E. Larry Wells, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75247. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Rubber and plastic products,* from the facilities of Entek Corp. of America, at or near Irving, TX, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture and sale of the commodities named in (1) above, from points in the United States (except AK and HI), to the facilities of Entek Corp. of America, at or near Irving, TX. (Hearing site: Dallas, TX.)

MC 4405 (Sub-579F), filed July 24, 1978. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, OK 74103. Representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway service, and (2) *containers and trailer bodies,* from Berwick and Dunmore, PA, and points in Limestone Township, PA, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 5227 (Sub-41F), filed July 6, 1978. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (a) from Chicago, IL; Houston, TX; New Orleans, LA; Charleston, SC; Savannah, GA; Camden, Kingston, and Newark, NJ; Canonsburg, PA; and Wilmington, DE, to those points in the United States in and east of ND, SD, NE, CO, and AZ, and (b) from Los Angeles, CA, to points in AZ, CA, CO, and NM, restricted in (a) and (b) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing Site: Portland, OR, or Lincoln, NE.)

MC 5623 (Sub-40F), filed June 27, 1978, and previously published in the Federal Register issue of August 1, 1978. Applicant: ARROW TRUCKING CO., a corporation, P.O. Box 7280, Tulsa, OK 74105. Representative: J. G. Dail, Jr., P.O. Box 567, McLean, VA 22101. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Steel pipe and fittings,* from Ambridge, Beaver Falls, and Koppel, PA, and Alliance, OH, to points in AR, LA, OK, and TX.

Note.—The purpose of this republication is to further restrict the destination states. (Hearing site: Washington, DC.)

MC 11207 (Sub-437F), filed July 6, 1978. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Metal and metal articles* (except commodities which because of size or weight require the use of special equipment), from the facilities of Southeastern Coated Products, at or near Columbia, SC, to points in AL, AR, FL, GA, LA, MS, OK, TN, and TX. (Hearing site: Columbia, SC, or Birmingham, AL.)

MC 26377 (Sub-23F), filed July 6, 1978. Applicant: LEONARDO TRUCK LINES, INC., 511 South 1st Street, Selah, WA 98942. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, OR 97210. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plastic articles,* and (2) *materials and supplies* used in the manufacture of plastic articles, between the facilities of A&B Plastic Co., in Yakima County, WA, on the one hand, and, on the other, points in AZ, CA, CO, IL, NJ, OR, TX, and UT. (Hearing site: Yakima, WA.)

MC 30237 (Sub-36F), filed July 6, 1978. Applicant: YEATTS TRANSFER COMPANY, a corporation, P.O. Box 666, Altavista, VA 24517. Representative: Eston H. Alt (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products* (a) from Berlin and Groveton, NH; Vineland, NJ; Glens Falls, NY; Westfield, MA; Cincinnati, Hamilton, and Middletown, OH; Chester, PA; and Mobile, AL, to Lynchburg, VA, and (b) from Glens Falls, NY, to Charlottesville, VA. (Hearing site: Washington, DC, or Roanoke, VA.)

MC 51146 (Sub-608F), filed July 5, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: Such *commodities* as are dealt in by manufacturers or converters of paper and paper products (except commodities in bulk), from Chillicothe and Schooleys, OH, to points in the United States (except AK, HI, MD, VA, DC, those in NC east of U.S. Hwy 25, and those in SC east of a line beginning at the NC–SC State line and extending along U.S. Hwy 176 to the intersection of Interstate Hwy 20, then along Interstate Hwy 20 to the intersection of U.S. Hwy 76, then along U.S. Hwy 76 to the intersection of U.S. Hwy 52, then along U.S. Hwy 52 to Charleston). (Hearing site: Columbus, OH, or Washington, DC.)

MC 51146 (Sub-611F), filed July 5, 1978. Applicant: SCHNEIDER

TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such *commodities* as are dealt in or used by manufacturers and distributors of (a) cellulose materials and products and (b) insulation materials and products, between points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 106920 (Sub-74F), filed June 2, 1978, and previously published in the FEDERAL REGISTER issue of July 13, 1978. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe Street, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and food products* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Livonia, MI, to points in OH, PA, NY, NJ, MD, VA, WV, DE, CT, RI, MA, ME, VT, NH, and DC. NOTE.—This republication is to include food products in the commodities. (Hearing site: Detroit, MI, or Washington, DC.)

MC 110525 (Sub-1252F), filed July 24, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., a Delaware corporation, 520 East Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals), in bulk, in tank vehicles, from Fort Worth, TX, to points in AR, AZ, KS, LA, MO, NM, and OK. (Hearing site: Chicago, IL.)

MC 110988 (Sub-370F), filed July 20, 1978. Applicant: SCHNEIDER TANK LINES, INC., 4321 West College Avenue, Appleton, WI 54911. Representative: John R. Patterson, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lignin liquor, lignin pitch, and paper-mill by-products*, from Green Bay and Rothschild, WI, to points in AR, CA, CT, DE, ID, ME, MA, MS, MT, NE, NV, NH, NM, ND, OR, RI, SD, UT, VT, WA, and WY; (2) *liquid plant food*, in bulk, from Eau Claire, MI, to points in IL, IN, NY, and WI; and (3) *liquid core compounds*, from the facilities of Delta Oil Products, at or near Milwaukee, WI, to points in IL, IN, IA, MI, MO, NY, OH, PA, TX, and WV. (Hearing site: Chicago, IL.)

MC 111310 (Sub-33F), filed July 5, 1978. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container closures*, (1) from Terre Haute, IN, to points in IL, IA, MI, MN, MO, OH, and WI, and (2) from Shakopee, MN, to points in IL, IN, IA, MI, MO, ND, SD, and WI. (Hearing site: Madison, WI, or Cliffwood, NJ)

MC 112595 (Sub-79F), filed July 24, 1978. Applicant: FORD BROTHERS, INC., Box 727, Ironton, OH 45638. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rolling processing fluids, wire drawing compounds, and lubricating oils*, from the facilities of the Ironsides Co., at or near Columbus, OH, to points in AL, AZ, CA, CO, CT, DE, DC, FL, GA, ID, IL, KS, KY, LA, ME, MD, MA, MN, MS, MT, NV, NH, NM, NC, ND, OH, OK, OR, RI, SC, SD, TN, UT, VT, VA, WA, and WY, and (2) *materials, equipment, and supplies* used in manufacture or distribution of the commodities in (1) above, from points in the United States (except AK, AR, GA, HI, IN, IA, LA, MO, NE, PA, TN, TX, and VA), to the facilities of the Ironsides Co., at or near Columbus, OH. (Hearing sites: Columbus, OH, or Washington, DC.)

MC 114045 (Sub-506F), filed July 26, 1978. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by manufacturers and distributors of alcoholic beverages, (except commodities in bulk, in tank vehicles) between the facilities of Heublein, Inc., at or near Paducah, KY, on the one hand, and, on the other, points in AR, CA, CO, IL, IN, KS, LA, MI, MS, MO, NM, OK, and TX. (Hearing site: Chicago, IL, or Dallas, TX.)

MC 114969 (Sub-82F), filed August 1, 1978. Applicant: PROPANE TRANSPORT, INC., P.O. Box 232, Milford, OH 45150. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, from Lima, OH, to points in IN and MI. (Hearing site: Indianapolis, IN, or Columbus, OH.)

MC 115331 (Sub-464F), filed July 10, 1978. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of alcoholic beverages, (except commodities in bulk, in tank vehicles), between the facilities of Heublein, Inc., at or near Paducah, KY, on the one hand, and, on the other, points in AL, AR, IL, IN, IA, LA, MI, MN, MO, NE, ND, OH, PA, SD, TN, WV, and WI. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 115570 (Sub-12F), filed July 11, 1978. Applicant: WALTER A. JUNGE, INC., 2121 South 90th Street, Tacoma, WA 98444. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Steilacoom, WA, to points in MT, under continuing contract(s) with Boise Cascade Corp., of Portland, OR. (Hearing site: Portland, OR.)

NOTE.—Dual operations are involved.

MC 115570 (Sub-14F), filed July 11, 1978. Applicant: WALTER A. JUNGE, INC., 2112 South 90th Street, Tacoma, WA 98444. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and woodpulp*, from Wallula, WA, to points in CA, NV, OR, and WA, under continuing contract(s) with Boise Cascade Corp., of Portland, OR. (Hearing site: Portland, OR.)

NOTE.—Dual operations are involved.

MC 117910 (Sub-4F), filed July 17, 1978. Applicant: W. H. FROH, INC., 57760 Main Boulevard, New Haven, MI 48048. Representative: Walter N. Bieneman, 100 West Long Lake Road—Suite 102, Bloomfield Hills, MI 48013. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal and metal products, and containers for metal and metal products*, and (2) *equipment, materials, and supplies* used in the manufacturer of the commodities named in (1) above, between Port Huron, MI, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with Mueller Brass Co., of Port Huron, MI. (Hearing site: Detroit, or Lansing, MI.)

MC 117940 (Sub-286F), filed July 24, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. To operate

as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chip dip, salad dressings, potato salad, and canned goods* (except commodities in bulk), from the facilities of Nalley's Fine Foods, at or near Tacoma, WA, to St. Paul, MN, and Dayton, OH, restricted to the transportation of traffic originating at the named origin facilities and destined to the named destinations. (Hearing site: Seattle, WA.)

MC 119226 (Sub-104F), filed May 31, 1978, and previously published in the FEDERAL REGISTER issue of June 27, 1978. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sugar products and corn products,* in bulk, in tank vehicles, from the facilities of Archer Daniels Midland Co., at Cincinnati, OH, to points in AR, IL, IN, IA, KS, KY, LA, MD, MI, MS, MO, NY, PA, TN, VA, WI, and WV. (Hearing site: Indianapolis, IN, or Washington, DC.)

NOTE.—Dual operations may be involved. This republication is to include AR as a destination State, and to note the possible dual operations.

MC 119654 (Sub-52F), filed July 10, 1978. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plastic containers,* (a) from Springdale, Cleveland, and Lima, OH, to points in IL, IN, KY, MI, MO, and WI, and (b) from points in Elk Grove Township, IL, to points in IN, KY, MI, MO, OH, and WI; and (2) *materials, equipment, and supplies* used in the manufacture of plastic containers, (except commodities in bulk), (a) from points in IL, IN, KY, MI, MO, and WI, to Springdale, Cleveland, and Lima, OH, and (b) from points in IN, KY, MI, MO, OH, and WI, to points in Elk Grove Township, IL. (Hearing site: Chicago, IL.)

MC 119670 (Sub-38F), filed July 21, 1978. Applicant: THE VICTOR TRANSIT CORP., 5250 Este Avenue, Cincinnati, OH 45232. Representative: Robert H. Kinker, 314 W. Main Street, P.O. Box 464, Frankfort, KY 40602. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cellulose insulation, and materials and equipment used in the maufacture, sale, and installation of cellulose insulation,* between Lebanon, OH, on the one hand, and, on the other, points in AL, DE, GA, IL, IN, KY, MD, MI, MS, MO, NJ, NY, NC, PA, SC, TN, VA, WV, WI, and DC. (Hearing site: Cincinnati or Columbus, OH.)

MC 119700 (Sub-36F), filed June 15, 1978. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 46105. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from Sterling, IL, to points in CO, IA, KS, MN, MS, MO, NE, OK, SD, and TX. (Hearing site: St. Louis or Kansas City, MO.)

MC 119789 (Sub-505F), filed August 4, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: Lewis Coffey (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plywood, particleboard, hardboard, and paneling,* from the facilities of Welsh Southwest Ply, at or near East Camden, AR, to points in the United States (except AR, AK, and HI). (Hearing Site: Memphis, TN.)

MC 119864 (Sub-72F), filed July 10, 1978. Applicant: CRAIG TRANSPORTATION, INC., 26740 Eckel Road, Perrysburg, OH 43551. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prepared and preserved foodstuffs* (except frozen), *cooking oils, shortening, and matches,* from the facilities of Hunt-Wesson Foods, Inc., at or near Toledo, OH, to points in MI, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Columbus, OH.)

MC 123255 (Sub-170F), filed July 21, 1978. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wrapping paper, scrap paper, woodpulp, and woodpulp board,* from West Point, VA, to points in CT, DE, IL, IN, MD, MA, MI, NJ, NY, OH, PA, and WV. (Hearing site: Columbus, OH.)

MC 124170 (Sub-97F), filed July 11, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 6000 Enterprise Drive—Suite 222, Oak Brook, IL 60521. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) Bananas, and (2) agricultural commodities otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Tampa, FL, to points in AL, DE, FL, GA, IA, IL, IN, KY, LA, MD, MI, MN, MS, NC, ND, NJ, NY, OH, PA, SC, SD, VA, WI, WV, and DC. (Hearing site: Miami, FL, or Washington, DC.)

MC 124170 (Sub-98F), filed July 11, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI, 48207. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *Bananas,* and (2) *agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Miami, FL, to points in AL, DE, FL, GA, IA, IL, IN, KY, LA, MD, MI, MN, MS, NC, ND, NJ, NY, OH, PA, SC, SD, VA, WI, WV, and DC. (Hearing site: Miami, FL, or Washington, DC.)

MC 124170 (Sub-99F), filed July 19, 1978. Applicant: FROSTWAYS, INC., 3000 Chryler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *such commodities as are dealt in by health and beauty aid distributors and wholesalers,* from points in the United States to Detroit, MI. (Hearing site: Detroit, MI, or Washington, DC.)

MC 124211 (Sub-333F), filed July 10, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of alcoholic beverages (except commodities in bulk, in tank vehicles), between Paducah, KY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 126881 (Sub-16F), filed July 5, 1978. Applicant: RICHARD B. RUDY, INC., 203 Linden Ave., Frederick, MD 21701. Representative: Charles E. Creager, P.O. Box 1417, Hagerstown, MD 21740. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting (1) *Bakery products,* from Frederick, MD, to points in NY, NJ, PA, DE, OH, VA, and DC; (2) *pan grease,* from Carnegie, PA, to Frederick, MD; and (3) *packaging materials* used in the distribution of bakery products, from Oaks, PA, to Frederick, MD, under continuing contract(s) with S. B. Thomas, Inc., of

Totowa, NJ. (Hearing site: Washington, DC.)

MC 127584 Sub-7F, filed July 5, 1978. Applicant: AERO TRANSPORTERS, INC., Box 551, Ellenville, NY 12428. Representative: Martin Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum mill products*, and *materials, supplies, and equipment* used in the manufacture and distribution of aluminum mill products (except commodities in bulk, in tank vehicles), between points in FL, on the one hand, and, on the other, points in IL, IN, OH, KY, VA, WV, TN, NC, SC, GA, LA, AL, MS, TX, and FL, under continuing contract(s) with V.A.W. of America, Inc., of Ellenville, NY. (Hearing site: Albany or New York, NY.)

MC 127625 Sub-30F, filed July 25, 1978. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holly Hill, SC 29059. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Armco Steel Corp., at or near Middletown, OH, to points in NC, SC, GA, and those in TN on and east of Interstate Hwy. 65, and those in FL on and north of FL Hwy. 40. (Hearing site: Washington, DC, or Dayton, OH.)

MC 127840 Sub-75F, filed July 24, 1978. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible grease*, from Davenport, IA, to Mendota, IL.(Hearing site: Chicago, IL.)

MC 128205 Sub-54F, filed July 25, 1978. Applicant: BULKMATIC TRANSPORT CO., a corporation, 12000 South Doty Avenue, Chicage. IL 60628. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicage. IL 60601. to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphates, sodium sesquicarbonate, and doda ash*, in bulk, in tank vehicles, from the facilities of Bulkoa, Inc., at or near Chicago, IL, to St. Louis, MO, and point in OH, IA, MI, IN, IL, and WI, restricted to the transportation of traffic having an immediately prior movement by rail. (Hearing site: Chicago, IL.)

MC 128592 (Sub-13F), filed July 3, 1978. Applicant: KLM, INC., 2102 Old Brandon Road, Jackson, MS 39208. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by restaurant chains (except commodities in bulk), from points in the United States (except AK and HI), to the facilities of Burger King Corp., at or near (a) Greensboro, NC, (b) Syosset, NY, (c) Bellmawr, NJ, (d) Atlanta, GA, (e) Minneapolis, MN, (f) Detroit, MI, (g) Solon, OH, (h) Santa Fe Springs and San Jose, CA, (i) Kansas City, MO, (j) Denver, CO, (k) Houston and Arlington, TX, (l) Boston, MA, (m) Miami, FL, and (n) Seattle, WA, under continuing contract(s) with Burger King Corp., of Miami, FL. (Hearing site: Jackson, MS, or Miami, FL.)

NOTE.—Dual operations are involved in this proceeding.

MC 129480 (Sub-33F), filed July 6, 1978. Applicant: TRI-LINE EXPRESSWAY, LTD., 550 71st Avenue SE., Calgary, AB, Canada T2H OS6. Representative: Richard S. Mandelson, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in IL, MO, IA, TN, and AR, to ports of entry on the international boundary line between the United States and Canada, located in MN, ND, and MT, restricted to the transportation of traffic moving in foreign commerce destined to points in the Provinces of AB, MB, and SK, Canada. Condition: Prior receipt from applicant of an affidavit setting forth its complementary Canadian authority or explaining why no such Canadian authority is necessary. (Hearing site: Denver, CO.)

NOTE.—The restriction and conditions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled Notice to Interested Parties of New Requirements Concerning Applications for Operating Authority to Handle Traffic to and from points in Canada published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate officials of the Provinces of AB, SK, and MB regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect.

MC 129790 (Sub-7F), filed June 5, 1978. Applicant: JOSEPH A. BECKER, d.b.a. BECKER HI-WAY FRATE, 121 Adams Avenue, Albert Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, grill brick, and filter screens;* (2) *packaging materials and supplies;* and (3) *such commodities* as are used in the manufacture of the commodities named in (1) above, between Albert Lea, MN, on the one hand, on the other, points in CT, DE, IL IN, IA, KS, KY, ME, MD, MA, MI, MO, NE, NH, NJ, NY, NC, ND, OH, PA, RI, SD, TN, VT, VA, WV, WI, and DC, under continuing contract(s) with Miami Margarine Co., of Cincinnati, OH. (Hearing site: Minneapolis, MN, or Cincinnati, OH.)

MC 133085 (Sub-7F), filed July 21, 1978. Applicant: TRENCO, INC., 2109 Marydale Avenue, P.O. Box 697, Williamsport, PA 17701. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft*, knocked-down, in containers, from Lock Haven, PA, to Cleveland, OH, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Harrisburg, PA, or Washington, DC.)

NOTE.—Dual operations are involved in this proceeding.

MC 133085 (Sub-8F), filed July 21, 1978. Applicant: TRENCO, INC., 2109 Marydale Avenue, P.O. Box 697, Williamsport, PA 17701. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Airplane parts, and materials and supplies* used in the manufacture of airplanes and airplane parts (except commodities in bulk), between Lock Haven, Piper, and Williamsport, PA, on the one hand, and, on the other, points in FL. NOTE.—Dual operations are involved in this proceeding. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 133119 (Sub-136F), filed August 1, 1978. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, Akron, IA 51001. Representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed, feed ingredients, additives*, and (2) *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 Mattoon, IL, on the one hand, and, on the other, points in the United States (except AK, HI, and IL), restricted to the transportation of traffic originating at or destined to the fa-

cilities of Kal Kan Foods, at or near Mattoon, IL. (Hearing site: Omaha, NE, or Los Angeles, CA.)

MC 133405 (Sub-5F), filed July 21, 1978. Applicant: BOWIE HALL TRUCKING, INC., P.O. Box 353, Waldorf, MD 20601. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Eden, NC, to points in Montgomery, Prince Georges, Charles, and St. Mary's Counties, MD. NOTE. Dual operations may be involved. (Hearing site: Washington, DC.)

MC 133590 (Sub-17F), filed July 5, 1978. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marchall, 101 State Street, Suite 304, Springfield, MA 01103. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic and plastic articles*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk, in tank vehicles), between the facilities of Plastic Packaging Corp., at or near West Springfield and Springfield, MA, on the one hand, and, on the other, points in the United States (except AK, HI, ME, NH, VT, CT, and RI), under continuing contract(s) with Plastic Packaging Corp., of West Springfield, MA. (Hearing site: Hartford, CT, or Boston, MA.)

MC 134035 (Sub-26F), filed July 24, 1978. Applicant: DOUGLAS TRUCKING CO., a corporation, P.O. Box 698, Highway 75 South, Corsicana, TX 75110. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck and trailer parts*, from Montgomery, AL; East Chicago, IN; Akron, Frankfort, and Cleveland, OH; and Detroit and Muskegon, MI, to Tempe, AZ; Los Angeles, San Diego, and San Leandro, CA; Dallas and Houston, TX; Atlanta, GA; Kansas City, MO; Portland, OR; and Seattle, WA. (Hearing site: Washington, DC, or Kansas City, MO.)

MC 134177 (Sub-2F), filed July 5, 1978. Applicant: WILLIAM H. ELMORE d.b.a. ELMORE AND SONS, 326 Springfield Road, San Antonio, TX 78219. Representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Bexar County, TX, on the one hand, and, on the other, points in Atacosa, Bandera, Blanco, Comal, DeWitt, Frio, Gillispie, Gonzales, Guadalupe, Hays, Karnes, Kendall, Kerr, LaSalle, Lavaca, McMullen, Medina, and Wilson Counties, TX, restricted to the transportation of shipments having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pick up and delivery service in connection with the packing, crating, and containerization, or the unpacking, uncrating, or decontainerization of household goods. (Hearing site: San Antonio, TX.)

MC 134922 (Sub-268F), filed July 6, 1978. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). 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 Baldor Electric Co at or near Fort Smith, AR, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Washington, DC.)

MC 135607 (Sub-2F), filed June 8, 1978. Applicant: VANCOUVER AIRLINE CARTAGE (1964) LTD., 5500 Miller Road, P.O. Box 2133, Vancouver, BC, Canada V6B 3T8. Representative: George LaBissoniere, 1100 Norton Building, Seattle, WA 98104. 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, those requiring special equipment, and motor vehicles), between points in King and Pierce Counties, WA, and the port of entry on the line between the United States and Canada, at Blaine, WA, restricted to the transportation of traffic moving in foreign commerce having a prior or subsequent movement by air and originating at or destined to the Province of British Columbia, Canada. CONDITION.—Prior receipt from applicant of an affidavit setting forth its complementary Canadian authority or explaining why no such Canadian authority is necessary. NOTE.—The restriction and conditions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled "Notice to Interested Parties of New Requirements Concerning Applications for Operating Authority To Handle Traffic" to and from points in Canada published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate officials of the Provinces of Alberta, Saskatchewan, and Manitoba regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect. (Hearing site: Seattle or Bellingham, WA.)

MC 135691 (Sub-22F), filed June 23, 1978. Applicant: DALLAS CARRIERS CORP., 3610 Garden Brook Drive, P.O. Box 34080, Dallas, TX 75234. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contact carrier*, by motor vehicle, over irregular routes, transporting: (1) *Returned shipments of* (a) *automotive accessories*, (b) *automotive cranes* (except self-propelled), and (c) *tools* (except commodities in bulk and those which because of size or weight require the use of special equipment), from points in the United States (except AK and HI), to the facilities of Walker Manufacturing Co., at or near Aberdeen and Prairie, MS, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk and those which because of size or weight require the use of special equipment), from points in the United States to the facilities of Walker Manufacturing Co., at or near (a) Aberdeen, MS, and (b) Jonesboro, AR, under continuing contract(s) with Walker Manufacturing Co., of Racine, WI. (Hearing site: Dallas, TX.)

MC 138469 (Sub-77F), filed June 28, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Pabst, GA, to points in IL, IN, IA, KS, MI, MO, NE, OH, OK, TX, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. NOTE.—Dual operations may be involved in this proceeding. (Hearing site: Atlanta, GA, or Chicago, IL.)

MC 138686 (Sub-2F), filed May 30, 1978, and previously published in the FEDERAL REGISTER issue of June 27,

1978. Applicant: L.C.W. TRUCKING, INC., 119 East Chavez, Edinburg, TX 78539. Representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from San Antonio, TX, to points in CA on and south of Interstate Hwy 10. NOTES.—(1) dual operations are involved; (2) this republication is to correctly state the destination territory, and to note dual operations. (Hearing site: San Antonio or Dallas, TX.)

MC 138844 (Sub-14F), filed July 3, 1978. Applicant: GAS INC., 95 East Merrimack Street, Lowell, MA 01853. Representative: John W. Bryant, 900 Guardian Building, Detroit, MI 48226. 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 on the international boundary line between the United States and Canada, at or near Port Huron, MI, to the facilities used by Olin Corp., at or near Brandenburg, KY, restricted to the transportation of traffic originating at the facilities used by Esso Chemical Canada, a division of Imperial Oil Ltd., at or near Sarnia, Ontario, Canada. Conditions: (1) The certificate to be issued shall be limited in point of time to a period expiring 5 years from the date of issue; (2) Prior receipt from applicant of an affidavit setting forth its complementary Canadian authority or explaining why no such Canadian authority is necessary. (Hearing site: Boston, MA, or Washington, DC.)

NOTE.—The restriction and conditions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled Notice to Interested Parties of New Requirements Concerning Applications for Operating Authority to Handle Traffic to and from points in Canada published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate officials of the Provinces of Alberta, Saskatchewan, and Manitoba regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no further force or effect.

MC 138875 (Sub-100F), filed June 28, 1978. Applicant: SHOEMAKER TRUCKING CO., a Corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh, 11900 Franklin Road Boise, ID 83705. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire fighting equipment and supplies* (except commodities in bulk), from Ontario, CA, and Boise, ID, to points in AZ, NM, MN, WI, MI, CA, WA, OR, ID, NV, MT, UT, and CO. (Hearing site: Los Angeles, CA.)

MC 139156 (Sub-7F), filed July 6, 1978. Applicant: FAITH TRUCK LINES, INC., 14326 South Wood Street, P.O. Box 713, Dixmoor, IL 60426. Representative: James R. Madler, 120 West Madison Street, Suite 718, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Montague, MI, to points in IL, IN, IA, MI, MN, OH, and WI. (Hearing site: Chicago, IL.)

MC 139261 (Sub-10F), filed July 13, 1978. Applicant: BUCKEYE EXPRESS, INC., P.O. Box 368, Perrysburg, OH 53551. Representative: Michael M. Briley, 300 Madison Avenue, 12th Fl. Toledo, OH 43603. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Non-carbonated fruit beverages, applesauce, and vinegar*, from the facilities of New England Apple Products Co., Inc., at or near Ohio City and Rockford, OH, to points in the United States (except AK and HI); and (2) *glass containers*, from Dayville, CT, Mansfield, MA, and Charlotte, MI, to the facilities of New England Apple Products Co., Inc., at or near Ohio City and Rockford, OH, under a continuing contract(s) with New England Apple Products Co., Inc., of Littleton, MA. (Hearing site: Toledo, OH, or Washington, DC.)

MC 139349 (Sub-6F), filed July 24, 1978. Applicant: E Z FREIGHT LINES, a corporation, 348 Ocean Avenue, Jersey City, NJ 07305. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, stoves, and range hoods*, between points in Queen County, NY, on the one hand, and, on the other, points in the United States in and east of MN, WI, IL, KY, TN, MS, LA, and TX, under continuing contract(s) with Welbilt Corp. of Maspeth, NY. (Hearing site: Newark, NJ, or New York, NY.)

MC 139420 (Sub-41F), filed July 11, 1978. Applicant: Art Greenberg, d.b.a., GLACIER TRANSPORT, P.O. Box 428, Grand Forks, ND 58201. Representative: James B. Hovland, P.O. Box 1680, 414 Gate City Building, Fargo, ND 58102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spices, mustard, and mustard products* (except commodities in bulk), from the Grand Forks, ND, to points in the United States (except AK, HI, and ND); and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above, between points in the United States (except AK, HI, and ND), restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of the Baltimore Spice Company at Grand Forks, ND. (Hearing site: Baltimore, MD, or Fargo, ND.)

MC 139495 (Sub-369F), filed July 25, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers and distributors of paper and plastic products, from Ft. Worth, TX, to points in AL, AR, AZ, CA, CO, FL, GA, IA, KS, LA, MO, MS, NE, NV, NM, NC, OK, OR, SC, TN, UT, and WA. (Hearing site: Washington, DC.)

MC 140010 (Sub-15F), filed July 3, 1978. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 573 Dutch Valley Road NE., Atlanta, GA 30324. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Road NE., Atlanta, GA 30326. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (1) from the facilities of E. I. du Pont de Nemours & Co., Inc., at or near Duart, NC, to points in AL, FL, GA, SC, MS, and TN, and (2) from the facilities of E. I. du Pont de Nemours & Co., Inc., at or near Memphis, TN, to points in AL, FL, GA, MS, NC, and SC. All of the service in (1) and (2) above to be performed under a continuing contract(s) with E. I. du Pont de Nemours & Co., Inc., of Wilmington, DE. (Hearing site: Atlanta, GA.)

MC 140024 (Sub-118F), filed July 3, 1978. Applicant: J. B. MONTGOMERY, INC., a Delaware corporation, 5565 East 52d Avenue, Commerce City, CO 80022. Representative: Jeffrey A. Knoll (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes transporting *plastic trays*, from Downingtown, PA, to Richmond and Logan, UT. (Hearing site: Hartford, CT, or Washington, DC.)

MC 140024 (Sub-119F), filed July 5, 1978. Applicant: J. B. MONTGOMERY, INC., a Delaware corporation, 5565 East 52d Avenue, Commerce City, CO 80022. Representative: Jeffrey A. Knoll (same address as applicant). To operate as a *common carrier*, by motor

vehicle, over irregular routes transporting *confectionery products* (except commodites in bulk), in vehicles equipped with mechanical refrigeration, (1) From Boston, MA, to points in AR, AZ, CA, CO, ID, IL, IN, IA, KS, LA, MI, MN, MO, NE, NM, NV, OH, OK, OR, TX, UT, WA, and WI, (2) from West Reading, PA, to points in AZ, CA, CO, ID, IL, IA, KS, MN, MO, NE, NM, NV, OK, OR, TX, UT, WA, and WI, (3) from North Grosvenordale, CT, to points in AR, CA, CO, IL, IN, LA, MI, MN, OH, OK, TX, and WI, and (4) from Ashton, RI, and Mansfield, MA, to points in IL, IA, MN, CO, and CA. (Hearing site: Boston, MA.)

MC 140024 (Sub-121F), filed July 5, 1978. Applicant: J. B. MONTGOMERY, INC., a Delaware corporation, 5565 East 52d Avenue, Commerce City, CO 80022. Representative: Jeffrey A. Knoll (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes transporting *frozen bakery goods* (except commodities in bulk), from Philadelphia, PA, and Fort Wayne, IN, to Chicago, IL, Denver, CO, Los Angeles, CA, and Little Rock, AR. (Hearing site: Washington, DC.)

MC 140563 (Sub-12F), filed June 22, 1978, and previously published in the FEDERAL REGISTER issue of August 1, 1978. Applicant: W. T. MYLES TRANSPORTATION CO., a corporation, P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 2020, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Pretzels*, from Lancaster, PA, to points in AL, AR, FL, GA, KY, IL, IN, IA, KS, LA, MI, MN, MS, MO, NC, OH, SC, TN, VA, WV, and WI, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of pretzels from points in the destination States named in (1) above, to Lancaster, PA. (Hearing site: Atlanta, GA.)

NOTE.—Dual operations are involved in this proceeding. The purpose of this republication is to correct the territorial description.

MC 140829 (Sub-127F), filed August 3, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, U.S. Hwy. 20, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *traffic control products*, and (2) *equipment, materials, and supplies* used in the manufacture and installation of the commodities in (1) above (except commodities in bulk, in tank vehicles), from Atlanta, GA, to points in CO, IL, IN, IA, KS, MI, MA, MN, MO, NE, NJ, NY, OH, OK, PA, TX, and WI, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Washington, DC.)

NOTE.—Dual operations are involved in this proceeding.

MC 141010 (Sub-5F), filed July 18, 1978. Applicant: CONTRACT TRANSPORT, INC., 1433 Illinois Street, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *petroleum products, paint, and lubricating equipment* (except commodities in bulk), (1) from Walcott, IA, to points in IN, MI, MO, and OH, and (2) from Cleveland, OH, to Walcott, IA, under continuing contract(s) with Central Petroleum Co., of Cleveland, OH. (Hearing site: Chicago, IL.)

MC 141124 (Sub-19F), filed July 3, 1978. Applicant: EVANGELIST COMMERCIAL CORP., P.O. Box 1709, Wilmington, DE 19899. Representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. 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), between Dayton, OH, and Harrisburg, PA. (Hearing site: Dayton or Columbus, OH.)

MC 141804 (Sub-114F), filed June 29, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *electrical appliances*, and (2) *parts and accessories* for electrical appliances, from the facilities of General Electric Co., at Ontario, CA, to points in the United States in and east of MN, IA, MO, KS, OK, and TX. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-116F), filed July 5, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Fitchburg and Adams, MA, Jay, ME, Ypsilanti and Rochester, MI, Richmond, VA, and Newark, DE, to points in AZ, CA, NV, OR, and WA. (Hearing site: Washington, DC, or Los Angeles, CA.)

MC 141910 (Sub-3F), filed July 19, 1978. Applicant: FAIRWAY TRANSIT, INC., North 10 W 24730 Hwy TJ, Pewaukee, WI 53072. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide*, in containers, from Keokuk, IA, to the facilities of Northern Gases, Inc., at or near Waukesha, WI, and the facilities of Manitowoc Gases, Inc., at or near Manitowoc, WI, under continuing contract(s) with Northern Gases, Inc., and Manitowoc Gases, Inc., of Waukesha, WI. (Hearing site: Madison or Milwaukee, WI.)

NOTE.—Dual operations are at issue in this proceeding.

MC 141980 (Sub-3F), filed July 24, 1978. Applicant: ROBERT BOUCHE, 603 Buchanan Street, Algoma, WI 54201. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors and plywood*, from Algoma, WI, to (a) points in MI, MN, ND, and SD, and (b) those points in IL, IN, and OH on and north of U.S. Hwy 36; and (2) *Lumber, particleboard, and glue*, from points in IL, IN, and MI, to Algoma, WI; all of the service in (1) and (2) above to be performed under a continuing contract(s) with Algoma Hardwoods, Inc., of Algoma, WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 142464 (Sub-3F), filed July 10, 1978. Applicant: JOHN M. CHRISTOPHER, 3444 McCarty Lane, Lafayette, IN 47905. Representative: Brent E. Clary, P.O. Box 469, 68 Lafayette Bank and Trust Building, Lafayette, IN 47902. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Sterling, IL, on the one hand, and, on the other, points in IN, KY, OH, and MI (except the Upper Peninsula of MI), under continuing contract(s) with Northwestern Steel and Wire Co., Inc., of Sterling, IL. (Hearing site: Chicago, IL.)

MC 142600 (Sub-9F), filed July 11, 1978. Applicant: DIXIE-WEST EXPRESS, INC., P.O. Box L, Petals, MS 39465. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *(1) Resins, resin compounds, and resin products, and (2) such commodities as are manufactured and distributed by chemical manufacurers*, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Hercules Inc., at or near (a) Clairton and West Elizabeth, PA and

(b) Burlington, NJ, to points in CA, CO, OR, and WA, all of the service in (1) and (2) above to be performed under continuing contract(s) with Hercules Inc., of San Francisco, CA. (Hearing site: Washington, DC.)

MC 142925 (Sub-5F), filed July 24, 1978. Applicant: A.C.B. TRUCKING, INC., P.O. Box 163, Layfayette, IN 47902. Representative: James Robert Evans, 145 West Wisconsin Avenue, Neenah, WI 54956. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Confectioneries* (except in bulk), in vehicles equipped with mechanical refrigeraton, (1) from the facilities of E. J. Branch and Sons Division, American Home Products Corp. at or near Carol Stream, Chicago, and Sullivan, IL, to points in AZ, CA, NV, OR, UT, and WA, and (2) from Reno, NV, to points in AZ, CA, OR, and WA, all of the service in (1) and (2) above to be performed under a continuing contract(s) with E. J. Branch and Sons Division, American Home Products Corp., of Chicago, IL, (Hearing site: Chicago, IL.)

MC 143775 (Sub-11F), filed July 24, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *such commodities* as are dealth in by manufacturers of medical, surgical, and health care supplies (except commodities in bulk), and (2) *materials, supplies, and equipment* used in the manufacture and distribution of the commodities in (1) above (except comodities in bulk), from Greenwood, SC, to points in the United States (except AK, HI, and SC.) (Hearing site: Columbia, SC, or Washington, DC.)

NOTE.—Dual operations are involved in this proceeding.

MC 143794 (Sub-7F), filed July 10, 1978. Applicant: EAST-WEST MOTOR FREIGHT, INC., A Georgia Corp., P.O. Box 525, Selmer, TN 38375. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, NE., Atlanta, GA 30326. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts*, from Hagerstown, MD, to Hayward, CA, under continuing contracts with Mack Western, Division of Mack Trucks, Inc., of Hayward, CA. (Hearing site: Los Angeles, CA.)

MC 143939 (Sub-3F), filed July 31, 1978. Applicant: GERALD N. EVENSON, INC., P.O. Drawer I, Pelican Rapids, MN 56572. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from the facilities of G & T Fireplace Co., in Lewis and Clark County, MT, to points in MN, ND, and SD. (Hearing site: Billings, MT, or Minneapolis, NM.)

NOTE.—Dual operations are at issue in this proceeding.

MC 143994 (Sub-1F), filed July 5, 1978. Applicant: KARL BERTRAND, d.b.a. Karl Bertrand Trucking, P.O. Box 897, Reddell, LA 70580. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Batson, TX, to Eunice, LA. (Hearing site: New Orleans or Baton Rouge, LA.)

MC 144027 (Sub-3F), filed June 16, 1978, and previously noticed in the FEDERAL REGISTER issue of August 1, 1978. Applicant: WARD CARTAGE AND WAREHOUSING, INC., Route No. 4, Glasgow, KY 42141. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter*, and (2) *materials, supplies, and equipment* used in the maintenance and operation of printing plants (except commodities in bulk, in tank vehicles) (a) from the facilities of R. R. Donnelley & Sons Co. in IL, IN, and OH, to points in KY and TN, and (b) from the facilities of R. R. Donnelley & Sons Co. in KY and TN, to points in IL, IN and OH. (Hearing site: Nashville, TN or Louisville, KY.)

NOTE.—The purpose of this republication is to correctly reflect the territorial description.

MC 144114 (Sub-2F), filed July 3, 1978. Applicant: ELMER KINCAID & SHIRLEY DAVIDSON (a partnership), d.b.a. E & S Trucking Co., Box 45, Thorn Hill, TN 37881. Representative: Shirley Davidson (same address as applicant). To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Bell, Clay, Harlan, Knox, Laurel and Whitley Counties, KY, and points in Anderson, Campbell, Grainger, Morgan and Scott Counties, TN, to points in Buncombe, Haywood, McDowell, Transylvania, and Swain Counties, NC, under continuing contract(s) with Elmer Kincaid Coal Co. Inc., of Thorn Hill, TN. (Hearing site: Knoxville or Nashville, TN.)

MC 144195 (Sub-2F), filed July 26, 1978. Applicant: CAPITAL CITY DELIVERY SERVICE, INC., 3600 Manor Road, Austin, TX 78723. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. 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), between Austin, TX, on the one hand, and, on the other, Houston and San Antonio, TX, restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (Hearing site: Austin, TX.)

MC 144222 (Sub-4F), filed July 3, 1978. Applicant: RONALD HACKENBERGER, d.b.a. RON'S TRUCKING SERVICE, Route 250 North, RFD 3, Norwalk, OH 44857. Representative: E. H. van Deusen, P.O. Box 97, 220 West Bridge Street, Dublin, OH 43017. To operate as a *common carrier*, by motor vehicles, over irregular routes, transporting *granulated slag*, in bulk, in dump vehicles, from the facilities of H. B. Reed & Co., Inc., at or near Cresap, WV, to the facilities of Certain Teed Corp., at or near Avery, OH. (Hearing site: Columbus, OH.)

NOTE.—Dual operations are at issue in this proceeding.

MC 144411 (Sub-1F), filed July 6, 1978. Applicant: TRANSPORT SERVICE CORP., P.O. Box 6033, Charleston, SC 29405. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. 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, and commodities, in bulk), between points in the Charleston, SC commercial zone, restricted to the transportation of traffic having an immediately prior or subsequent movement by water. (Hearing site: Charleston, SC or Columbia, SC.)

MC 144780 (Sub-2F), filed July 18, 1978. Applicant: Paul Evans, d.b.a. PAUL EVANS & SONS TRUCKING, P.O. Box 185, Wilmington, OH 45177. Representative: John L. Alden, P.O. Box 12241, Columbus, OH 34212. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *paper bags*, from Wilmington, OH, to points in KS and MO, and points in the United States, in and east of WI, IL, KY, TN, and MS, and (2) *materials and supplies* used in the manufacture, packaging, and distribution of paper bags (except commodities in bulk), from the destination points named in (1) above to Wilmington, OH; all of the service in (1) and (2) above to be performed under a continuing contract with International Paper Co. of Wilmington, OH. (Hearing site: Columbus, OH, or Washington, D.C.)

MC 144930F, filed June 22, 1978. Applicant: EKLEBERRY TRUCKING,

INC., 400 West Mary Street, Bucyrus, OH 44820. Representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, OH 43215. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *dry fertilizer and dry fertilizer ingredients,* in bulk, between points in OH, on the one hand, and, on the other, points in IN and MI. (Hearing site: Columbus or Bucyrus, OH.)

MC 144980F, filed June 30, 1978. Applicant: LEWIS PERRY, d.b.a. LEWIS PERRY WRECKER SERVICE, 101 South Main Street, Ashland City, TN 37015. Representative: Jimmy P. Lockert, 105 Sycamore Street, Ashland City, TN 37015. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting (1) *wrecked and disabled motor vehicles, and replacement vehicles* for such commodities, by use of wrecker equipment only, from points in the United States (except AK and HI), to points in Cheatham County, TN, under continuing contract(s) with State Industries, Inc., of Ashland City, TN, Leasing Equipment, Inc., of Ashland City, TN, and Shearon Trucking Co., of Ashland City, TN. (Hearing site: Nashville, TN or Memphis, TN.)

MC 145014 (Sub-1F), filed July 10, 1978. Applicant: PARENT TRUCKING, INC., 4653 Turtle Road, Turner, MI 48765. Representative: William B. Elmer, 21635 East 9 Mile Road, St. Clair Shores, MI 48080. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting (1) *plastics and plastic products* (except commodities in bulk), from the facilities of Robinson Industries, Inc., in Warren Township, MI, to points in IL, IN, KY, NY, and OH; and (2) *materials and supplies* used in the manufacture and distribution of plastics and plastic products, (except commodities in bulk), from the destination States named in (1) above, to the facilities named in (1) above; all of the service in (1) and (2) above to be performed under continuing contract(s) with Robinson Industries, Inc., of Coleman, MI. (Hearing site: Lansing, MI.)

MC 145023 (Sub-1F), filed July 24, 1978. Applicant: C. O. BRUCE & SON, INC., Route 1, Blum, TX 76627. Representative: Billy R. Reid, P.O. Box 9093, Fort Worth, TX 76107. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *lactic acid,* in bulk, in tank vehicles, from Texas City, TX, to Grandview, MO. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 145025 (Sub-1F), filed July 21, 1978. Applicant: CONSIGNOR's INC., P.O. Box 42, Centerville, OH 45459. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in by retail department stores, between the facilities of Top Value Enterprises, Inc., at or near Dayton, OH, on the one hand, and, on the other, points in AL, GA, LA, FL, and MS, under continuing contact(s) with Top Value Enterprises, Inc., of Dayton, OH. (Hearing Site: Cincinnati, OH.)

MC 145031F, filed July 10, 1978. Applicant: DANNY COCKERELL, d.b.a. D & M TRUCKING, P.O. Box 341, Clay City, IL 62824. Representative: Thomas F. Kilroy, Suite 406 Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting (1) *plastic articles;* (2) *liquid sound deadener; and* (3) *machinery* used in the manufacture of the commodities in (1) and (2) above, from Troy, MI, and West Chicago, IL, to points in the United States (except AK and HI), all of the operations in (1), (2), and (3) above to be performed under continuing contract(s) with H.L. Blachford, Inc., of Troy, MI. (Hearing Site: Chicago, IL.)

MC 145080F, filed July 10, 1978. Applicant: SEALED AIR TRUCKING, INC., Park 80 Plaza East, Saddle Brook, NJ 07662. Representative: James F. Lyons (Same as above). To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting (1) *polymeric products,* (except in bulk); *and* (2) *equipment, materials, and supplies* used in the manufacture of polymeric products, (except commodities in bulk), between the facilities of Sealed Air Corp., at or near (a) Totowa, NJ, (b) Commerce, CA, (c) Chicgo, IL, (d) West Springfield, MA, (e) Arlington, TX, (F) Danbury, CT, and (g) Cincinnati, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI), all of the operations in (1) and (2) above to be performed under continuing contract(s) with Sealed Air Corp. of Fairlawn, NJ. (Hearing Site: Boston, MA, or Washington, D.C.)

MC 145129F, filed August 1, 1978. Applicant: WHITAKER TRANSPORTATION CO., INC., P.O. Box 1705, Chattanooga, TN 37401. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pulpboard,* between Chattanooga, Tyner, and Cleveland, TN. (Hearing site: Chattanooga, TN.)

PASSENGER AUTHORITY

MC 145030F, filed July 5, 1978. Applicant: GREEN COUNTRY BUS LINES, INC., Route No. 2, Vian, OK 74962. Representative: C. L. Phillips, Room 248 Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. To operate as a *common carrier,* by motor vehicle, transporting: *Passengers,* between Webbers Falls, OK, and Fort Smith, AR, over U.S. Hwy 64, serving the intermediate points of Gore, Vian, McKey, Sallisaw, Gans, and Muldrow, OK. (Hearing site: Fort Smith, AR, or Tulsa, OK.)

BROKER AUTHORITY

MC 130517F, filed July 5, 1978. Applicant: BESTWAY TRAVEL AGENCY, INC., P.O. Box 395, Suite 4, 366½ South Pierre Street, Pierre, SD 57501. Representative: Annette R. Herther (same address as above). To engage in operations, in interstate or foreign commerce, as a *broker,* at Pierre, SD, in arranging for the transportation by motor vehicle, of *passengers and their baggage,* charter operations: In all-expense, round-trip tours, in special beginning and ending at points in ND and SD, and extending to points in the United States (including AK; but excluding HI). (Hearing site: Pierre or Fort Pierre, SD.)

[FR Doc. 78-25139 Filed 9-6-78; 8:45 am]

[7035-01]

[Decisions Volume No. 27]

DECISION-NOTICE

Decided: AUGUST 24, 1978.

The following applications are governed by Special Rule 247 of the Commision's rules of practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in rea-

sonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shal meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which 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 which will be served on each party of record. *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 may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We find:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. This decision is not a major Federal action significantly affecting the quality of the human environment.

It is ordered:

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

By the Commission, Review Board Number 3, members Parker, Fortier, and Hill (Review Board Member Fortier not participating).

H. G. Homme, Jr.,
Acting Secretary.

MC 76 (Sub-8F), filed June 30, 1978. Applicant: MAWSON & MAWSON, INC., P.O. Box 125, Langhorne, PA 19047. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and Steel articles,* (a) from Lackwanna, NY, to points in CT, DE, MD, NJ, NY, PA (except those points in PA within 150 miles of Philadelphia, PA), and DC, (b) from Sparrows Point, MD, to points in CT, NJ, NY, OH, PA (except those points in PA within 150 miles of Philadelphia, PA), and WV, and (c) from Bethlehem, PA, to points in OH. (Hearing site: Philadelphia, PA, or Washington, DC.).

MC 200 (Sub-309F), filed July 27, 1978. APPLICANT: RISS INTERNATIONAL CORP., a Delaware corporation, 903 Grand Avenue, Kansas City, MO 64106. Represenatative: Ivan E. Moody, 903 Grand Avenue, Kansas City, MO 64106. To operate as a *common carrier,* by motor vehicle, transporting *automobile parts and accessories* (except commodities in bulk), serving Greencastle, IN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Kansas City, MO, or Indianapolis, IN.)

MC 2860 (Sub-170F), filed July 6, 1978. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NF 08360. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Containers, container closures, and accessories for containers and container closures,* and (2) *Materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk and commodities which, because of size or weight, require the use of special equipment), between the facilities of Glass Container Corp., at or near Palestine, Houston, and Dallas, TX, on the one hand, and, on the other, points in AZ, AR, CO, KS, LA, NM, and OK. (Hearing site: Dallas, TX, or Los Angeles, CA.)

MC 16346 (Sub-10F), filed June 30, 1978. Applicant: STORY'S EXPRESS CO., INC., P.O. Box 386, Delair, NJ 08110. Representative: Richard Rueda, 135 North 4th Street, Philadelphia, PA 19106. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper, paper products, and materials* used in the manufacture of paper and paper products (except commodities in bulk), between the facilities of Scott Paper Co., at or near (a) Chester and Philadelphia, PA, and (b) Fort Edward, NY. (Hearing site: Philadelphia, PA, or Camden, NJ.)

MC 19945 (Sub-68F), filed July 26, 1978. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, IL 62264. Representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *fertilizer,* in bulk, from St. Louis, MO, to points in IN. (Hearing site: St. Louis, MO.)

MC 44801 (Sub-9F), filed July 14, 1978. Applicant: DICK HARRIS & SON TRUCKING CO., INC., P.O. Box 10277, Lynchburg, VA 24506. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting:

(1) *Corrugated containers and sheets,* from the facilities of Chesapeake Container, Inc., at or near Richmond, VA, to points in NC, MD, and DC; and (2) *materials, supplies, and equipment* used in the manufacture and distribution of corrugated containers and sheets (except commodities in bulk, in tank vehicles), from points in NC, MD, and DC, to the facilities of Chesapeake Container, Inc., at or near Richmond, VA. (Hearing site: Washington, DC.)

MC 47171 (Sub-112F), filed July 17, 1978. Applicant: COOPER MOTOR LINES, INC., P.O. Box 4259, Greenville, SC 29608. Representative: Harris G. Andrews, P.O. Box 4259, Greenville, SC 29608. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *chemicals* (except in bulk), from Savannah, GA, to points in CT, DE, MD, MA, NJ, NY, PA, and RI. (Hearing site: Washington, DC.)

MC 52704 (Sub-177F), filed July 5, 1978. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H", Lafayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products,* from West Monroe, LA, to points in AL, FL, GA, MS, and TN, and (2) *materials, equipment, and supplies* used in the manufacture and conversion of paper and paper products (except commodities in bulk), from points in AL, FL, GA, MS,

and TN, to West Monroe, LA. (Hearing site: Atlanta, GA.)

MC 56799 (Sub-3F), filed August 11, 1978. Applicant: CLAXON TRUCK LINE, INC., P.O. Box 678, Frankfort, KY 40602. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. To operate as a *common carrier,* by motor vehicle, 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), between Frankfort, KY, and Cincinnati, OH: From Frankfort over Interstate Hwy 64 to junction of Interstate Hwy 75, then over Interstate Hwy 75 to Cincinnati, and return over the same route, serving no intermediate points. (Hearing site: Frankfort, KY, or Cincinnati, OH.)

MC 57239 (Sub-35F), filed August 14, 1978. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, IN 46206. Representative: Roland Rice, Suite 501, 1111 E Street NW., Washington, DC 20004. To operate as a *common carrier,* by motor vehicle, 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 Alma, MI as an off-route point in connection with otherwise authorized regular-route operations. (Hearing site: Detroit, MI, or Indianapolis, IN.)

MC 59150 (Sub-134F), filed July 27, 1978. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *pipe, pipe fittings, and accessories for pipe and pipe fittings,* from the facilities of McWane Cast Iron Pipe Co., Inc., at or near Birmingham, AL, to and the facilities of Union Foundry Inc., at or near Anniston, AL, to points in AL, FL, GA, NC, SC, TN, VA, LA, and MS. (Hearing site: Birmingham, AL.)

Mc 65491 (Sub-8F), filed July 13, 1978. Applicant: GEORGE W. BROWN, INC., 1475 East 222d Street, New York, NY 10469. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001. To operate as a *common carrier,* by motor vehicle, transporting *general commodities* (except commodities 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 Boston, MA, and Sagamore, MA, over MA Hwy 3, (2) Between Sagamore, MA, and Provincetown, MA, over U.S. Hwy 6, (3) Between Boston, MA, and East Wareham, MA: From Boston, MA over Interstate Hwy 95 to junction Interstate Hwy 93, then over Interstate Hwy 93 to junction MA Hwy 24, then over MA Hwy 24 to junction MA Hwy 25, then over MA Hwy 25 to East Wareham, MA, and return over the same route, (4) Between Seekonk, MA, and junction MA Hwy 25 and Interstate Hwy 195, over Interstate Hwy 195, (5) Between junction MA Hwy 24 and MA Hwy 25, and Fall River, MA, over MA Hwy 24, (6) Between Providence, RI, and Boston, MA, over Interstate Hwy 95, (7) Between junction Interstate Hwy 495 and Interstate Hwy 95, and Amesbury, MA, over Interstate Hwy 495, (8) Between junction MA-CT State line and Interstate Hwy 86, and Sturbridge, MA, over Interstate Hwy 86, (9) Between junction MA-CT State line and MA Hwy 52, and junction MA Hwy 52 and MA Turnpike (Interstate Hwy 90), over MA Hwy 52, (10) Between junction Interstate Hwy 90 and Interstate Hwy 290, and junction Interstate Hwy 290 and Interstate Hwy 495, over Interstate Hwy 290, (11) Between junction MA-CT State line and Interstate Hwy 91, and junction MA-VT State line and interstate Hwy 91, over Interstate Hwy 91, and (12) Between the junction NY-MA State line and Interstate Hwy 90 at or near West Stockbridge, MA, and Springfield, MA, over Interstate Hwy 90, serving all intermediate points in (1) through (12) above, and all points in MA as off-route points in (1) through (12) above. (Hearing site: New York NY, or Washington, DC.)

NOTE.—Applicant states that it seeks to convert its irregular route authority MC 65491 (Sub-5) to regular route authority.

MC 68100 (Sub-20F), filed June 23, 1978. Applicant: D.P. BONHAM TRANSFER, INC., P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1)(a) *Containers, roll-off frames, waste equipment, and waste handling units, and* (b) *parts and supplies* for the commodities named in (1)(a) above, from the facilities of Scott and Hill Steel Corp., at or near Bartlesville, OK, to points in AR, CO, KS, LA, MO, NM, SC, TN, and TX; and (2) *equipment and materials* used in the manufacture and distribution of the commodities named in (1) above, from points in AL, CA, IN, TX, and WI, to the facilities of Scott and Hill Steel Corp., at or near Bartlesville, OK. (Hearing site: Tulsa, OK, or Wichita, KS.)

MC 82841 (Sub-229F), filed June 26, 1978. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *Pipe, couplings, pilings, well casings, well screens, and tubing,* from the facilities of Stanron Supply, Inc., at or near Lubbock, TX, to points in the United States (except AK and HI); (2) *Pipe, piling, well screens, and well casings,* (a) from Fontana and Long Beach, CA, Valley, NE, Pueblo, CO, and Houston, TX, to points in the United States (except AK and HI), and (b) from points on the international boundary line between the United States and Canada in MT and ND, to points in the United States (except AK and HI); and (3) *Materials, equipment, and supplies* used in the manufacture and processing of pipe, couplings, pilings, well casing, well screens, and tubing (except commodities in bulk, in tank vehicles), from points in the United States (except AK and HI), to the facilities of Stanron Supply, Inc., at or near Lubbock, TX, restricted in (2)(b) above to the transportation of traffic originating at the provinces of AB and SK, Canada. Condition: Prior receipt from applicant of an affidavit setting forth its appropriate complimentary Canadian authority or explaining why no such Canadian authority is necessary in (2)(b) of this proceeding. (Hearing site: Omaha, NE.)

NOTE.—The restriction and conditions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled Notice to Interested Parties of New Requirements Concerning Applications for Operating Authority to Handle Traffic to and from points in Canada published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate officials of the Provinces of Alberta, Saskatchewan, and Manitoba regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect.

MC 82841 (Sub-232F), filed June 26, 1978. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prefabricated houses,* in sections, from Omaha, NE, to points in AR, CO,

IA, KS, MO, OK, SD, and WY. (Hearing site: Omaha, NE.)

MC 95540 (Sub-1017F), filed July 10, 1978. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods* (except frozen, in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from North Sioux City, SD, and Sioux City, IA, to points in AL, FL, GA, LA, TN, NC, SC, MS, and PA. (Hearing site: Sioux City, IA, or Omaha, NE.)

MC 95540 (Sub-1025F), filed June 23, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, toilet preparations, health care products, magnesium hydroxide, and alumina calcined* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (1) from Philadelphia, PA, Lakewood, NJ, and Lewes, DE, to points in the United States in and west of MI, OH, KY, NC, SC, GA, and FL, (2) from Friendship, NC, to points in the United States (except AK, HI, NC, SC, and VA), (3) from Reno, NV, to points in PA, and (4) from San Leandro, CA, to points in GA, IN, and PA, restricted to the transportation of traffic originating at the named origins. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 95540 (Sub-1027F), filed July 11, 1978. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by producers and distributors of alcoholic beverages, liquor, and wine* (except commodities in bulk, in tank vehicles), between the facilities of Heublein, Inc., at or near Paducah, KY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC, or Tampa, FL.)

MC 95540 (Sub-1028F), filed July 11, 1978. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk, in tank vehicles), from Buffalo, NY, to points in MI, OH, IL, WI, MN, KS, MO, and IA. (Hearing site: New York, NY, or Washington, D.C.)

MC 96324 (Sub-26F), filed July 5, 1978. Applicant: GENERAL DELIVERY, INC., P.O. Box 1816, Fairmont, WV 26554. Representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, VA 22314. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products*, and *material, equipment*, and *supplies used in the manufacture and distribution of paper and paper products*, from the facilities of International Paper Co., at or near Jay, ME, on the one hand, and, on the other, points in NJ, PA, MD, DE, VA, OH, WV, KY, and DC. (Hearing site: Washington, DC or New York, NY.)

MC 96629 (Sub-5F), filed August 1, 1978. Applicant: SHIFFLET BROS., INC., P.O. Box 206, Gridley, CA 95948. Representative: Michael S. Rubin, 256 Montgomery Street, San Francisco, CA 94104. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, between points in CA, ID, NV, OR, UT, and WA. (Hearing site: San Francisco, CA.)

MC 103066 (Sub-74F), filed June 23, 1978. Applicant: STONE TRUCKING CO., a corporation, P.O. Box 2014, Tulsa, OK 74101. Representative: Eugene D. Anderson, Suite 428, 910 Seventeenth Street NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, when moving in mixed loads with restaurant supplies and equipment (except foodstuffs), and (2) *restaurant supplies (except foodstuffs) and equipment*, when moving in mixed loads with foodstuffs, (A) from Brockton and Wollaston, MA, and Hollis and Queens Village, NY, to Cleveland, OH, Chicago, IL, Dallas and Arlington, TX, and points in Los Angeles and Orange Counties, CA, (B) From Miami, FL, to Dallas and Arlington, TX, Brockton, MA, Chicago, IL, and points in Los Angeles and Orange Counties, CA, and (C) from Chicago, IL, to Dallas and Arlington, TX, and points in the Los Angeles and Orange Counties, CA. (Hearing site: Boston, MA, or Washington, DC.)

MC 103926 (Sub-71F) (correction), filed June 1, 1978, published in the FEDERAL REGISTER issue of June 29, 1978, and republished as corrected this issue. Applicant: W. T. MAYFIELD SONS TRUCKING CO. (a corporation), P.O. Box 947, Mableton, GA 30059. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel piling and pile driving and construction equipment*, between the facilities of Mississippi Valley Equipment Co., at or near Jacksonville, FL, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, MO, NC, SC, TN, VA, and WV. (Hearing site: Jacksonville, FL, or Atlanta, GA.)

NOTE.—This republication is to correctly state AR as a destination state.

MC 105269 (Sub-68F), filed August 4, 1978. Applicant: GRAFF TRUCKING COMPANY, INC., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper mill products*, (1) from Brownstown, IN, to Livingston, AL, and (2) from Livingston and Birmingham, AL and Nashville, TN, to Brownstone, IN. (Hearing site: Lansing, MI, or Chicago, IL.)

MC 106398 (Sub-820F), filed August 7, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, particleboard, wood fencing, and accessories for wood fencing*, from points in CT, ME, MA, NH, NY, RI, and VT, to points in IA, IL, IN, KY, MI, MO, TN, and WI. (Hearing site: Washington, DC.)

NOTE.—In view of the findings in MC 106398 (Sub-741) of which official notice is taken, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission regulations.

MC 106398 (Sub-821F), filed August 7, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Caine Steel Co., at or near Atlanta, GA, to points in the United States (except AK and HI). (Hearing site: Atlanta, GA.)

NOTE.—In view of the findings in MC 106398 (Sub-741) of which official notice is taken, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certifi-

cate and with the requirements of the Interstate Commerce Act and applicable Commission regulations.

MC 106674 (Sub-330F), filed July 5, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Pipe, pipe fittings, pipe valves, hydrants and castings*, from the facilities of Clow Corp., at or near Birmingham and Lincoln, AL, to those points in the United States in and east of MT, WY, CO, and NM, and (2) *Cast iron pipe, pipe fittings, pipe valves, hydrants, and castings* from the facilities of United States Pipe and Foundry Co., at or near Birmingham and Bessemer, AL, to those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107496 (Sub-1150F), filed July 6, 1978. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. To operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Water treating compounds*, in bulk, from Duluth, MN, to points in MI, ND, SD, and WI. (Hearing site: Des Moines, IA, or Chicago, IL).

MC 107818 (Sub-93F), filed July 7, 1978. Applicant: GREENSTEIN TRUCKING CO. (a corporation), 280 Northwest 12th Avenue, P.O. Box 608, Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foodstuffs* (except in bulk), from Albert Lea, MN, to points in AL, FL, GA, KY, and TX, restricted to the transportation of traffic originating at the named origin. (Hearing site: Cincinnati, OH.)

MC 108649 (Sub-11F), filed August 4, 1978. Applicant: STURM FREIGHTWAYS, INC. (a Delaware Corp.), 8919 North University, Peoria, IL 61614. Representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Peoria, IL and Minneapolis, MN, from Peoria over IL Hwy 29 to junction U.S. Hwy 51, then over U.S. Hwy 51 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Minneapolis, MN, and return over the same route, serving all intermediate points on IL Hwy 29, restricted against the transportation of traffic moving to, from, or through Omaha, NE, Des Moines, IA, or Chicago, IL, and points in their respective commercial zones. (Hearing site: Peoria, IL.)

MC 108676 (Sub-123F), filed July 5, 1978. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101.To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *iron and steel articles*, from points in Georgetown County, SC, to those points in the United States in and east of MS, TN, KY, IL, and WI (except NC, SC, and FL). (Hearing site: Atlanta, GA, or Columbia, SC.)

MC 108676 (Sub-125F), filed July 6, 1978. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101.To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *pipe, fittings, valves, hydrants, and castings*, and (2) *accessories and parts* for pipe, (a) from the facilities of Clow Corp., in Jefferson and Talladega Counties, AL, to points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MS, MO NC, OH, OK SC, TN, TX, VA, WV, and DC, and (b) from the facilities of U.S. Pipe and Foundry Co., in Jefferson County, AL, to points in the United States in and east of TX, OK, MO, IA, and MN. (Hearing site: Birmingham, AL, or Nashville, TN.)

MC 108676 (Sub-126F), filed July 6, 1978. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. 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 named in (1) above, 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 Baldor Electric Co., at or near Ft. Smith, AR, on the one hand, and, on the other, points in the United States (except AK, AR, and HI). (Hearing site: Washington, DC.)

MC 109818 (Sub-29F), filed August 9, 1978. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *iron and steel articles*, from Chicago, IL, to points in NE. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 110420 (Sub-783F), filed July 6, 1978. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW, Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *paint and paint products*, in bulk, in tank vehicles, from Cleveland, OH, to points in IL, IN, MI, MO, MN, and WI. (Hearing site: Chicago, IL or Milwaukee, WI.)

MC 111401 (Sub-529F), filed July 17, 1978. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *chemicals*, in bulk, from Pensacola, FL, to ports of entry on the international boundary line between the United States and the Republic of Mexico, in TX, (2) *phosphorous trichloride*, in bulk, from LeMoyne, AL, to ports of entry on the international boundary line between the United States and the Republic of Mexico, in TX. (Hearing site: Houston, TX, or New Orleans, LA.)

MC 112184 (Sub-61F), filed July 7, 1978. Applicant: THE MANFREDI MOTOR TRANSIT CO., a corporation, 11250 Kinsman Road, Newbury, OH 44065. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *batteries, battery chargers, electric cord sets, lamps, lamp ballasts, lamp fixtures, lamp outfits, lighting fixtures*, and (2) *materials and supplies* used in the manufacture, sale, and distribution of the commodities in (1), between points in OH, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC, under a continuing contract with General Electric Co., of Cleveland, OH. (Hearing site: Columbus, OH.)

NOTE.—Dual operations are involved in this proceeding. The person or persons which appear to be in common control must either file an application under section 5(2) of the Interstate Commerce Act or submit an affidavit indicating why such approval is necessary.

MC 112617 (Sub-397F), filed July 10, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley

Road, P.O. Box 21395, Louisville, KY 40221. Representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *granular fertilizer and potash*, from Florence, AL, to points in KY, MS, and TN. (Hearing site: Louisville, KY, or Washington, DC.)

MC 112617 (Sub-398F), filed July 10, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *roofing asphalt*, in packages, from Catlettsburg, KY, to points in IN, OH, MD, PA, TN, VA, and WV. (Hearing site: Louisville, KY, or Washington, DC.)

MC 112617 (Sub-399F), filed July 17, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *liquid latex*, in bulk, in tank vehicles, from Ringwood, IL, to Nicholasville, KY. (Hearing site: Louisville, KY, or Washington, DC.)

MC 112801 (Sub-205F), filed July 26, 1978. Applicant: TRANSPORT SERVICE CO., a corporation, 2 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *liquid chemicals and petroleum products*, in bulk, in tank vehicles, from the facilities of BASF Wyandotte, in Wayne County, MI, to points in AL, CA, CO, DE, GA, IL, IN, IA, KY, MA, ME, MO, NC, NH, NJ, OH, OK, PA, RI, SC, TN, and WI. (Hearing site: Washington, DC.)

MC 114211 (Sub-365F), filed July 17, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant), to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Such commodities* as are dealt in or used by agricultural equipment dealers (except commodities in bulk), from Lubbock, TX, to points in the United States (including AK but excluding HI); (2) *materials, equipment, and supplies* used in the manufacture or distribution of the commodities named in (1) above (except commodities in bulk), in the reverse direction. (Hearing site: Lubbock, TX, or Albuquerque, NM.)

MC 114896 (Sub-67F), filed June 29, 1978. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Road, New Hyde Park, NY 11040. Representative: Elizabeth L. Henoch (same address as applicant), to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *articles of unusual value*, between New York, NY, and Washington, DC. (Hearing site: Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 115495 (Sub-37F), filed July 21, 1978. Applicant: UNITED PARCEL SERVICE, INC., an Ohio corporation, 300 North 2d Street, St. Charles, IL 60174. Representative: Everett Hutchinson, Suite 400, 1150 Connecticut Avenue NW., Washington, DC 20036. 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), (1) between points in TX, OK, and KS, and that part of NE on, south, and within 10 miles north of a line beginning at the NE-CO State line and extending along U.S. Hwy 138 to intersection U.S. Hwy 30, and then along U.S. Hwy 30 to the NE-IA State line, and Fort Smith, Fayetteville, and points in Benton, Carroll, and Boone Counties, AR, and those points in AR on and west of U.S. Hwy 71, and points in Adair, Atchison, Andrew, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, DeKalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Jasper, Johnson, LaClede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Claire, Saline, Schuyler, Stone, Sullivan, Taney, Vernon, Webster, and Worth Counties, MO, (2) between Memphis, TN, on the one hand, and, on the other, points in AR, (3) between Memphis, TN, on the one hand, and, on the other, those points in MS on and north of U.S. Hwy 80, (4) between Denver, CO, on the one hand, and, on the other, points in KS and those in NE on and south, and within 10 miles north of a line beginning at the NE-CO State line and extending along U.S. Hwy 138 to its intersection with U.S. Hwy 30, and then along U.S. Hwy 30 to the NE-IA State line, (5) between Denver, CO, on the one hand, and, on the other points in WY, CO, NM, SD, NE, KS, OK, and TX, restricted at Denver, CO, to the transportation of traffic having a prior or subsequent movement by air, and (6) between points in ND (except Fargo and Grand Fords), SD, NE (except Omaha), KS (except Kansas City), OK, TX, AR, LA, and MS, on the one hand, and, on the other, points in MN, IA, MO, TN, and AL, restricted in (6) above to the transportation of traffic having a prior or subsequent movement by air, water, or rail (except trailer-on-flatcar service), and restricted in (1) through (6) so that no service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment. (Hearing site: Dallas, TX.)

NOTE.—In part (6) tacking is authorized at points in MN, IA, and MO, with carrier's authority in MC 115495 (Sub-4), and at points in MN, IA, MO, TN, and AL, with carrier's authority in MC 115495 (Sub-14), to provide a through service transporting general commodities with the exceptions named above, to and from those points in the United States east of MN, IA, MO, TN, and AL.

MC 115570 (Sub-13F), filed July 25, 1978. Applicant: WALTER A. JUNGE, INC., 3818 Southwest 84th Street, Tacoma, WA 98444. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper articles, polyethylene film, and plastics*, and (2) *equipment and materials* used in the manufacture and distribution of the commodities named in (1) above, between points in CA, NV, OR, and WA, under a continuing contract with Portco Corp., of Vancouver, WA. (Hearing site: Portland, OR.)

MC 115826 (Sub-316F), filed May 31, 1978, previously noticed in the FEDERAL REGISTER issue of June 29, 1978. Applicant: W. J. DIGBY, INC., 1960 31st Street, P.O. Box 5088 T.A., Denver, CO 80217. Representative: Howard Gore (same address as applicant). 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, GA, and ports of entry in TX and LA, to points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI.) (Hearing site: Denver, CO.)

NOTE.—This republication correctly states Louisville, GA as the origin point.

MC 115826 (Sub-329F), filed June 30, 1978. Applicant: W. J. DIGBY, INC., A Nevada Corporation, 1960 31st Street, Denver, CO 80217. Representative: Howard Gore (same address as appli-

cant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and foodstuffs), from points in CA, to points in AZ, CO, KS, LA, NE, NM, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Coast Carloading Co., and to the transportation of traffic moving on bills of lading of freight forwarder. (Hearing site: Denver, CO.)

MC 115841 (Sub-641F), filed July 19, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, Building 100, 9041 Executive Park Drive, Knoxville, TN 37919. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, from Thibodaux, LA, to Pewaukee and Milwaukee, WI. (Hearing site: New Orleans, LA, or Washington, DC.)

MC116004 (Sub-49F), filed July 5, 1978. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75247. Representative: Doris Hughes (Same address as applicant). To operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Boise City, OK, and Wichita, KS; from Boise City over U.S. Hwy 64 to Guymon, OK, then over U.S. Hwy 54 to Wichita, and return over the same route; (2) between Lamar, Co, and Bucklin, KS, from Lamar over U.S. Hwy 50 to junction U.S. Hwy 154, then over U.S. Hwy 154 to Bucklin, and return over the same route; (3) between Syracuse and Liberal, KS, over U.S. Hwy 270; (4) between Garden City and Liberal, KS, over U.S. Hwy 83; (5) between Wichita and Hutchinson, KS, over Kansas Hwy 96; (6) between Dodge City and Newton, KS, over U.S. Hwy 50; (7) between Newton, KS, and Kansas City, MO, from Newton over U.S. Hwy 81 to Salina, then over U.S. Hwy 40 to Kansas City, MO, and return over the same route; (8) between Elkhart and Dodge city, KS, over U.S. Hwy 56; (9) between Kinsley, KS, and junction U.S. Hwy 56 and U.S. Hwy 77, over U.S. Hwy 56; (10) between El Dorado and Junction City, KS, over U.S. Hwy 77; (11) between Ulysses and Satanta, KS, from Ulysses over U.S. Hwy 160 to junction KS Hwy 190, then over KS Hwy 190 to Satanta, and return over the same route; (12) between Ulysses and Lakin, KS, KS Hwy 25; (13) between Great Bend, KS and Alva, OK, over U.S. Hwy 281; (14) between Dodge City, KS, and Rosston, OK, over U.S. Hwy 283; (15) between Kinsley, KS, and Buffalo, OK, over U.S. Hwy 183; (16) between Great Bend and Salina, KS, from Great Bend over U.S. Hwy 156 to junction U.S. Hwy 40, then over U.S. Hwy 40 to Salina, and return over the same route; (17) between Junction City and Lawrence, KS, from Junction City over KS Hwy 18 to Manhattan, then over U.S. Hwy 24 to Lawrence, and return over the same route; and (18) between Pratt and McPherson, KS, over KS Hwy 61 serving all intermediate points in routes (1) through (18) above. (Hearing site: Wichita or Great Bend, KS.)

MC116519 (Sub-52F), filed August 3, 1978. Applicant: FREDERICK TRANSPORT LTD., R.R. 6, Chatham, ON., Canada M7M 5J6. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Steel tubing, steel pipe,* and *steel piling*, from ports of entry on the International Boundary line between the United States and Canada in MI and NY, to points in the United States (except AK, AZ, CA, CO, HI, ID, MT, NV, NM, OR, UT, WA, and WY); (2) *steel tubing*, from points in IL, IN, MI (except South Lyon and Detroit), MO, NJ, NY, OH, PA, and WI, to ports of entry on the International Boundary line between the United States and Canada in MI and NY; and (3) *steel tubing* and *fittings*, from Alliance, OH, Ambridge and Beaver Falls, PA, and Milwaukee, WI, to ports of entry on the International Boundary line between the United States and Canada in MI and NY, restricted to the transportation of traffic originating at or destined to points in the Province of Ontario, Canada. Condition: Prior receipt from applicant of an affidavit setting forth its complementary Canadian authority or explaining why no such Canadian authority is necessary. (Hearing site: Washington, DC.)

NOTE.—The restriction and conditions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled Notice to Interested Parties of New Requirements Concerning Applications for Operating Authority to Handle Traffic to and from points in Canada published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate officials of the Provinces of Alberta, Saskatchewan, and Manitoba regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect.

MC 117820 (Sub-22F), filed July 10, 1978. Applicant: AURELIA TRUCKING CO., a corporation, 2136 Pine Grove Avenue, Port Huron, MI 48060. Representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, in vehicles equipped with mechanical refrigeration, from Dunkirk, NY, to points in MI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Lansing, MI, or Chicago, IL.)

MC 117820 (Sub-23F), filed July 10, 1978. Applicant: AURELIA TRUCKING CO., a corporation, 2136 Pine Grove Avenue, Port Huron, MI 48060. Representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, IL, to points in WI on and north of WI Hwy 64, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 117940 (Sub-285F), filed July 11, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Donald L. Stern, 7171 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from points in MN and WI, to points in CT, DE, MD, ME, MA, NH, NJ, NY, PA, OH, RI, VT, VA, WV, and DC. (Hearing site: St. Paul, or MN.) Condition: In view of the findings in MC 117940 (Sub-86), the certificate issued here shall be limited in point of time to a period expiring 30 months from its date of issue, unless, prior to its expiration (but not less than 6 months prior to the expiration) applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable rules and regulations. (Hearing site: St. Paul, MN.)

MC 118989 (Sub-201F), filed August 7, 1978. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: (1) *Metal containers and* (2) *materials* used in the manufacture and distribution of metal containers, from Racine, WI, and Danville, IL, to points in CT, DE, ME, MD, MA, NH, NJ, RI, and VT. (Hearing site: Chicago, IL.)

MC 119789 (Sub-506F), filed August 4, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: Lewis Coffey (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *refrigeration panels, doors, and temperature control units,* from Olive Branch, MS, to points in the United States (except AK, HI, and MS). (Hearing site: Memphis, TN.)

MC 121509 (Sub-9F), filed August 11, 1978. Applicant: DAUFELDT TRANSPORT, INC., P.O. Box 675, Muscatine, IA 52761. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *Corn molasses,* in bulk, from Pekin, IL, to Muscatine, IA. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 123407 (Sub-481F), filed July 10, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *plastic articles,* from the facilities of U.C. Industries, at or near Tallmadge, OH, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL.)

MC 123407 (Sub-482F), filed July 10, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *iron and steel articles,* from Chicago, IL, Wilmington, DE, Canonsburg, PA, Camden and Jersey City, NJ, New Orleans, LA, Savannah, GA, and Houston, TX, to those points in the United States in and east of ND, SD, NE, CO, and AZ, and (2) from Los Angeles, CA, to points in CA, NM, AZ, and CO. (Hearing site: Portland, OR.)

MC 123407 (Sub-483F), filed July 10, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (*1*) *agricultural machinery and implements,* and (2) *parts and attachments for agricultural machinery and implements,* from Colchester, IL, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NC, ND, OH, OK, SC, SD, TN, TX, and WI. (Hearing site: Chicago, IL.)

MC 124078 (Sub-851F), filed August 7, 1978. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *cement mill waste,* from New Orleans, LA, to points in MS. (Hearing site: Dallas, TX.)

MC 124306 (Sub-45F), filed June 26, 1978. Applicant: KENAN TRANSPORT CO., INC., P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th Street NW., Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *liquified petroleum gas,* in bulk, in tank vehicles, from the Dixie Pipe Line Terminal, at or near Milner, GA, to Trenton, GA. NOTE.—The certificate to be issued here shall be limited in points of time to a period expiring 5 years from the effective date thereof. (Hearing site: Chattanooga, TN.)

MC 125433 (Sub-161F), filed June 5, 1978. Applicant: F-B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: David J. Lister (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *lumber and lumber products* (except commodities in bulk), from the facilities of Homestake Forest Products, at or near Spearfish, SD, to points in the United States (except AK, HI, and SD). (Hearing site: Denver, CO, or Salt Lake City, UT.)

MC 126555 (Sub-60F), filed July 24, 1978. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57709. Representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *cement,* (1) from points in SD, to Denver, CO, (2) from points in CO, to points in UT and NM, (3) from points in CO (except Boettcher and Portland), to points in KS, (4) from points in CO (except Boulder County and Portland), to points in WY, (5) from points in CO (except Portland), to points in NE, (6) from points in CO, to points in Sioux, Scotts Bluff, Banner, Kimball, Dawes, Box Butte, Morrill, Cheyenne, Deuel, Garden, and Sheridan Counties, NE, and (7) from points in CO (except Boulder County), to those in NE on and east of U.S. Hwy 83. NOTE.—Dual operations may be involved. (Hearing site: Denver, CO, or Rapid City, SD.)

MC 127840 (Sub-76F), filed July 28, 1978. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. Representative: Wiliam H. Towle, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *vegetable oils,* in bulk, in tank vehicles, from Mankato, MN, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 128791 (Sub-13F), filed July 17, 1978. Applicant: JOULE YACHT TRANSPORT, INC., 12290 Automobile Boulevard, Clearwater, FL 33520. Representative: M. Craig Massey, P.O. Drawer J, Lakeland, FL 33802. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *boats and boat parts,* and (2) *supplies and equipment* for boats and boat parts, (a) from points in FL (except points in Pinellas County), to points in the United States (except AK and HI), and (b) from Holland, MI, to points in OH, PA, NY, NJ, CT, MA, RI, NH, ME, DE, MD, VA, NC, SC, GA, FL, AL, MS, LA, TX, and DC. (Hearing site: Miami, or Ft. Lauderdale, FL.)

MC 129219 (Sub-15F), filed August 7, 1978. Applicant: CMD TRANSPORTATION, INC., 12340 Southeast Dumolt Road, Clackamas, OR 97015. Representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *newsprint paper,* in rolls, *paper towelling, and paper towels,* from Oregon City and Newberg, OR, to points in CA, under a continuing contract with Publishers Paper Co., of Oregon City, OR. (Hearing site: Portland, OR.)

MC 129328 (Sub-11F), filed August 7, 1978. Applicant: PALTEX TRANSPORT CO., a corporation, P.O. Box 296, Palestine, TX 75801. Representative: Kenneth R. Hoffman, 1102 Perry-Brooks Building, Austin, TX 78701. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Fruit juice* (except in bulk), from Muskogee, OK, to AR, LA, and TX; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of fruit juice (except commodities in bulk), from points in AR, LA, and TX, to Muskogee, OK, under a continuing contract with A. E. Staley Manufacturing Co., of Decatur, IL. (Hearing site: Dallas, TX.)

MC 133928 (Sub-19F), filed August 3, 1978. Applicant: OSTERKAMP TRUCKING, INC., 764 North Cypress Street, Orange, CA 92667. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesives, gypsum, gypsum products, and building materials*, and (2) *materials and supplies* used in the manufacture, distribution, and installation of the commodities named in (1) above, (a) between the facilities of United States Gypsum Co., at or near Sigurd, UT, on the one hand, and, on the other, those points in the United States in and west of CO, MT, NM, and WY (except AK and HI); and (b) between the facilities of United States Gypsum Co., at or near Heath, MT, on the one hand, and, on the other, points in CO, under a continuing contract with United States Gypsum Co., of Chicago, IL.

NOTE.—Dual operations are involved in this proceeding. (Hearing site: Chicago, IL, or Los Angeles, CA.)

MC 133959 (Sub-10F), filed August 7, 1978. Applicant: LEWIS ALBAUGH AND MELVIN ALBAUGH, a partnership d.b.a. ALBAUGH TRUCK LINE, 123 Main Street, Elkhart, IA 50073. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, from points in Lee County, IA, to points in the United States (except AK and HI), under a continuing contract with Fruehauf Corp., of Detroit, MI. (Hearing site: Detroit, MI, or Chicago, IL.)

MC 134035 (Sub-24F), filed July 26, 1978. Applicant: DOUGLAS TRUCKING CO., a corporation, P.O. Box 698, Corsicana, TX 75110. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sickroom and party supplies* (1) between Murfresboro, TN, and Chicago, IL, on the one hand, and, on the other, Houston, Dallas, and San Antonio, TX, Los Angeles, San Francisco, and San Mateo, CA, Indianapolis, IN, Seattle, WA, and Portland, OR, and (2) between Los Angeles and San Francisco, CA, on the one hand, and, on the other, Phoenix and Tucson, AZ, Indianapolis, IN, Las Vegas, NV, Houston, Dallas, and San Antonio, TX, Portland, OR, and Seattle, WA. (Hearing site: Los Angeles, CA, or Dallas, TX.)

MC 134035 (Sub-25F), filed July 26, 1978. Applicant: DOUGLAS TRUCKING CO., a corporation, P.O. Box 698, Corsicana, TX 75110. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door tracks, and threshold hardware*, from City of Industry, CA., to Double Springs, AL, Denver, CO, Americus, GA, Newton, KS, Sellingsgrove, Cornwells Heights, and Philadelphia, PA., Elkhart, IN, San Antonio, TX, and Seattle, WA. (Hearing site: Los Angeles, CA, or Dallas, TX.)

MC 134286 (Sub-66F), filed June 26, 1978. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous sulfate, fertilizer and feed grade* (except USP grade), (except commodities in bulk), in vehicles equipped with mechanical refrigerator, from the facilities of Quality Chemicals, Ltd., at or near Baltimore, MD., to Quincy, Rock Island, and Chicago, IL, Marian, Eldora, Ladora, Sioux City, Council Bluffs, and Des Moines, IA, Omaha, NE, and Manistee, MI. (Hearing site: Baltimore, MD, or Sioux City, IA.)

MC 134388 (Sub-17F), filed August 4, 1978. Applicant: HOME RUN, INC., 3 East Washington Street, Jamestown, OH 45335. Representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, and (2) *parts, fixtures, materials, and supplies* used in the erection and assembly of buildings, between the facilities of Brandt & Chopp, Inc., at or near Brandywine, MD, on the one hand, and, on the other, points in VA and DC, under a continuing contract with Brandt & Chopp, Inc., of Brandywine, MD. (Hearing site: Columbus, OH, or Washington, DC.)

MC 134477 (Sub-255F), filed July 10, 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. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Footwear*, and (2) *materials, supplies, and equipment* used in the manufacture and distribution of footwear (except commodities in bulk), from Brockton, MA, to Merrill, WI. (Hearing site: Minneapolis, MN.)

MC 134477 (Sub-256F), filed July 14, 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. To operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat-packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides, skins, and commodities in bulk), from the facilities of John Morrell & Co., at or near Ft. Smith, AR, to points in IL, IN, MI, MN, OH, and WI, restricted to the transportation of traffic originating at the named origin facilities. (Hearing Site: Minneapolis, MN.)

MC 138308 (Sub-55F), filed August 7, 1978. Applicant: KLM, INC. (a Texas Corp.), P.O. Box 6098, Jackson, MS 39208. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Plastic film*, in vehicles equipped with mechanical refrigeration, from the facilities of RJR Archer, at or near Aurora, OH, to points in AL, AR, FL, GA, LA, MS, NC, SC, TX, and VA. (Hearing site: Jackson, MS, or Washington DC.)

NOTE.—Dual operations are at issue in this proceeding.

MC 138438 (Sub-30F), filed August 9, 1978. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation* and *materials and supplies* used in the manufacture of insulation, between Hagerstown, MD, on the one hand, and, on the other, points in DE, OH, PA, VA, WV, and DC. (Hearing site: Hagerstown, Md.)

NOTE.—Dual operations are involved in this proceeding.

MC 138627 (Sub-40F), filed July 10, 1978. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road,Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphaltum, building paper, prepared roofing, prepared shingles, roofing asphalt, roofing cement, and roofing paper*, from Phillipsburg, KS, to points in IL, IA, MN, MO, NE, and WI. (Hearing site: Omaha, NE, or Kansas City, MO.)

NOTE.—Dual operations are involved in this proceeding.

MC 138635 (Sub-58F), filed July 26, 1978. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Materials and supplies* used in the manufacture of ball and roller bearings, from Los Angeles, CA, to Oklahoma City, OK. (Hearing site: Oklahoma City, OK.)

NOTE.—Dual operations are involved in this proceeding.

MC 140665 (Sub-33F), filed July 17, 1978. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lamp ballast*, and *materials and supplies* used in the manufacturing and distribution of lamp ballast (except commodities in bulk), from Danville, IL, Bellevue, Cleveland, Warren, Youngstown, Ravenna, Circleville, and Bucyrus, OH, to points in AZ, CA, CO, ID, LA, MT, NV, NM, OK, OR, TX, UT, WA, and WY, and (2)(a) *lamp ballast, lamps*, and *Christmas tree lamp outfits*, and (b) *materials and supplies* used in the manufacturing and distribution of the commodities in (2)(a) above (except commodities in bulk), from points in AZ, CA, CO, ID, LA, MT, NV, NM, OK, TX, UT, WA, OR, and WY, to Danville, IL, Bellevue, Cleveland, Warren, Youngstown, Ravenna, Circleville, and Bucyrus, OH. (Hearing site: Cleveland, OH.

NOTE.—Dual operations may be involved.

MC 140768 (Sub-25F), filed August 4, 1978. Applicant: AMERICAN TRANS-FREIGHT, INC. (a Delaware Corp.), P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material* (except in bulk), from the facilities of Fibreboard Corp., at or near (a) Grambling, LA, and (b) Fruita, CO, to points in the United States (except AK, HI, AL, GA, SC, NC, VA, WV, KY, TN, IL, IN, and OH). (Hearing site: New York, NY.)

NOTE.—Dual operations are involved in this proceeding.

MC 141046 (Sub-7F), filed June 29, 1978. Applicant: MASON O. MITCHELL d.b.a., M. MITCHELL TRUCKING, 1911 I Street, LaPorte, IN 46350. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Starch and dextrine*, in containers, from the facilities of the National Starch and Chemical Corp., at or near Island Falls, ME, to points in CA, FL, IL, IN, MI, MN, OH, TX, and WI; and (2) *adhesives, chemicals, starch, dextrine, and plastic* (except commodities in bulk), from points in CA, IL, IN, MI, MN, OH, TX, and WI, to points in ME, under continuing contracts in (1) and (2) with National Starch and Chemical Corp., of Bridgewater, NJ. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 141532 (Sub-29F), filed July 10, 1978. Applicant: PACIFIC STATES TRANSPORT, INC., 35433 16th Avenue S., Federal Way, WA 98002. Representative: Henry C. Winters, 235 Evergreen Building, Renton, WA 98055. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in ID, MT, OR, and WA, to points in AZ, NV, and NM. (Hearing site: Portland, OR.)

MC 141532 (Sub-30F), filed July 10, 1978. Applicant: PACIFIC STATES TRANSPORT, INC., 35433 16th Avenue S., Federal Way, WA 98002. Representative: Henry C. Winters, 235 Evergreen Building, Renton, WA 98055. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in ID, MT, OR, and WA, to points in AR, LA, OK, and TX. (Hearing site: Portland, OR.)

MC 141804 (Sub-115F), filed July 5, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Filters, air cleaners, transmission parts, pressure relief valves, petroleum products, cleaning compounds, plastic articles, engine starting fluid, and wrenches*, except commodities in bulk), from Albion, IL, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY. (Hearing site: Chicago, IL, or Los Angeles, CA.)

MC 141804 (Sub-117F), filed July 6, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Label stock, paper labels, gummed paper, and corrugated boxes*, (except commodities in bulk, and those which because of size or weight require the use of special equipment), and (2) *material, equipment, and supplies used in the manufacture of the commodities in (1), (except commodities in bulk, and those which because of size or weight require the use of special equipment), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Avery International Co. (Hearing site: Los Angeles or San Francisco, CA.)*

MC 142457 (Sub-3F), filed July 17, 1978. Applicant: EUGENE STENNETT d.b.a. GENE'S TRUCKING, 903 York Avenue, St. Paul, MN 55106. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Furniture*, from Chetek, WI, to points in AR, IA, IL, IN, KS, KY, MI, MN, MO, MT, NE, ND, NY, OH, PA, SD, WI, and WV, under a continuing contract with Chetek Furniture Co., of Franklin Park, IL. (Hearing site: Minneapolis, MN.)

MC 143739 (Sub-5F), filed August 7, 1978. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56077. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* (except in bulk), from the facilities of Termicold Corp., at or near Plover, WI, to points in AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, ND, OH, OK, SD, and TX, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 143822 (Sub-3F), filed July 3, 1978. Applicant: Y'S TRUCKING CO., INC., 2378 Caladium Drive, NE., Atlanta, GA 30345. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Swimming pools* and (2) *materials and supplies* used in the manufacture and distribution of swimming pools, from the facilities of Ideal Pool Corp., at or near Chamblee, GA, to points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NJ, NC, OH, OK, PA, SC, TN, TX, VA, and WV, under continuing contract with Ideal Pool Corp., of Chamblee, GA. (Hearing site: Atlanta, GA.)

MC 144259 (Sub-3F), filed August 4, 1978. Applicant: JENNARO LINES, INC., 2332 South Peck Road, Whittier, CA 90601. Representative: Milton W. Flack, 4311 Wilshire Boulevard, No. 300, Los Angeles, CA 90010. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dessert and beverage preparations*, from the facilities of Jel Sert Co., at or near West Chicago, IL, to points in AZ, CA, CO, MT, NV, NM, and TX, under a continuing contract with Jel Sert Co., of West Chicago, IL. (Hearing site: Los Angeles, CA.)

MC 144609 (Sub-2F), filed July 19, 1978. Applicant: ADAN J. DOMINGUEZ, d.b.a. DOMINGUEZ BROS. PRODUCE CO., 1500 South Zarza-

mora Street, San Antonio, TX 78207. Representative: Kenneth R. Hoffman, 1102 Berry-Brooks Building, Austin, TX 78701. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from San Antonio, TX, to points in AZ, CO, NM, and those in CA on and south of Interstate Hwy 80. (Hearing site: San Antonio, TX.)

MC 144678 (Sub-3F), filed August 7, 1978. Applicant: AMERICAN FREIGHT SYSTEM, INC., a Delaware corporation, 9393 West 110th Street, Overland Park, KS 66210. Representative: Harold H. Clokey (same address as applicant). To operate as a *common carrier*, by motor vehicle, 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), between Kansas City, MO, and Des Moines, IA, over Interstate Hwy 35, serving no intermediate points. (Hearing site: Kansas City, MO, or Des Moines, IA.)

MC 145027F, filed July 10, 1978. Applicant: BO-MARK TRANSPORT, INC., P.O. Box 652, Savannah, GA 31402. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodchips and sawdust*, and *bark* otherwise exempt except when moving in mixed loads with woodchips and sawdust, between points in GA and SC. (Hearing site: Savannah, GA.)

MC 145042F, filed July 7, 1978. Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Street, Zeeland, MI 49646. Representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, MI 48933. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal and soybean hulls*, in bulk, in dump or hopper-type vehicles, from the facilities of A. E. Staley Manufacturing Co., at or near (a) Frankfort, IN, (b) Champaign and Decatur, IL, and (c) Fostoria, OH, to points in MI. (Hearing site: Lansing or Grand Rapids, MI.)

NOTE.—Dual operations may be involved in this proceeding.

MC 145108F, filed July 28, 1978. Applicant: BULLET, EXPRESS, INC., 919 Third Avenue, New York, NY 10022. Representative: Jacob P. Billig, 2033 K Street NW., Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (*a*) *Such commodities as are used or dealt in by wholesale and retail chain stores*, (*b*) *such commodities as are used in the manufacture of food and beverage products*, (*c*) *such commodities as are used in the manufacture of industrial, agricultural, pharmaceutical, and household products, and* (*d*) *medical products*, from Brooklyn, NY, to points in AL, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NV, NH, NJ, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, VT, VA, WA, WV, WI, and DC; (2) (*a*) *such commodities as are used or dealt in by wholesale and retail chain stores*, (*b*) *such commodities as are used in the manufacture of food and beverage products, and* (*c*) *such commodities as are used in the manufacture of industrial, pharmaceutical, agricultural and household products*, from Groton, CT, to points in AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, OH, OK, OR, PA, TN, TX, VA, WA, WI, and DC; (3) *feed ingredients, animal health products, and pesticides*, from Lee's Summit, MO, to points in AL, AK, AZ, AR, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, and WI; (4) (*a*) *such commodities as are used or dealt in by wholesale and retail chain stores, and* (*b*) *medical and health care products*, from Parsippany, NJ, to points in AR, CA, CO, CT, DE, GA, IL, IN, KS, KY, ME, MD, MA, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC; (5) (*a*) *such commodities as are used or dealt in by wholesale and retail chain stores, and* (*b*) *health care products*, from Sanford, NC, to points in the United States (including AK, but excluding HI); (6) (*a*) *such commodities as are used in the manufacture of food and beverage products, and* (*b*) *such commodities as are used in the manufacture of industrial, agricultural, pharmaceutical and household products*, from Southport, NC, to points in AZ, CA, CO, CT, FL, GA, IL, IN, LA, MD, MI, NJ, NY, NC, OH, PA, SC, TN, TX, and VA; and (7) (*a*) *such commodities as are used in the manufacture of food and beverage products*, (*b*) *such commodities as are used in the manufacture of industrial, agricultural and household products*, (*c*) *medical products, and* (*d*) *pharmaceuticals*, from Terre Haute, IN, to points in CA, CT, DE, FL, GA, ID, IL, IN, IA, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, OR, PA, SC, TN, TX, UT, WA, WI, and DC, under a continuing contract with Pfizer, Inc., of New York, NY. (Hearing site: Washington, DC.)

MC 145115F, filed July 26, 1978. Applicant: N.Y., N.J., CONN., FREIGHT & MESSENGER CORP., 55 Lakeshore Drive, Rockaway, NJ 07866. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores (except commodities in bulk), between New York, NY and Carlstadt, NJ, on the one hand, and, on the other, Enfield, Hartford, and Windsor, CT, and Des Plaines, IL, under continuing contracts with Wieboldt Stores, Inc., of Des Plaines, IL, G. Fox & Co., of Hartford, CT, and Casual Corner, Inc., of Enfield, CT. (Hearing site: New York, N.Y.)

NOTE.—Dual operations are involved.

MC 145120F, filed July 26, 1978. Applicant: HOLMDEL TRUCKING CORP., 3 Scout Avenue, South Kearny, NJ 07032. Representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in containers, from Hawthorne, NJ, to points in the United States (except AK and HI), under a continuing contract with Wine Imports of America, of Hawthorne, NJ. (Hearing site: Newark, NJ, or New York, NY.)

MC 145137F, filed July 10, 1978. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by grocery business houses (except commodities in bulk), from points in AR, FL, IA, IN, KS, LA, MI, MN, MO, OH, TX, and WI, to points in AR, CO, FL, GA, IL, IN, IA, KS, LA, MI, MO, NE, NM, NC, OH, OK, TN, TX, and WI, under a continuing contract with Shurfine Central Corp., of Northlake, IL. (Hearing site: Omaha, NE, or Chicago, IL.)

BROKER AUTHORITY

MC 130513F, filed July 12, 1978. Applicant: FRANK SHERMAN d.b.a. CARTER TOURS/DOCKSIDE TRAVEL AGENCY, 4606 Strathmore Avenue, Garrett Park, MD 29733. Representative: Lawrence E. Lindeman, Suite 1032 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. To engage in operations, in interstate or foreign commerce, as a *broker* at Garrett Park and Deale, MD, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Arlington, Fairfax, and Prince William Counties, VA, Prince Georges, Anne Arundel, Montgomery, and Charles Counties, MD, and DC, and

extending to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 130518F. filed August 2, 1978. Applicant: HONEY'S BUNNIES TRAVEL, INC., 2329 North Merrimac Avenue, Chicago, IL 60639. Represenative: Patrick H. Smyth, Suite 521, 19 South LaSalle Street, Chicago, IL 60603. To engage in operations, in interstate or foreign commerce, as a *broker*, at Chicago, IL, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in charter or special operations, beginning and ending at points in Cook County, IL, and extending to points in the United States (including AK and HI). (Hearing site: Chicago, IL.)

FREIGHT FORWARDER AUTHORITY

FF 351 (Sub-1F), filed July 15, 1978. Applicant: UNITED INTERMODE, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. To operate as a freight forwarder, through the use of the facilities of common carriers by railroad, motor vehicle, and water, in arranging for the transportation of (1) *used household goods*, (2) *unaccompanied baggage*, and (3) *used automobiles*, between points in the United States (including AK and HI), restricted in (3) above to the transportation of export and import traffic. Condition: The issuance of a certificate in this proceeding is subject to written request for coincidental cancellation of FF 351. (Hearing site: St. Louis or Kansas City, MO.)

NOTE.—Applicant states that is presently holds authority in FF 351 transporting the same commodities between all states except AK.

[FR Doc. 78-25142 Filed 9-6-78; 8:45 am]

[7035-01]

[Notice No. 160]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 30, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 1931 (Sub-18TA), filed July 7, 1978. Applicant: VON DER AHE VAN LINES, INC., 600 Rudder Avenue, Fenton, MO 63026. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets, blanket wrapped and uncrated*, from Indianapolis, IN and Chicago, IL to Maryland Heights, MO, for 180 days. Supporting shipper(s): Kaske Kitchens, Inc., 2560 Metro Boulevard, Maryland Heights, MO 63043. Send protests to: P. E. Binder, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

MC 35890 (Sub-45TA), filed July 6, 1978. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 36th Street SE., Grand Rapids, MI 49508. Representative: Ronald C. Nesmith, Allied Van Lines, Inc., P.O. Box 4403, Chicago, IL. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the plantsite of Jasper Novelty Furniture, Jasper, IN, manufacturer for Krebs, Stengel & Co., to CT, DE, DC, IL, IA, MD, MA, MN, NJ, NY, PA, RI, VA, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Krebs, Stengel & Co., Inc., 200 Lexington Avenue, New York, NY 10016. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933.

MC 61825 (Sub-82TA), filed July 7, 1978. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, V. C. Drive, Collinsville, VA 24078. Representative: John D. Stone, Traffic Manager, Roy Stone Transfer Corp., P.O. Box 385, V. C. Drive, Collinsville, VA 24078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Microfoam articles*, from Wurtland, KY, to Atlanta, Dublin, Macon, and Toccoa, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: E. I. DuPont DeNemours & Co., Wilmington, DE 19898. Send protests to: Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, VA 24011.

MC 63792 (Sub-31TA), filed July 6, 1978. Applicant: TOM HICKS TRANSFER CO., INC., P.O. Box 16006, Houston, TX 77022. Representative: C. W. Ferebee, P.O. Box 16006, Houston, TX 77022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products, and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe in connection with main pipelines; and (2) *earth drilling machinery and equipment, machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells; (A) between AL, AR, CO, FL, GA, KS, LA, MS, NM, OK, TX, UT, and WY, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, RI, SC, and VA; and (B) between points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, and VA, for 180 days. Supporting shippers: There are approximately (56) statements of support attached to this 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: John F. Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Building, 515 Rusk Avenue, Houston, TX 77002.

MC 114569 (Sub-232TA), filed July 7, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins, P.O. Box 869, New Kingstown, PA 17072. Authority sought to operate as a *common carrier*, by motor vehicle, over irrregular routes, transporting: *Foodstuffs* (except in bulk), from Cumberland County, PA, to points in CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: SCM Corp., 900 Union Commerce Building, Cleveland, OH 44115. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

MC 114569 (Sub-233TA), filed July 7, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins, P.O. Box 418, New Kingstown, PA 17072. Authority sought to operate as a *common carrier*, by motor vehicle, over irrregular routes, transporting: *Meat, meat products, and meat byproducts* from Lyons, NE, St. Louis, MO, and it's commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Premeir Boneless Meats, Inc., Lyons, NE. Send protests to: Charles E. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869 Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

MC 114632 (Sub-172TA), filed July 6, 1978. Applicant: APPLE LINES, INC., 212 Southwest Second Street, P.O. Box 287, Madison, SD 57042. Representative: Michael L. Carter, 212 Southwest Second Street, Madison, SD 57042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables, and frozen potato products*, from the facilities of Wiscold, Inc., located at or near Beaver Dam and Milwaukee, WI, to points in the United States (except in AL, AK, FL, GA, HI, MS, NC, SC, and VA), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: (1) Wiscold, Inc., 11400 West Burleigh Street, P.O Box 26336, Milwaukee, WI 53226. (James H. Keuhn, president) (2) American Potato Co., Bank of America Center, 555 California Street, San Francisco, CA 94104. (Henry E. Link, corporate traffic manager) (3) International Co-op, P.O. Box 1378, Grand Forks, ND 58201. (Katherine Sletten, traffic manager). Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

MC 115826 (Sub-329TA), filed July 7, 1978. Applicant: W. J. DIGBY, INC., 1960 31st Street, P.O. Box 5088 Terminal Annex, Denver, CO 80217. Representative: Howard Gore, 1960 31st Street, Denver, CO 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Long Beach, CA to Bismark, Fargo and Grand Forks, ND and Minneapolis, MN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Del Monte Banana Co., Long Beach, CA. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 116628 (Sub-21TA), filed July 6, 1978. Applicant: SUBURBAN TRANSFER SERVICE, INC., P.O. Box 168, Rutherford, NJ 07070. Representative: Thomas F. X. Foley, Colts Neck Professional Plaza, State Highway 34, Colts Neck, NJ 07722. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and accessories*, between New York, NY, on the one hand, and, on the other, Sterling Heights and Dearborn, MI, under a continuing contract, or contracts. with Arnold Constable Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arnold Constable Corp., 16 East 40th Street, New York, NY 10016. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 11676 (Sub-7TA), filed July 6, 1978. Applicant: HERMS TRUCKING, INC., 620 Pear Street, Trenton, NJ 08648. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pressed fireplace logs*, from Trenton, NJ, to points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and the DC; and (2) *materials* used in the manufacture of pressed fireplace logs (except in bulk, in tank vehicles), from points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, OH, RI, VT, VA, and WV, to Trenton, NJ, for 180 days. Supporting shipper: Duraflame, Inc., P.O. Box 49, Stockton, CA 95201. Send protests to: John P. Lynn, Transportation Specialist, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 117815 (Sub-292TA), filed July 6, 1978. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Representative: Dewey Marselle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables and frozen potato products* (except commodities in bulk), from the facilities of Wiscold, Inc., located at or near Beaver Dam and Milwaukee, WI, to points in IL, IN, IA, KS, MI, MN, MO, and NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Wiscold, Inc., 11400 West Burleigh Street, P.O. Box 26336, Milwaukee, WI 53226, (2) American Potato Co., a wholly owned subsidiary of Basic American Food Co., Bank of America Center, 555 California Street, San Francisco, CA 94104, and (3) International Co-op, P.O. Box 1378, Grand Forks, NE 58201. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 503 9.

MC 118959 (Sub-174TA), filed July 6, 1978. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, and; (2) *materials, equipment and supplies* used in connection with paper and paper products, (1) from the facilities of Proctor & Gamble Co. at or near Albany, GA, to points in FL; (2) from points in FL, to the facilities of Proctor & Gamble Co., at or near Albany, GA, for 180 days. Supporting shipper: The Procter & Gamble Distributing Co., P.O. Box 599, Cincinnati, OH 45201. Send protests to : P. E. Binder, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

MC 129387 (Sub-69TA), filed July 6, 1978. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Doug W. Sinclair, P.O. Box 1271, Huron, SD 57350. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except fresh or frozen meats), from the plantsite and/or

warehouse facilities of Campbell Soup Co., at or near Omaha, NE, to points in ND and SD, for 180 days. Supporting shipper: Campbell Soup Co., 1202 Douglas Street, Omaha, NE 68102. (Stephen M. Jander, Manager—Transportation). Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

MC 13486 (Sub-67TA), filed July 5, 1978. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Charles M. Williams, Suite 350, Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film, plastic articles and corrugated boxes*, (except in bulk), and *materials, equipment, and supplies* used in the manufacture and distribution of the above commodities (except commodities in bulk), in vehicles equipped with mechanical refrigeration devices, from the plantsites and storage facilities of Resinite Department, Borden Chemical, Division of Borden, Inc., at or near North Andover, MA, to points in ME, VT, NH, RI, CT, NY, NJ, PA, MD, DE, VA, WV, OH, KY, IN, MI, IL, WI, IA, MO, KS, CO, WY, MT, and DC, and to Dallas, TX; Carson, CA; and Griffin, GA, and points in their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Resinite Department, Borden Chemical Division of Borden, Inc., W. T. "Tom" Willcox, Manager, Distribution & Materials, 1 Clark Street, North Andover, MA 01845. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 134477 (Sub-254TA), filed July 6, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, 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: *Footwear and materials, supplies and equipment* used in the manufacture and distribution of footwear (except commodities in bulk), from Brockton, MA, to Merrill, WI, for 180 days. Supporting shipper: Weinbrenner Shoe Co., Merrill, WI 54452. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 135185 (Sub-34TA), filed July 5, 1978. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 East Garry Avenue, San Ana, CA 92705. Representative: Charles J. Kimball, Kimball, Williams & Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drugs, medicines, cosmetics, plastic boxes, weed killing compounds, and animal and poultry feed supplements, and materials and supplies* used in the manufacture and production of, and rejected and/or damaged shipments of the commodities named above, (except commodities in bulk), from the facilities of Eli Lilly and Co., located at or near Clinton, Lafayette, and Indianapolis, IN, to points in Texas on and west of U.S. Hwy 281, (2) *materials and supplies* used in the manufacture and distribution of commodities named in (1) above, from points in TX on and West of U.S. Hwy 281, to the facilities of Eli Lilly and Co., located at or near Indianapolis, Clinton, and Lafayette, IN, under a continuing contract, or contracts, with Eli Lilly and Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Eli Lilly and Co., 1555 South Kentucky Avenue, Indianapolis, IN 46206. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 140186 (Sub-27TA), filed July 6, 1978. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, MT 59801. Representative: David A. Sutherlund, Suite 400, 1150 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *flour*, from Billings, MT, to points in CA, for 180 days. Supporting shipper: Peavey Co., Inc., 730 Second Avenue, South, Minneapolis, MN 55402. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 142508 (Sub-23TA), filed July 6, 1978. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss (same as address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such merchandise* as is dealt in by wholesale and retail grocery and food business houses (except commodities in bulk), on vehicles equipped with mechanical refrigeration, from the facilities of Dry Storage Corp. at Chicago and Des Plaines, IL, to St. Louis, MO, and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arthur L. Comeau, Director of Distribution, Dry Storage Corp., 2005 West 43d Street, Chicago, IL 60609. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 144215 (Sub-3TA), filed July 6, 1978. Applicant: NORTON TRUCKING, INC., 126 Sun Street, Salinas, CA 93902. Representative: Albert C. Parolini, 126 Sun Street, Salinas, CA 93901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *frozen prepared vegetables*, from Gilroy, CA, to Denver, CO; Wilmington, DE; Miami, FL; Atlanta, GA; Caldwell, ID; Lemont and Chicago, IL; Indianapolis, IN; Kansas City, KS; Louisville, KY; Jefferson, LA; Gloucester, MA; Detroit, MI; St. Paul, MN; St. Louis, MO; Belmawr and Woodbridge, NJ; Syracuse, NY; Greensboro, NC; Cleveland and Toledo, OH; Portland, OR; Devault and Scranton, PA; Greenville, SC; Sioux Falls, SD; Dallas and Houston, TX; Virginia Beach, VA; Seattle WA; Milwaukee, WI, and Heyburn, ID, for the account of Golden West Foods, Inc., Gilroy, GA; and *frozen prepared foodstuffs*, from the plant sites and storage facilities of Kitchens of Sara Lee, Deerfield, IL, and New Hampton, IA, to points in AZ, CA, NV, and NM, under a continuing contract, or contracts, with Kitchens of Sara Lee, and Golden West Foods, Inc., for 180 days. Applicant has also filed un underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, IL 60015. (2) Golden West Foods, Inc., 1350 Pacheco Pass Hwy, Gilroy, CA 94020. Send protests to: Michael M. Butler, District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

MC 144215 (Sub-4TA), filed July 6, 1978. Applicant: NORTON TRUCKING, INC., 126 Sun Street, Salinas, CA 93921. Representative: A. Parolini, 126 Sun Street, Salinas, CA 93901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coffee products and beverage preparations*, from Edgewater, NJ, to Phoenix, AZ; Los Angeles, Sacramento, and San Francisco, CA; Denver, CO; Chicago, IL; Detroit, MI; Minneapolis, MN; Cleveland, OH; Oklahoma City, OK; Portland, OR; San Antonio, TX; Seattle, WA; and Vancouver, BC, under a continuing contract, or contracts, with Hills Bros. Coffee, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating au-

thority. Supporting shipper: Hills Bros. Coffee, Inc., 2 Harrison Street, San Francisco, CA 94105. Send protests to: Michael M. Butler, District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

MC 144998TA, filed July 6, 1978. Applicant: RICHNER, INC., Colorado Hwy 160 South, P.O. Box 1488, Durango, CO 80202. Representative: J. Albert Sebald, 1700 Western Federal Savings Building, Denver, CO 81301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry fertilizer, in sack and in bulk, animal feed, in sack and in bulk, and salt, in sack and in block*, from points in NM, AZ, TX, UT, ID, WY, and KS, to facilities of Basin Co-Op, La Plata Co., CO, and to farm and ranch locations of customers of Basin Co-Op, Inc., in UT, NM, and CO, for 180 days. Supporting shipper: Basin Co-Op, Inc., 32281 Hwy 160, Durango, CO 81301. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

MC 145010TA, filed July 5, 1978. Applicant: WAYNE EXPRESS, INC., 29 Aberdeen Avenue, Wayne, NJ 07470. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Groceries, and materials and supplies* used in the manufacturing, distributing, and sales thereof (except frozen foods, and commodities in bulk), between Secaucus, NJ, on the one hand, and, on the other, points in CT, DE, MD, MA, NY, PA, RI, VA, and DC, under a continuing contract, or contracts, with Greenwich Mills Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Greenwich Mills Co., 520 Secaucus Road, Secaucus, NJ 07094. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton, Street, Newark, NJ 07102.

MC 145014TA, filed July 6, 1978. Applicant: PARENT TRUCKING, INC., 4653 Turtle Road, Turner, MI 48765. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastics and plastic products*, other than in bulk, from the facilities of Robinson Industries, Inc., located in Warren Township, Midland County, MI, to Chicago, IL, and points in its commercial zone; McCordsville, Connersville, Bloomington, Kokomo, and Indianapolis, IN, and points in the commercial zone of each said cities, Dayton, Columbus, Vandalia, Sandusky, and Akron, OH, and points in the commercial zone of each of said cities; and Louisville, Shelbyville, and Jeffersontown, KY, and points in the commercial zone of each of said cities; and *materials and supplies*, other than in bulk, used in the manufacture and distribution of plastics and plastic products, from Chicago, IL, and points in its commercial zone; McCordsville, Connersville, Bloomington, Kokomo, and Indianapolis, IN, and points in the commercial zone of each of said cities, Dayton, Columbus, Vandalia, Sandusky, and Akron, OH, and points in the commercial zone of each of said cities; and Louisville, Shelbyville, and Jeffersontown, KY, and points in the commercial zone of each of said cities, to the facilities of Robinson Industries, Inc., located in Warren Township, Midland County, MI, under a continuing contract, or contracts, with Robinson Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robinson Industries, Inc., 3051 Curtis Road, Coleman, MI 49820. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933.

MC 145015TA, filed July 6, 1978. Applicant: P.M.E., LTD., Box 181, Group 261, R.R. 2, Winnipeg, Manitoba, Canada R3C 2E6. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *canned shrimp*, from the facilities of Cutcher Canning Co., Inc., at Westwego, LA, to the ports of entry at Noyes, MN, and Blaine, WA, to destined to Winnipeg, Manitoba, and Vancouver, BC, under a continuing contract, or contracts, with Cutcher Canning Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cutcher Canning Co., Inc., P.O. Box 8, Westwego, LA 70094. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building & U.S. Post Office, 657 Second Avenue North, Fargo, ND 58102.

WATER CARRIER

W-420 (Sub-5TA), filed July 7, 1978. Applicant: KNAPPTON TOWBOAT CO., 110 Southeast Caruthers Street, Portland, OR 97214. Representative: Peter J. Brix (same as above). Authority sought to operate as a *common carrier*, by water, in interstate or foreign commerce, (1) *by towing vessels in the performance of general towage*, (a) between ports and points in WA and OR on the Columbia River from Alderdale, WA to Priest Rapids, WA. (b) between ports and points in WA and ID on the Snake River from its confluence with the Columbia River to Ascotin, WA, and (c) between ports and points in ID on the Clearwater River between the Lewiston Memorial Bridge at Lewiston, ID, and the Potlatch plant located 1½ miles above the bridge; this authority to be tacked to and operated in conjunction with the balance of applicant's existing authority; (2) *by non-self-propelled vessels with the use of separate towing vessels in the transportation of general commodities*, (a) between the ports and points in WA and OR on the Columbia River from Celilo, OR to Priest Rapids, WA. (b) between ports and points in WA and ID on the Snake River from its confluence with the Columbia River to Ascotin, WA, and (c) between ports and points in ID on the Clearwater River between the Lewiston Memorial Bridge at Lewiston, ID and the Potlatch plant located 1½ miles above the bridge; this authority to be tacked to and operated in conjunction with the balance of applicant's existing authority, for 180 days. Supporting shipper: Potlatch Corp., P.O. Box 1016, Lewiston, ID 83501. Send protests to: R. V. Dubay, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, OR 97207.

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

[FR Doc. 78-25138 Filed 9-6-78; 8:45 am]

[7035-01]

[Notice No. 159]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 30, 1978.

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relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 989 (Sub-29TA), filed July 5, 1978. Applicant: IDEAL TRUCK LINES, INC., P.O. Box 330, 418 East Holme, Norton, KS 67654. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. 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), between Scottsbluff, NE, over U.S. Hwy. 26 to Casper, WY, including the intermediate point of Torrington, WY, and the off route point of Wheatland, WY, for 180 days. Applicant states it does intend to tack and to interline at Casper, WY; Omaha, NE; Grand Island, NE; and Kansas City, MO. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately (19) statements of support attached to this 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: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Building and U.S. Courthouse, 444 Southeast, Quincy, Topeka, KS 66683.

MC 30837 (Sub-483TA), filed June 28, 1978. Applicant: KENOSHA AUTO TRANSPORT CORP., 4314, 39th Avenue, Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Building NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses* (as described in the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766), in secondary movements, in truckaway service, from Buffalo, NY, and points within 20 miles thereof, to points in NY and PA; from Little Ferry, NJ, and points within 20 miles thereof, to points in CT, NJ, NY, and RI; from Selkirk, NY, and points within 20 miles thereof, to points in CT, MA, NH, NY, RI, and VT; from Framingham, MA, and points within 20 miles thereof to points in CT, ME, MA, NH, and RI; from Pittsburgh, PA, and points within 20 miles thereof, to points in MD, OH, PA, and WV; and from Hagerstown, MD, and points within 20 miles thereof, to points in DE, MD, PA, VA, WV, and DC; and from Earnest, PA, and points within 20 miles thereof, to points in DE, CT, MD, NJ, NY, PA, and DC. Restriction: The operations authorized under the commodity description immediately above are restricted to the transportation of vehicles manufactured or assembled at the site of the plant of American Motors (Canada) Lmt., in Brampton, ON, Canada, for 180 days. Supporting shipper: American Motors Corp., 14250 Plymouth Road, Detroit, MI 48232. (Leonard C. Kropp) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 55822 (Sub-17TA), filed June 28, 1978. Applicant: VICTORY EXPRESS, INC., 2600 Willowburn Avenue, P.O. Box 26189, Trotwood, OH 45426. Representative: Mel P. Brooker, Jr., 118 North Saint Asaph Street, Alexandria, VA 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and materials, equipment, and supplies*, used or useful in the manufacture or distribution of such commodities (except in bulk), between all points in the United States (except AK and HI), under a continuing contract, or contracts, with Appleton Papers, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Appleton Papers, Inc., Harry E. Langman, Jr., Division Traffic Coordinator, 825 East Wisconsin Avenue, Appleton, WI 54911. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

MC 109818 (Sub-26TA), filed June 23, 1978. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 MCC 209 and 766 (except hides and commodities in bulk), and (2) *dairy products* as described in section B of Appendix I to the report in "Motor Carrier Certificates," 61 MCC 209 and 766, *and foodstuffs*, when moving in mixed loads with commodities in (1) above, in vehicles equipped with mechanical refrigeration, from the facilities of Oscar Mayer & Co., Inc., at or near Davenport, IA, and Beardstown, IL, to points in the lower peninsula of MI, OH, and Madison and Jefferson, WI, restricted to traffic originating at the named origins and destined to named points, counties, or States, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, WI 53707. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Des Moines, IA 50309.

MC 115904 (Sub-104TA), filed June 12, 1978, and published in the FEDERAL REGISTER issue of July 31, 1978, and republished as corrected this issue. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, ID 83401. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from Chicago, IL, to AR, MO, NE, KS, KY, MN, and CO; (2) from Jersey City, NJ, to AR, LA, TN, and TX; (3) from Cannonsburg, PA, to TX, OK, LA, MN, MO, VA, WV, IA, IL, KS, and NE; (4) from Wilmington, DE; to TX, OK, LA, MN, MO, VA, WV, IA, IL, KS, and NE; and (5) from New Orleans, LA, to TN, MI, OH, MN, and KY, for 180 days. Applicant does not intend to tack or interline authority. Supporting shipper: Northern Pacific Lumber Co., P.O. Box 3915, Portland, OR 97208. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, ID 83706. The purpose of this republication is to include Missouri (MO) in parts (3) and (4) of the territorial description.

MC 118806 (Sub-2TA), filed July 5, 1978. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Boulevard, Suite 200, Winnipeg, MB, Canada R2J 3K4. Representative: Bernard J. Kompare, Sullivan & Associates, Ltd., 10 South LaSalle Street, Suite 1600 Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *combines*, and

(2) *parts and attachments for combines,* from the ports of entry on the International Boundary Lines between the United States and Canada, located in NY and MI, to points in NY, PA, MD, VA, OH, MI, IL, and IN, restricted to the transportation of traffic originating at the facilities of Massey-Ferguson Industries, Ltd., at or near Brantford, ON, Canada, and moving in foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Massey-Ferguson Industries, Ltd., P.O. Box 400, Park Road North, Brantford, ON, Canada N3T 5V4. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building and U.S. Post Office, 657 2d Avenue North, Fargo, ND 58102.

MC 128504 (Sub-5TA), filed May 3, 1978, and published in the FEDERAL REGISTER issue of June 5, 1978, and republished as corrected this issue. Applicant: JAMES M. BARNETT AND MRS. JAMES BARNETT d.b.a. BARNETT'S MOVING & STORAGE, Route 4, P.O. Box 726, Kosciusko, MS 39090. Representative: Mrs. James M. Barnett (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *New furniture,* uncrated, from the facilities of Ace Manufacturing Co., at or near Lexington, MS, to points in AL, AR, AZ, CN, DE, FL, GA, IL, IN, IA, CA, CO, KS, KY, LA, MD, MA, MI, MN, MS, MO, NJ, NM, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI; and (2) *materials and supplies* used in the manufacture of new furniture, from the destination points in (1) above, to the facilities of Ace Manufacturing Co., at or near Lexington, MS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ace Manufacturing Co., Lexington, MS 39095. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201. The purpose of this republication is to add 15 States to part 1 of the destination territory as previously omitted.

MC 133805 (Sub-11TA), filed June 30, 1978, and published in the FEDERAL REGISTER issue of August 11, 1978, and republished as corrected this issue. Applicant: LONE STAR CARRIERS, INC., Route 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Room 109, 5001 Brentwood Stair Road, Fort Worth, TX 76112. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tile,* from the facilities of Texeramics, Inc., located at or near Mineral Wells, TX, to points in LA, AR, MS, AL, GA, FL, NC, SC, VA, NM, OK, TN, KY, CO, KS, AZ, WA, CA, NE, OR, MD, NY, NJ, PA, CT, and MA, for 180 days. Supporting shipper: Texeramics, Inc., P.O. Box 550, Mineral Wells, TX, 76067. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102. The purpose of this republication is to correct the final destination State to read Massachusetts (MA) instead of Maine (ME).

MC 134574 (Sub-29TA), filed June 27, 1978. Applicant: FIGOL DISTRIBUTORS, LTD., 11233 156th Street, Edmonton, AB, Canada T5M 1Y2. Representative: Ray F. Kolby, 314 Montana Building, Great Falls, MT 59401. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Insulation,* from the port of entry on the international boundary line between the United States and Canada, located at or near Sweetgrass, MT, to Willows, CA, restricted to traffic orginating in the province of Alberta, Canada, for 180 days. Supporting shipper: Canadian Johns-Manville Co., Ltd., 9324 49th Street, Edmonton, AB, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 135562 (Sub-7TA), filed June 22, 1978. Applicant: O.C.C., INC., 2214 4th Avenue South, Seattle, WA 98134. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Games and toys, parts and materials and supplies* used in the manufacture of toys and games, (1) from Chesterfield Township (Mt. Clemens, MI), and Toledo, OH, to points in WA, OR, CA, NE, NM, AZ, UT, ID, MT, CO, and WY, and (2) from Seattle, WA, and Vancouver, BC, Canada to Chesterfield Township, MI, and Toledo, OH, restricted to traffic moving in foreign commerce only, under a continuing contract, or contracts, with Fun Dimensions, for 180 days. Supporting shipper: Fun Dimensions, 26750 23-mile Road, Mt. Clemens, MI 48043. Send Protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

MC 136605 (Sub-62TA), filed June 27, 1978. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and fittings or materials* used in the installation of plastic pipe, (2) *building materials and cement pipe containing asbestos fibre,* and (3) *insulation board,* from the facilities of Johns-Manville Sales Corp. at or near (1) Wilton, IA, and (2) Waukegan, IL, and from the facilities of Johns-Manville Perlite Corp. at or near (3) Rockdale, IL, to points in the States of CO, KS, MN, MT, NE, ND, OR, SD, UT, WA, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Edwin T. Sinclair, Regional Traffic Manager, Johns-Manville Sales Corp., 2222 Kensington Court, Oak Brook, IL 60521. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 138104 (Sub-54TA), filed June 28, 1978. Applicant: MOORE-TRANSPORTATION CO., INC., 3509 North Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Roofing granules* (in bulk, in dump vehicles), from Little Rock, AR, to Dallas and Ennis, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: CertainTeed Corp., Shelter Materials Group, P.O. Box 860, Valley Forge, PA 19482. Send protests to: Robert J. Kirspel, District Supervisor, Interstate Commerce Commission, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 138308 (Sub-49TA), filed June 21, 1978, and published in the FR issue of August 18, 1978, and republished as corrected this issue. Applicant: KLM, INC., 2102 Old Brandon Road, P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Clay products* (except in bulk), from the facilities of Filtrol Corp., at Jackson, MS, to points in CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Filtrol Corp., P.O. Box 8337, Jackson, MS 39204. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201. The purpose of this republication is to show the destination point as California (CA) in lieu of Georgia (GA) as previously published.

MC 138732 (Sub-13TA), filed June 14, 1978, and published in the FEDERAL

REGISTER issue of August 8, 1978, and republished as corrected this issue. Applicant: OSTERKAMP TRUCKING, INC., 764 North Cypress Street, P.O. Box 5545, Orange, CA 92667. Representative: Michael R. Eggleton, 67 Larkstone Center, Danville, CA 94526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, plywood, particleboard, and wood products*, from points in OR, to points in NV Counties of Carson City, Churchill, Douglas, Lyon, Mineral, Storey, and Washoe, and points in CA, for 180 days. Supporting shipper(s): (1) American Forest Products Corp., 2740 Hyde Street, San Francisco, CA 94109. (2) California Cascade Industries, P.O. Box 130026, Sacramento, CA 95813. (3) Bohemia, Inc., 2280 Oakmond Way, Eugene, OR 97401, and (4) B & C Builders Supply, P.O. Box 1208, Sparks, NV. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012. The purpose of this republication is to include in the destination territory, after counties in NV "and points in CA".

MC 138835 (Sub-31TA), filed June 28, 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*, from Lake Odessa and Grand Rapids, MI, to points in Cumberland, Gloucester, and Salem Counties, NJ, restricted to shipments destined to the plantsites and storage facilities of Seabrook Foods, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Seabrook Farms Division, Seabrook Foods, Inc., P.O. Box 500, Seabrook, NJ 08302. Send protests to: Paul D. Collins, 10-502 Federal Building, 400 North Eighth Street, Richmond, VA 23240.

MC 142220 (Sub-2TA), filed July 5, 1978. Applicant: BAKER TRUCKING CORP., INC., 4600 Brazil Street, Los Angeles, CA 90029. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet supplies*, (except pet foods) and insect killing sprays in containers, from Miami Springs, FL, to Birmingham, AL, Memphis, TN; Harahan and New Orleans, LA; Atlanta, GA; Kansas City, KS; and Houston, TX, under a continuing contract, or contracts, with Pet Chemicals, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pet Chemicals, Inc., P.O. Box 660656, Miami Springs, FL 33166. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 142559 (Sub-29TA), filed June 13, 1978, and published in the FEDERAL REGISTER issue of August 17, 1978, and republished as corrected this issue. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and woodpulp*, (1) From Mobile, AL, to points in CT, DE, DC, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and WI; and (2) from Westbrook, ME, to points in AL, DC, GA, IL, IN, MD, MI, NC, OH, and VA; (3) from Chester, PA, to points in AL, FL, GA, IL, IN, KY, MI, NC, OH, SC, TN, and WI; (4) from Ft. Edward and Albany, NY, to points in AL, DC, FL, GA, IL, IN, KY, MD, MI, NC, OH, PA, SC, TN, VA, and WI; (5) from Marinette and Oconto Falls, WI, to points in IL, IN, KS, MI, MO, OH, and PA; and (6) from Columbus, OH, to points in IL, IN, KS, KY, and MO, for 180 days. Supporting shipper(s): Scott Paper Co., Scott Plaza I, Philadelphia, PA 19113. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199. The purpose of this republication is to add MD in lieu of KY, and to omit SC, TN and WI to part (2), and also to add IL to part (4) as previously published.

MC 143500 (Sub-3TA), filed June 22, 1978, and published in the FEDERAL REGISTER issue of August 18, 1978, and republished as corrected this issue. Applicant: R. B. CARRIERS, INC., 1719 Progress Way, P.O. Box 92, Jeffersonville, IN 47130. Representative: James E. Savitz, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sheet, and aluminum foil with or without paper backing*, from the plantsites and warehouse facilities of The Anaconda Co., Aluminum Division, at or near Louisville, KY, and Terre Haute, IN, to points in UT, WA, OR, CA, AZ, and TX, under a continuing contract, or contracts, with The Anaconda Co., Aluminum Division, for 180 days. Supporting shipper(s): The Anaconda Co., Aluminum Division, P.O. Box 32860, Louisville, KY 40232. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204. The purpose of this republication is to show carriers name as *R.* B. Carriers, Inc., in lieu of *H.* B. Carriers, Inc., as previously published.

MC 143651 (Sub-2TA), filed April 6, 1978, and published in the FEDERAL REGISTER issue of July 18, 1978, and republished as corrected this issue. Applicant: BLACKHAWK EXPRESS, INC., P.O. Box 277, Wall Lake, IA 51466. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products and articles* distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Estherville and Sioux City, IA and Sioux Falls, SD to points in AL, AR, CT, DE, DC, FL, GA, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, and WV, for 180 days. Restriction: Restricted to traffic originating at the plantsites and facilities of John Morrell & Co., located at the above origins and destined to the named destination States. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Curt Y. Hopkins, Manager of Transportation, John Morrell & Co., 208 South LaSalle Street, Chicago, IL 60604. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102. The purpose of this republication is to correct the statement which set for the purpose of the republication as to read "to indicate the correct docket number as 143651 (Sub-No. 2 TA) in lieu of 142777 (Sub-No. 2 TA) as previously published".

MC 143909 (Sub-2TA), filed June 28, 1978. Applicant: KIRBY TRANSPORT, INC., 6677 North Northwest Highway, Chicago, IL 60631. Representative: Stuart R. Mandel, Mandel & Kavaller, 315 South Beverly Drive, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soybean meal, soyflour, soyprotein concentrate, textured protein, lecithin, soy sauce, animal and poultry feeds, food seasoning compounds, corn gluten meal and feed, animal conditioning powder,*

corn starch, dry in bags, liquid in cans, corn syrup solids, dry corn sugar, hydrolyzed vegetable protein, fruit juices and concentrate, fabric finishers and softeners, water, softening compounds, cleaning compounds, syrups, dextrine, starches NOI, corn and soybean products, blends and derivatives, (except in bulk or in hopper vehicles), and (2) *returned, rejected, or refused articles and products* described in (1) above, as a contract carrier, over irregular routes, as follows: (1) from Decatur, Galesburg and Champaign, IL, to points in AL, AZ, CA, CO, FL, GA, ID, KS, LA, ME, MD, MA, MT, NV, NJ, NM, NY, NC, OK, OR, PA, SC, TX. UT, WA, WY; and (2) From Los Angeles, Oakland and Berkeley, CA; Dallas and Houston, TX; and Phoenix, AR; to Decatur, IL; (3) From Chicago, Cicero and Broadview, IL, to points in AZ, NM, OK, TX, ID, UT, CA, AZ, NV, CO, SD, NE, WY, KS, MO, MT, OR, WA, and Decatur, IL; and (4) From Morrisville, PA, to Chicago and Decatur, IL, and points in CA; and points in Lewisville, ID, points in OR, points in TX and Seattle, WA, under a continuing contract, or contracts, with A. E. Staley Co., for 180 days. Supporting shipper(s): Robert L. Lighthall, Assistant to Director of Transportation, A. E. Staley Co., 2200 Eldorado Street, Decatur, IL 62525. Send protests to: Lois M. Stahl, Transportation Assistant, Bureau of Operations, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 144726 (Sub-1TA), filed May 9, 1978, published in the FEDERAL REGISTER July 3, 1978, and republished as corrected in this issue. Applicant: K.K.W. TRUCKING, INC., 516 West 140th Street, Gardena, CA 90248. Representative: John T. Wirth, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Blanket wrapped furniture,* (2) *cartoned furniture,* and (3) *merchandise dealt in by home furnishing stores* when moving in mixed shipments with blanket wrapped furniture and cartoned furniture, from points in the Los Angeles, CA Commercial Zone to points in the Commercial Zones of Flagstaff, Glendale, Mesa, Phoenix and Yuma, AZ, and Henderson, Las Vegas and North Las Vegas, NV. Restricted to traffic destined to the facilities of McMahan's Furniture Co., Carlsbad, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McMahan Furniture Co., P.O. Box 7000, 2333 State Street, Carlsbad, CA 92008. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012. The purpose of this republication is to correctly describe the commodities to be transported.

MC 144927 (Sub-1TA), filed June 16, 1978. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Warren G. Moberly, 320 North Meridian Street, No. 777, Indianapolis, IN 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (Sub-4) *Industrial chemicals* (except in bulk), from the plantsites of Philipp Bros. Chemicals, Inc., in Sewaren, NJ, and Middletown, CT, to points in MN, IA, MO, WI, IL, MI, IN, OH, KY, and points in that part of PA west of a line beginning at the PA-NY State line and extending along PA Hwy 14 to junction U.S. Hwy 220, thence along U.S. Hwy 220 to the PA-MD State line, with no transportation for compensation on return except as otherwise authorized. (Sub-5) *Cleaning compounds and steel plastic scourers* (except in bulk), from the plantsite of the Purex Corp., Ltd., in London, OH, to Salem, VA, and St. Louis, MO, and to points in IL, MD, NJ, NY, CT, PA, and MA, with no transportation for compensation on return except as otherwise authorized. (Sub-7) (Authority to serve a plant which is closed and for sale). *Unfinished iron and steel castings, stampings, and metal forms,* from the plantsite of Remington Forge, Inc., at Remington, IN, to points in IL, IA, MI, OH, and WI, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized under Sub-7 are subject to the following operations: Said operations are restricted against the transportation of any traffic originating in or destined to points in Canada. (Sub-10) *Dessert and beverage preparations,* in containers, from the plantsite of Jel Sert Co. in West Chicago, IL, to points in CT, DE, IN, ME, MD, MA, MN, NH, NJ, NY, OH, PA, WV, and DC, with no transportation for compensation on return except as otherwise authorized. (Sub-12) *Soya flour and soya flour products,* from the plantsite of Griffith Food Products, a subsidiary of Griffith Laboratories, in Remington IN, to points in the United States (except AK and HI), with no transportation for compensation on return except as otherwise authorized. (Sub-13) *Dessert and beverage preparations,* in containers, from the plantsite of Jel Sert Co. in West Chicago, IL, to points in AL, AR, FL, GA, KY, LA, MS, MO, NC, RI, SC, TN, TX, VA, and WI. (Order of Division I served March 22, 1978, has become administratively final). (Sub-16) *Beverage preparations* (except in bulk), from the plantsite of Ko-Pac, Inc., in Momence, IL, to points in MA, CT, NJ, GA, PA, MI, MN, OH, WI, IN, NE, NV, NY, CA, OR, WA, TN, MO, KS, IA, ME, and MD. (Sub-17) *Foodstuffs* (except in bulk), over irregular routes, from the plantsite and warehouse facilities of George A. Hormel & Co., at or near Beloit, WI, to points in IN, MD, NJ, NY, OH, PA, DE, and DC. *Sub R—9* and similar or same authority presently being applied for as contract authority. *Cocoa powder in bags, and pallets on exchange,* from the facilities of ICP Cocoa, Inc., at Camden and Glassboro, NJ, to points in IL, WI, IN, OH, MN, Waverly, Sibley, and Sioux City, IA, Kansas City, KS, St. Louis, MO; Denver, CO; Louisville, KY; Oakland, Los Angeles, and Burlingame, CA, for 180 days. Supporting shipper(s): There are approximately (6) 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: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 13, Fort Wayne, IN 46802.

MC 144928 (Sub-1TA), filed June 20, 1978. Applicant: BRICK TRANSPORT, INC., 6530 Cambridge Street, Minneapolis, MN 55426. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Brick, tile, cement in bags and cement products,* from Redfield, Adel, Ottumwa, Des Moines, Lehigh, Mason City, Sioux City, Sergeant Bluff, and Sherffield, IA and points in the United States-Canada boundary line located in MN, to points in MN and WI, on and west of a line beginning at the junction of U.S. Hwy 10 and the MN-WI State line, then east over U.S. Hwy 10 to its junction with U.S. 13, then north over U.S. Hwy 13 to Lake Superior at Ashland, WI; (2) *Cement products,* from St. Croix, Falls, WI, to points in MN; and (3) *Brick, tile, cement in bags, cement products and related materials and supplies* used therewith, from Minneapolis, and St. Paul, MN, to points on the United States-Canada boundary line located in MN and points in WI on and west of a line beginning at the junction of U.S. Hwy 10 and the MN-WI State line, then east over U.S. Hwy 10 to its junction with U.S. Hwy 13, then north over U.S. Hwy 13 to Lake Superior at Ashland, WI, under a continuing contract, or contracts, with Midwest Brick & Supply Co., and St. Croix Block & Brick Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authori-

ty. Supporting shippers: Midwest Brick & Supply Co., Inc., 6530 Cambridge Street, Minneapolis, MN 55426. (2) St. Croix Block & Brick Co., Inc., 6530 Cambridge Street, Minneapolis, MN 55426. Send protest to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144958TA, filed June 22, 1978. Applicant: TRANSPORT COMMODITIES, INC., Box 457, Pharr, TX 78577. Representative: Jimmy Cowart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned pineapples, canned citrus products, and canned tomato paste*, from Brownsville, Hidalgo, and Laredo, TX, to Birmingham, Montgomery, Mobile, AL; Monroe, LA; Lubbock, TX; Bonner Springs, KS; Springfield, Clinton, Columbia, MO; Eau Claire, Brookfield, Beaver Dam, WI; Bay Village, Lerail, Zanesville, Portsmouth, Bedford Heights, OH; Pittsburgh, Eighty Four, Donora, Lewistown, Allentown, Peach Glen, Philadelphia, PA; Moonachie, Jersey City, Newwark Ft. Lee, NJ; Amsterdam, Buffalo, Syracuse, Red Hook, Rye, NY: Plant City, Tampa, Jacksonville, Miami, Barton, Ocala, Orlando, Lake Wales, FL; Atlanta, Tucker, Forest Park, GA; Greenville, SC; Raleigh, Fayesville, NC; Richmond, Norfolk, Lynchburg, Bristol, Appalachia, VA; Marysville, Knoxville, TN; Baltimore, Laurel, MD; Hartford, New Haven, East Hartford, Wethersfield, CT; Boston, Natick, Somerville, MA; Olympia, WA; Portland, OR; Los Angeles, San Francisco, CA; Davenport, Cedar Falls, IA: Robinson, Chicago, IL, and ICC commercial zone of each of the above listed cities. The authority sought is restricted to foreign traffic originating in Mexico, for 180 days. Supporting shipper: Camerican International, Inc., 260 Madison Avenue, New York, NY 10016. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400 Federal Building, 727 East Durango Street, San Antonio, TX 78206.

MC 144961TA, filed June 21, 1978. Applicant: REED TRANSPORTATION, 4051 Gannett, Casper, WY 82601. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *machinery, equipment, materials, and supplies*, and facilities used in, or incidental to, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, electrical energy, ore, coal, geothermal and nuclear resources, and; *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in CO, ID, MO, NV, ND, SD, WY and UT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately (6) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 105, Federal Building and Court House, 111 South Wolcott, Casper, WY 82601.

MC 144989TA, filed June 27, 1978. Applicant: BLUE RIDGE MOUNTAIN CONTRACT CARRIER, P.O. Box 403, Dalton, GA 30720. Representative: S. H. Rich, Route No. 2, Box 68B, Blairsville, GA 30512. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Carpets, carpeting, carpet remnants, or rugs, and bedspreads*, between the plant and warehouse facilities of Cavalier Carpets, Inc., Dalton, GA, and Lawtex Industries, Inc., Calhoun, GA, Dalton, GA, and Piedmont, AL, on the one hand, and, on the other hand, points and places in the State of California and Phoenix, AZ; and (B) *yarn, synthetic or cotton, bagging or cloth, burlap, gunny, ixtle (istle) jute or sisal;* and other commodities used in the manufacturing of carpets, carpeting or rugs, other than commodities in bulk, from points and places in the State of California and Phoenix, AZ, to the plant and warehouse facilities of Cavalier Carpets, Inc., Dalton, GA, and Lawtex Industries, Inc., Calhoun, GA, Dalton, GA, and Piedmont, AL, under a continuing contract, or contracts, with Cavalier Carpets, Inc., and Lawtex Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Cavaliers Carpets, Inc., 910 South Green Street, Dalton, GA 30720. (2) Lawtex Industries, Inc., P.O. Box 1328, Dalton, GA 30720. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street, Northwest, Room 300, Atlanta, GA 30309.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-25140 Filed 9-6-78; 8:45 am]

[7035-01]

[Volume No. 113]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

August 30, 1978.

Petitions for Modification, Interpretation, or Reinstatement of Operating Rights Authority

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g., M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before October 10, 1978. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

MC 64712 (M1F) (Notice of filing of petition to modify certificate), filed July 5, 1978. Petitioner: WALTER S. DAVIS, INC., 2950 East Tioga Street, Philadelphia, PA 19134. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Petitioner holds a motor *common carrier* certificate in No. MC 64712, issued April 22, 1963, authorizing transportation, over irreguar routes, as pertinent, of: *Machinery*, between Philadelphia, PA, on the one hand, and, on the other, points in DE, MD, NY, and NJ, and *heavy machinery*, between points in PA and NJ within 30 miles of Trenton, NJ, on the one hand, and, on the other, points within 100 miles of Trenton, NJ, in DE, NJ, NY, and PA. By the instant petition, petitioner seeks to modify the above commodity descriptions to read, in each instance: *Commodities* which, because of size or weight, require the use of special equipment or special handling, and *self-propelled articles*, each weighing 15,000 pounds or more (when transported on trailers).

MC 82735 (Sub-3) (M1F) (Notice of filing of petition to modify permit),

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

filed July 7, 1978. Petitioner: HUDSON BERGEN TRUCKING CO., a corporation, 200 Central Avenue, Teterboro, NJ 07608. Representative: Charles Williams, 1815 Front Street, Scotch Plains, NJ 07076. Petitioner holds a *contract carrier* permit in MC 82735 (Sub-3), issued October 22, 1971, authorizing transportation over irregular routes, of *such merchandise* as is dealt in by wholesale and retail grocery stores from the facilities of Marschall Warehouse Co. at Teterboro, NJ to points in NY, NJ, PA, CT, RI, and MA, under a continuing contract or contracts with Marschall Warehouse Co., of Teterboro, N.J. By the instant petition, petitioner seeks to delete the word "grocery", from the commodity description.

MC 110410 (Sub-7) (M1F) (Notice of filing of petition to modify certificate), filed June 7, 1978, Petitioner: BENTRON BROS. FILM EXPRESS INC., 168 Baker Street NW., Atlanta, GA 30313. Representative: Warren Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Petitioner holds a motor *common carrier* certificate in MC 110410 (Sub-7), issued February 3, 1971, authorizing transportation over irregular routes, as pertinent, of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Atlanta Municipal Airport at or near Atlanta, GA, on the one hand, and, on the other, points in that part of GA on and south of U.S. Hwy 278 between Augusta and Union Point, GA (except Union Point, south of U.S. Hwy 278 between Union Point and Atlanta, GA, and east of U.S. Hwy 19, (2) between Atlanta Municipal Airport at or near Atlanta, GA, on the one hand, and, on the other, points in that part of FL on and north of Interstate Hwy 4 and on and east of a line beginning at Turkey Point, FL, and extending northwesterly to junction U.S. Hwys 98 and 319 located west of Saint Teresa, FL, then along U.S. Hwy 319 to the FL-GA State line, (3) between Jacksonville Municipal Airport at or near Jacksonville, FL, on the one hand, and, on the other, points in that part of GA on, south, and east of a line beginning at the Atlantic Ocean and extending along GA Hwy 38 to junction U.S. Hwy 82 (at Midway, GA), then along U.S. Hwy 82 to junction U.S. Hwy 19 (at Albany, GA), then along U.S. Hwy 19 to junction U.S. Hwy 319 (at Thomasville, GA), and then along U.S. Hwy 319 to the GA-FL State line, (4) between Jacksonville Municipal Airport at or near Jacksonville, FL, on the one hand, and, on the other, points in that part of FL on and north of a line beginning at Melbourne, Fl, and extending along U.S. Hwy 192 to junction U.S. Hwy 92 (at Kissimmee, FL), and then along U.S. Hwy 92 to St. Petersburg, FL, and on and east of a line beginning at Turkey Point, FL, and extending northwesterly to junction U.S. Hwys 98 and 319 located west of Saint Teresa, FL, then along U.S. Hwy 319 to the FL-GA State line, except Palatka, FL, and points in its commercial zone, as defined by the Commission, and (5) between Miami International Airport at or near Miami, FL, on the one hand, and, on the other, points in that part of FL on and south of Interstate Hwy 4 and points on U.S. Hwy 1 between Daytona Beach, FL, and Jacksonville, FL.

By the instant petition, petitioner seeks to modify the above authority to read: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between the Atlanta, GA Municipal Airport, the Jacksonville, FL Municipal Airport, the Orlando, FL Municipal Airport, the Tampa, FL Municipal Airport, and the Miami, FL International Airport, on the one hand, and, on the other, points in GA on and south of U.S. Hwy 278 on and east of U.S. Hwy 19 between Atlanta, GA and its junction with U.S. Hwy 319 and on and east of U.S. Hwy 319 from its junction with U.S. Hwy 19 to the GA-FL State line, and points in FL.

MC110686 (Sub-51) (M1F) (Notice of filing petition to modify certificate), filed July 21, 1978. Petitioner: MCCORMICK DRAY LINE, INC., Avis, PA 17721. Representative: David A. Sutherland, 1150 Connecticut Avenue, NW, Suite 400, Washington DC 20036. Petitioner holds a motor *common carrier* Certificate in MC 110686 (Sub-51) issued August 22, 1977, authorizing transportation over irregular routes, of (1) *wire and chain; wire, chain, and fiber rope; and wire, chain, fiber, and synthetic slings and webbings and sling and webbing assemblies;* from the plantsites and warehouses of Bridon American Corp. located at Muncy, Exeter, and Hanover Township (Luzerne County), PA, to points in AL, CT, DE, IL, IN, KY, ME, MD, MA, MI, MS, MO, NH, NJ, NY, OH, PA, RI, TN, VT, VA, WV, WI and DC; and (2) *materials and supplies,* used in the manufacture, handling and packaging of the commodities decribed in (1) above (except commodities in bulk); from points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI and DC, to the plantsites and warehouses of Bridon American Corp. located at Muncy, Exeter, and Hanover Township (Luzerne County), PA. By the instant petition, petitioner seeks to modify the authority above by adding all points in Luzerne County, PA.

MC116763 (Sub-10) (M1F) (Notice of filing of petition to modify certificate), filed July 28, 1978. Petitioner: CARL SUBLER TRUCKING INC., North West Street, Versailles, OH 45380. Representative: HM Richters (Same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC 116763 (Sub-10), issued May 17, 1974, authorizing transportation over irregular routes as pertinent, *canned, prepared or preserved foodstuffs,* not moving under refrigeration (a) from Covington, Definance, Orrville, and Union City, OH, and Nashville, IL, to points in FL and GA; (b) from Covington, Definance, New Bremen, Ohio City, Rockford, and Union City, OH, to points in CT, FL, ME, MA, NH, RI, and VT; (c) from Covington, KY, to Hartford, CT, Springfield, MA, and points in FL, ME, NH, NC, SC, and VT; (d) from points in MI to points in FL, ME, NH, and VT; (e) from Geneva, Portland, and Sunman, IN to points in CT, FL, GA (except Atlanta), ME, MA, NH, NC, RI, SC and VT; (f) from Jonesboro, TN, to points in FL, GA, NC and SC. By the instant petition, petitioner seeks to remove the language "not moving under refrigeration".

MC116763 (Sub-62)(m1F) (Notice of Filing of Petition to modify certificate), filed July 28, 1978. Petitioner: CARL SUBLER TRUCKING INC., North West Street, Versailles, OH 45380. Representative: HM Richters (same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC 116763 (Sub-62), issued March 15, 1967, authorizing transportation over irregular routes, as pertinent *canned foodstuffs,* from those points in that part of LA on and south of U.S. Hwy 80 (except Cecilia, Villa Platte, and Weeks Island, LA) to points in FL. By the instant petition, petitioner seeks to modify the commodity description to read canned foodstuffs, coffee and tea.

MC 116763 (Sub-341)(M1F) (Notice of filing of petition to modify certificate), filed July 27, 1978. Petitioner: CARL SUBLER TRUCKING INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC 116763 (Sub-341), issued February 8, 1978, authorizing transportation over irregular routes, (1) *Such commodities* as are dealt in by wholesale and retail food chains and grocery houses (except in bulk and except foodstuffs), (2) *foodstuffs* (except in bulk) in mixed loads with items in (1) above, and (3) *agricultural commodities* and *seafoods* which are otherwise exempt from economic regu-

lation pursuant to section 203(b)(6) of the Interstate Commerce Act when moving in mixed loads with items in (1) and (2) above, from points in that part of the United States in and east of MN, IA, MO, AR, and LA, to Norfolk, VA, Atlanta and Thomasville, GA, Columbia, SC, and Raleigh, NC, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is subject to the following conditions: Said authority is restricted to the transportation of shipments originating at the named origins and destined to the facilities of Colonial Stores, Inc., at the named destinations. Said authority is restricted against the transportation of fresh meats. Said authority is restricted to the transportation of the commodities set out in (1), (2), and (3) above, in vehicles equipped with mechanical refrigeration. By the instant petition, petitioner seeks to delete the restriction "in vehicles equipped with mechanical refrigeration".

MC 117119 (Sub-689F)(M1F) (Notice of filing of petition to modify E-letter notice), filed May 12, 1978. Petitioner: WILLIS SHAW FROZEN EXPRESS, P.O. Box 338, Willingboro, NJ 08046. Representative: Martin M. Geffon (same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC 117119 (Sub-E-22), published in the FEDERAL REGISTER issue of May 14, 1974 authorizing transportation, over irregular routes, of *canned goods* from Winchester and Timberville, VA and Martinsburg, WV, to points in AZ, CA, CO, NM, and NV. By the instant petition, petitioner seeks to modify the commodity and territorial description so that the authority would read: (1) Foodstuffs from Winchester, VA to points in CA, and (2) canned goods from Timberville, VA and Martinsburg, WV, to points in CA, AZ, CO, NM, AND NV.

NOTE.—MC 117119 (Sub-689F) has been assigned this petition for modification for publication and reference purposes.

MC 120910 (Sub-6)(M1F) (Notice of filing of petition to modify certificate), filed May 22, 1978. Petitioner: SERVICE EXPRESS INC., P.O. Box 1009, Tuscalooga, AL 35401. Representative: William Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Petitioner holds a motor *common carrier* certificate, issued Sepember 18, 1975, authorizing transportation over irregular routes, *Plastic articles, plastic pipe, valves, fittings, hydrants, castings, and accessories,* from the facilities of Central Foundry Co., at or near Holt, AL, to points in GA, FL, and SC. Restriction: The service authorized herein is restricted to the transportation of shipments originating at said shipper facilities and destined to points in the above-named States. By the instant petition, petitioner seeks to modify the above authority by deleting the word "plastic" before the commodity "pipe".

MC 125687 (M1F) (Notice of filing of Petition to modify commodity description), filed July 7, 1978. Petitioner: EASTERN STATES TRANSPORTATION PA., INC., 1060 Lafayette Street, P.O. Box 1761, York, PA 17405. Representatives: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street NW, Washington DC 20005. Petitioner holds motor *common carrier* Certificate of Public Convenience and Necessity in Docket No. MC-125687, issued July 17, 1968, authorizing transportation, over irregular routes, as pertinent, of *empty containers* and *can ends,* between Newark, NJ and points within 30 miles thereof, on the one hand, and, on the other, points in CT, MD, MA, NY (except Elmira), PA and RI. By the instant petition, petitioner seeks to mofify the commodity description to authorized the transportation of "empty containers, container closures and container accessories".

MC 129351 (Sub-2)(M1F) (Notice of filing of petition to modify permit), filed: June 13, 1978. Petitioner: VAN NATTA TRUCKING INC., Route 1, Vesper, WI 54489. Representative: James Spiegel, 6401 Odana Road, Madison, WI 53719. Petitioner holds a motor *contract carrier* authority in MC 129351 (Sub-2), issued April 9, 1973, authorizing transportation over irregular routes, "as pertinent", of *Malt beverages,* from St. Paul, MN to Highland Park, IL. under contract(s) with Robert Geocaris Distributing, Inc., of Highland Park, IL. Petitioner by the instant petition seeks to modify the above authority by substituting Palatine, IL for Highland Park, IL as a destination point.

MC 130205(M1F) (Notice of filing of petition for modification of territorial scope of broker's license), filed July 13, 1978. Petitioner: MAUPINTOUR, INC., 900 Massachusetts Street, Box 807, Lawrence, KS 66044. Representative: J. G. Dail, Jr., P.O. Box 567, McLean, VA 22101. Petitioner holds a license. MC 130205, issued April 9, 1975, authorizing petitioner to engage in operations as a *broker* of passengers and their baggage, in special and charter operations, beginning and ending at points in KS and points in Jackson, Clay, and Platte Counties, MO, and extending to points in the United States (including AK, but excluding HI), and authorizing petitioner to engage in such operations as a broker at Lawrence and Topeka, KS, and Kansas City, MO. By the instant petition, petitioner seeks to modify the territorial description to authorize it to broker such operations between points in the United States (including AK and HI). The type of operations authorized and the points at which such operations are conducted remain the same.

MC 133655 (Sub-15)(M1F) (Notice of filing of petition to modify certificate), filed June 27, 1978. Petitioner: TRANS-NATIONAL TRUCK INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren Troupe (same address as petitioner). Petitioner holds motor *common carrier* authority in MC 133655 (Sub-15) issued September 6, 1973, authorizing transportation over irregular routes of *outdoor cooking supplies and advertising material* used in connection therewith, from the plantsites of Husky Industries, Inc., at Jacksonville, Ocala, and Romeo, FL to points in the United States (except AK, HI, and FL). By the instant petition, petitioner seeks to modify the commodity description to include "granular and activated carbon" or interpret the present commodity description to include "granular and activated carbon".

MC 135182 (Sub-1) (M2F) (Notice of filing of petition to modify permit by adding contracting shipper), filed April 4, 1978. Petitioner: TRANSWAYS CO., a corporation, R.D. No. 3, Box 36, Moscow, PA 18444. Representative: Joseph Hoary, 121 South Main Street, Taylor, PA 18517. Petitioner holds a motor *contract carrier* permit in MC 135182 (Sub-1), issued April 11, 1972, authorizing transportation, over irregular routes, of *materials, supplies* and *products* used in or produced by the food processing industry (except commodities in bulk), between Erie and North East, PA, and Westfield, Dunkirk, Buffalo, and Newark, NY, on the one hand, and, on the other, points in NJ, NY, and PA, under a continuing contract(s) with Welch Foods, Inc., of Westfield, NY.

By the instant petition, petitioner seeks to modify the above authority by adding Cliff Star Corp. of Dunkirk, NY as an additional contracting shipper.

MC 138304 (Sub-13) (M1F) (Notice of filing of petition to modify certificate), filed July 17, 1978. Petitioner: NATIONAL PACKERS EXPRESS INC., 3445 Patterson Plank Road, North Bergen, NJ 07047. Representative: Craig B. Sherman, Barnett Bank Building, 1108 Kane Concourse, Bay Harbor Islands, FL 33154. Petitioner holds a Certificate of Public Convenience and Necessity in Docket No. MC 138304 (Sub-13), issued April 14, 1978 to transport *breadcrumbs* and *syrups* (except in bulk), from Evansville, IN to points in CT, MA, NH, NJ, NY, PA and RI. By the instant petition, petitioner seeks to modify the commodities authorized in its Sub-13 certifi-

cate to read as follows: Breadcrumbs and syrups, edible flour, beverage preparations (dry), dressings and stuffing, bread base with and without other ingredients.

MC 139349 (Sub-2) (M1F) (Notice of filing of petition to modify permit by adding contracting shipper), filed April 17, 1978. Petitioner: E Z FREIGHT LINES, a corporation, 348 Ocean Avenue, Jersey City, NJ 07305. Representative: Robert B. Pepper, The Forrest Park Building, 168 Woodbridge Avenue, Highland Park, NJ 08904. Petitioner holds a motor *contract carrier* permit in MC 139349 (Sub-2) issued August 8, 1978 authorizing transportation, over irregular routes, as pertinent, of *lighting fixtures and lamps*, and *equipment, materials*, and *supplies* used in their manufacture and sale (except commodities in bulk), between Jersey City and Kearny, NJ, on the one hand, and, on the other, points in LA, MN, and TX, and those points in that part of the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the United States-Canada boundary line, under a continuing contract with Lightolier, Inc., of Jersey City, NJ and Duro-Test Corp., of North Bergen, NJ.

By the instant petition, petitioner seeks to modify the above authority by adding Tungsten Products Corp., a division of Duro-Test Corp. of North Bergen, NJ as an additional contracting shipper and to modify the territorial description by adding Dallas, TX, Elgin, IL, and Hammond, IN as base points.

MC 139495 (Sub-189) (M1F) (Notice of filing of petition to modify certificate to add commodities), filed July 11, 1978. Petitioner: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Petitioner holds a motor *common carrier* certificate in MC 139495 (Sub-189), issued June 14, 1978, authorizing transportation, over irregular routes, of *plastic flower pots*, from Jacksonville, TX, to points in the United States (except AK, HI, and TX). By the instant petition, petitioner seeks to change the scope of the commodity description to plastic products or plastic articles (except in bulk, in tank vehicles, and such commodities which because of size or weight require special equipment).

MC 139495 (Sub-218) (M1F) (Notice of filing of petition to modify certificate to broaden scope of commodity description), filed July 18, 1978. Petitioner: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Petitioner holds a motor *common carrier* certificate in MC 139495 (Sub-218), issued May 2, 1978, authorizing transportation, over irregular routes, of *wines* (except in bulk), from points in CA, to points in IL, IN, MI, NJ, NY, OH, and WI. By the instant petition, petitioner seeks to broaden the scope of the commodity description to alcoholic beverages (except in bulk).

MC 139906 (M1F) (notice of filing of petition to modify certificate), filed June 19, 1978. Petitioner: INTERSTATE CONTRACT CARRIER CORP., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard Peterson, P.O. Box 81849, Lincoln, NE 68501. Petitioner holds a motor *common carrier* certificate in MC 139906, issued November 30, 1977, authorizing transportation, over irregular routes, of *playground apparatus, parts, accessories*, and *attachments* of playground apparatus, *bar stools, barbeque grills, accessories* for barbeque grills, and *juvenile furniture*, from the plantsite of Turco Manufacturing Co. at Du Quoin, IL, to points in the United States (except AK and HI) restricted to traffic originating at the above-named plantsite. By the instant petition, petitioner seeks to modify the above authority by adding "children's scooters, gymnasium apparatus, and games, and toys" to the commodity description.

MC 141646 (Sub-1) (M1F) (notice of filing petition to modify permit), filed July 27, 1978. Petitioner: E. L. POWELL & SONS TRUCKING CO., INC., P.O. Box 356, Tulsa, OK 74101. Representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Petitioner holds a motor *contract carrier* permit in MC 141646, issued March 1, 1978, authorizing transportation, over irregular routes, of *asphalt, asphaltic emulsions*, and *fuel oils*, in bulk, in tank vehicles, between points in OK (except Ardmore and Del City), on the one hand, and, on the other, points in AR and KS. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with McPherson Bros. Asphalt Sales, of Tulsa, OK. By this petition, petitioner seeks to modify the above authority to read as follows: *Asphalt, asphaltic emulsions*, and *fuel oils*, in bulk, in tank vehicles, between points in OK (except Ardmore and Del City), on the one hand, and, on the other, points in AR and KS. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with McPherson Bros. Asphalt Sales, of Tulsa, OK, and National Petroleum Sales, Inc. of Tulsa, OK.

MC 142019 (M2F) (notice of filing petition to modify permit to add additional counties in CA, and, add additional contracting shippers) filed July 11, 1978. Petitioner: FORREST FREEZE TRUCKING, INC., 1498 East Merced Avenue, Merced, CA 95340. Representative: Richard Celio, 1415 West Garvey Avenue, Suite 102, West Covina, CA 91790. Petitioner holds a motor *contract carrier* permit in MC 142019 issued November 17, 1976, authorizing transportation over irregular routes of (1) *animal and poultry feed*, (2) *materials, equipment, and supplies* used in the harvesting, cultivating, and distribution of agricultural commodities, and (3) *commodities* the transportation of which is otherwise exempt under section 203(b)(6) of the act when in mixed loads with the commodities in (1) and (2) above, between points in Fresno, Madera, Merced, Kings, Stanislaus, and Tulare Counties, CA, on the one hand, and, on the other, ocean ports and dock facilities located in California. Restriction: The authority granted herein is subject to the following condititons; said authority is restricted to the transportation of traffic having a prior or subsequent movement by water. Said authority is limited to a transportation service to be performed under a continuing contract, or contracts, with the California Livestock Marketing Association, of Tulare, CA. By instant petition, petitioner seeks to expand the area of service to include the counties of Alameda, Colusa, Contra Costa, Glenn, Imperial, Kern, San Bernardino, San Joaquin, and Yolo Counties, CA, and, add additional contracting shippers, Carnation Co., H. J. Stoll & Sons, Inc., and Wilbur-Ellis Co.

MC 142317 (Sub-1) (M1F) (notice of filing of petition to modify certificate), filed June 5, 1978. Petitioner: Central Florida Coach Lines, Inc, P.O. Box 127, Mountaintop, PA 18707. Representative: Joseph Hoary, 121 South Main Street, Taylor, PA 18517. Petitioner holds motor *common carrier* certificate in MC 142317 (Sub-1) issued May 16, 1977, authorizing as pertinent the transportation over irregular routes of *passenger automobiles* in secondary movement in truckaway service, between the following named points as well as points within 10 miles thereof: Cocoa Beach, Orlando, St. Augustine, and Tallahassee, FL, Carters-

ville and Savannah, GA, Lexington, KY, Chicago, IL, New Orleans, LA, Worcester, MA, Minneapolis, MN, St. Louis, MO, Somerville, NJ, Lumberton, NC, Boston Heights, Bowling Green, and Perrysburg, OH, Buck Horn, Dillsburg, Hazelton, Philadelphia and White Haven, PA, and Fredericksburg, VA, restricted to the transportation of automobiles tendered to carrier by those passengers moving pursuant to the authority set out in MC 138297 (Sub-4) as part of a unit movement. By the instant petition, petitioner seeks to modify the above authority by substituting Lima, OH, for Bowling Green, OH, in the territorial description.

MC 143582 (Sub-2) (MIF), filed July 28, 1978. Petitioner: CHARLES McCULLOUGH d.b.a., CHARLIE McCULLOUGH TRUCKING, Glenfield, ND 58443. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Petitioner holds a motor *contract carrier* permit in No. MC 143582 (Sub-No. 2), issued June 22, 1978, authorizing transportation, over irregular routes, of *knocked down steel storage structures and parts and accessories for knocked down steel storage structures,* from Morton and Talorville, IL, and Falls City, NE, to points in ND, points in NM on and west of U.S. Hwy 71, and points in SD on and north of U.S. Hwy 212, under continuing contract or contracts with E. E. E., Inc. of Page, ND. By the instant petition, petitioner seeks to add Ireland Lumber Yard as as additional contracting shipper.

Republications of Grants of Operating Rights Authority Prior To Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before October 10, 1978. Such pleading shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 112184 (Sub-57) (republication), filed October 3, 1977, published in the Federal Register issue of December 30, 1977, and republished this issue. Applicant: THE MANFREDI MOTOR TRANSIT CO., a corporation, 11250 Kinsman Road, Newberry, OH 44065. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. A decision of the Commission, Review Board No. 3, decided August 1, 1978, and served August 18, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of *paint ingredients,* from Cleveland, OH, to ports of entry on the International Boundary line between the United States and Canada, which lie between Buffalo, NY, and Calais, ME, inclusive, under a continuing contract or contracts with PPG Industries, Inc., of Pittsburgh, PA, will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description.

MC 113678 (Sub-677), (2d republication), filed June 27, 1977, published in the Federal Register issues of August 18, 1977, and May 25, 1978, and republished this issue. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner, (same address as applicant). A decision of the Commission, Review Board Number 3, decided April 7, 1978, and served April 26, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of *coffee, coffee products, and beverage preparations,* (except commodities in bulk, in tank vehicles), from Edgewater, NJ, to points in AZ, CA, ID, MT, NV, OR, UT, WA, and WY, restricted to the transportation of shipments originating at the facilities of Hills Bros., Coffee, Inc., that applicant is fit, wiling, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate ID as a destination point in lieu of IA.

MC 113678 (Sub-720), (republication), filed February 13, 1978, published in the Federal Register issue of March 16, 1978, and republished this issue. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). A decision of the Commission, Review Board Number 2, decided August 2, 1978, and served August 17, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of *foodstuffs* (except commodities in bulk, in tank vehicles), from Archbold, OH, to points in AR, LA, OK, and TX, restricted to the transportation of traffic originating at the facilities of La Choy Food Products, Division of Beatrice Foods Co., at or near Archbold, OH, and destined to the named destination States, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity description.

MC 139495 (Sub-91) M1, (republication of notice of petition for modification of certificate), filed January 16, 1978, published in the Federal Register issue of March 9, 1978, and republished this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. A decision of the Commission, Review Board Number 1, decided July 19, 1978, and served August 1, 1978, finds that the present and future public convenience and necessity require modification of certificate number MC 139495 (Sub-91), issued November 3, 1977, authorizing transportation over irregular routes of *modified soda ash, cleaning compounds, bath salts, fabric softeners, drugs, toilet preparations, feed, and malted milk,* (except commodities in bulk, in tank vehicles), from the facilities of Beecham Products, Inc., at or near Morrisville, PA, and Rockwood, MI, to Foxboro, MA, Huntington, WV, Memphis, TN, Savannah, GA, Jacksonville, Orlando, Tampa, Lakeland, and Miami, FL, Chicago, IL, Kansas City, MO, St. Paul, MN, Dallas, TX, Denver, CO, Clearfield, UT, Los Angeles and San Francisco, CA, and Portland, OR. Petitioner is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the substitution of Savannah, GA and Dallas, TX as destination points in lieu of Forest Park, GA and Arlington, TX.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission 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 107743 (Sub-48F), filed July 31, 1978. Applicant: SYSTEM TRANSPORT, INC., P.O. Box 3456 T.A., Spokane, WA 99220. Representative: J. Michael Alexander, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *drilling mud, clay, gilsonite, soda, ash, sodium bicarbonate, and lignite* (except commodities in bulk), from points in MT, ND, SD, NV, and WY, to points in TX, OK, AR, OR, WA, ID, CA, IL, IN, MO, PA, OH, WI, MI, and IA. Hearing: October 10, 1978 (4 days), at 9:30 a.m. local time, at Denver, CO, in a hearing room location to be later designated.

MC 109638 (Sub-32), filed November 22, 1977, and previously noticed in the FEDERAL REGISTER issue of January 19, 1978. Applicant: EVERETTE TRUCK LINE, INC., P.O. Box 145, Cherry Road, Washington, NC 27889. Representative: Daniel B. Johnson, 4304 East-West Hwy, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, (1) from points in FL, GA, SC, and NC, to points in OH, NJ, DE, PA, MD, VA, NC, SC, GA, FL, and DC, (2) from Baltimore, MD, Wilmington, DE, Philadelphia, PA, and Port Elizabeth and Newark, NJ, to points in NC, and (3) from points in VA, to points in NC.

NOTE.—The purpose of this republication is to conform the scope of the service proposal to the Commission's decision in *North Star Transport, Inc., Extension-Lumber*, 128 MCC 803 (1978); to reflect correctly the restrictively amended territorial scope of the authority sought; add DC as a designation point in part (1) above, and to reflect the name and address of applicant's representative. The application has been set for continued hearing at Washington, DC at a time and date to be announced by the Commission.

MC 115931 (Sub-65F), filed July 19, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, and *lignite coal*, (1) from the facilities of American Colloid Co., in Crook County, WY, and Phillips County, MT, to points in the United States (except AK and HI), and (2) from the facilities of American Colloid Co., located at or near Belle Fourche, SD, Upton and Lovell, WY, and Gascoyne, ND, to points in AZ, CA, LA, NM, OK, and TX. Hearing: October 10, 1978 (4 days), at 9:30 a.m. Local Time, at Denver, CO, in a hearing room location to be later designated.

MC 124692 (Sub-200F), filed March 21, 1978, and previously noticed in the FEDERAL REGISTER issue of May 11, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products, and millwork*, (1) from points in MT, to points in IN, MO, and the Lower Peninsula of MI, (2) from points in MT (except points in Flathead, Granite, Lake, Lincoln, Mineral, Powell, Ravalli, and Sanders Counties), to points in IL, IA, and WI, and (3) from points in ID, to points in MO. (Hearing site: Billings, MT, or Boise, ID.)

NOTE.—This republication clarifies the request for authority in part (2).

MC 125951 (Sub-27F), filed March 27, 1978, and previously noticed in the FEDERAL REGISTER issue of May 18, 1978. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE 68106. Representative: Robert M. Cimini (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), from Sioux City IA, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Omaha, NE.)

NOTE.—Applicant holds motor contract carrier authority in MC 135033, therefore dual operations may be involved. This republication amends the commodity description and adds the restriction.

MC 143289 (Sub-2F), filed March 31, 1978. Applicant: Bernard Shapiro, and David Kuykendall, a partnership, d.b.a. FEDERATED TRANSPORT SYSTEMS, 800 South McGary Street, Los Angeles, CA 90021. Representative: Lucy Kennard Bell, 9701 Wilshire Boulevard, Suite 829, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods*, from Derby and East Haven, CT, to points in Los Angeles and San Francisco Counties, CA, under a continuing contract with Concord Fabrics, Inc., of New York, NY (Hearing site: Los Angeles, CA.)

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission on or before October 10, 1978. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's general rules of practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

MC-F-13685. Authority sought for purchase by KATUIN BROS., INC., P.O. Box 311, Fort Madison, IA 52627, of a portion of the operating rights of JENKINS TRUCK LINE, INC. P.O. Box 697, Jeffersonville, IN 47130. Transferor's representative, E. A. Devine, P.O. Box 737, Moline, IL 61265; Transferee's Practitioner, Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Operating rights sought to be purchased: *Common carrier,* irregular routes, transporting *meats,* with or without other ingredients, in hermetically sealed containers, from the plantsite of Armour-Dial, Inc., Fort Madison, IA, to points in CO, CT, NY, PA, and WV, restricted to traffic originating at named platsite and destined to above-named destination States, and *meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in "Descriptions in Motor Carrier Certificates," 61 MCC 209 and 766 (except inedible hides and skins and commodities in bulk), from points in IL, KS, MN, MO, NE, SD, and WI, to the plantsite of Armour-Dial, Inc., at Fort Madison, IA, restricted to traffic destined to named plantsite. Transferee is authorized to operate as a *common carrier* in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, TN, and WI, and as a *contract carrier,* between all points in the U.S.A. (except AK and HI). No temporary authority sought herein. (Hearing site: Chicago, IL.)

MC-F-13693. Authority sought for control by CHARLES W. ARNOLD, 2600 West Broadway, Louisville, KY 40211, of DERBY VAN & STORAGE CO., INC., 3915 Oaklawn Drive, Louisville, KY 40219, of control of such rights through the transaction. Applicants' representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036. Operating rights sought to be controlled: Under Certificate MC 143826, *used household goods,* restricted to the transportation of traffic having a prior or subsequent movement beyond the points authorized, and further restricted to the performance of a pickup and delivery service in connection with packing, crating, and containerization of such traffic, between points in the counties of Jefferson, Bullitt, Spencer, Shelby, Oldham, Henry, Hardin, Meade, Nelson, Breckinridge, Trimble and Owen, KY, and the counties of Harrison, Floyd, Clark, Crawford, Perry, Jefferson, Scott, Jennings, Jackson, Washington, Orange, and Dubois, IN. CHARLES W. ARNOLD holds no authority from this Commission. However, he is a minority stockholder, but Vice President of A. Arnold & Son Transfer & Storage Co., Inc., and is the husband of Mary Jane Arnold, Vice President and 100 percent stockholder of Derby Van & Storage Co., Inc. A. Arnold & Son Transfer & Storage Co., Inc., holds authority in MC 34631 as follows: Between points in FL, GA, IL, IN, KY, MO, NJ, NY, OH, PA, TN, and VA. Between points in KY, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, DC, IA, KS, LA, MD, MA, MI, MN, MS, NE, NC, OK, RI, SC, TX, WV, and WI. Sub-2: Between DC, on the one hand, and, on the other, points in VA and MD. Application has not been filed for temporary authority under section 210a(b).

MC-F-13706F. Authority sought for purchase by MOTOR CARGO, 845 West Center, North Salt Lake, UT 84054, of the operating rights of WHOLESALE SERVICES, INC., d.b.a. R&R TRANSPORTATION CO., 2190 Yuma Lane, Reno, NV 89502, and for acquisition by HAROLD R. TATE, 845 West Center, North Salt Lake, UT 84054, and GEORGE R. CANNON, 4250 Oneida Street, Denver, CO 80216, of control of such rights through the purchase. Transferee's attorney: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. Transferor's attorney: Marvin Handler, 100 Pine Street, San Francisco, CA 94111. Operating rights sought to be purchased: *General commodities* (except household goods and petroleum products or liquids in bulk in tank vehicles) as a *common carrier* over regular and irregular routes between points in NV, as more fully described in Certificate MC 121274 (Sub-1) and MC 121274 (Sub-2). Transferee is now authorized to operate as a *common carrier* of *general commodities* in the States of CO, UT, NV, and CA pursuant to Certificate No. MC 114818 and Subs. Application has not been filed for temporary authority under section 210(a)(b). A directly related application seeking conversion of the Certificate of Registration to a Certificate of Public Convenience and Necessity in being simultaneously filed. (Hearing site: Washington, DC.)

NOTE.—MC 114818 (Sub-19F) is a directly related matter.

MC-F-13707F. Authority sought for purchase by EXPRESS FREIGHT LINES, INC., 4924 South 13th Street, Milwaukee, WI 53221, of all of the operating rights of WENZEL TRUCKING CO., INC., 860 Skokie Highway, Lake Bluff, IL 60044, and for acquisition by THOMAS MOORE, 9700 Harrison Road, Romulus, MI 48174, of control of such rights through the purchase. Applicants' attorney: Rex Eames, 900 Guardian Building, Detroit, MI 48226. Operating rights sought to be transferred: Under a Certificate of Registration in MC 99944 (Sub-1), *Coats, hardware, and general merchandsie* as a *common carrier* within a radius of fifty (50) miles from the base point of operation at 351 East Grand Avenue, Chicago, IL, and to transport such property to and from any point outside of such authorized area of operations for a shipper or shippers within such area. Vendee is authorized to operate as a *common carrier* in IL, IN, MI, OH, and WI. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 76993 (Sub-27F) is a directly related matter.

MC-F-13710F. Authority sought for purchase by HOWARD TRUCKING CO., INC., West Admiral Doyle Drive, New Iberia, LA 70560, of the operating rights of G. W. DUKE d.b.a. DUKE TRANSPORTATION SERVICE, P.O. Box 204, Laurel, MS 35440, and for acquisition by JOHN M. HOWARD, 101 Westwood Drive, Apt. 251, Lafayette, LA 70501, and DOLORES C. HOWARD, 303 Kinds Road, Lafayette, LA 70501. Applicants' representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Operating rights sought to be purchased: Authority issued in MC 124627, authorizing operations as a motor *common carrier,* over irregular routes, transporting the following: *Machinery, equipment, materials and supplies* used in replacing, servicing, and repair of machinery and equipment used in, or in connection with, the discovery, development, and production of natural gas and petroleum and their products and by-products, between points in AL, FL, GA, LA, and MS. (Hearing site: Jackson, MS, New Orleans, LA, or Baton Rouge, LA.) Vendee is authorized to operate as a *common carrier* in LA and TX. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

MC-F-13711F. Authority sought for purchase by ASHLAND CITY LINES, INC., 166 West 6th Street, Mansfield, OH 44902, of the operating rights of the PITTSBURGH-WEIRTON BUS CO., 401 Pennsylvania Avenue, Weirton WV 26062, and for acquisition by THOMAS WEGERBAUER, JOHN CAPOZZI, and MICHAEL MARGOLIES, all of One Keeshin Drive, Toledo, OH 43612, of control of such rights through the transaction. Applicants' attorney: Arthur Wagner, 600 Madison Avenue, New York, NY 10022. Operating rights sought to be purchased: Regular routes: *Passengers* and their *baggage and express, mail and newspapers* in the same vehicle with passengers, between Pittsburgh, PA., and Steubenville, OH, serving all intermediate points: From Pittsburgh over U.S. Hwy 22 and the Fort Steuben bridge to Steubenville; from Pittsburgh over U.S. Hwy 22 to junction WV Hwy 2, then over WV Hwy 2 and the Market Street bridge to Steubenville. Alternate route for operating convenience only, between Pittsburgh, PA, and the junction of U.S. Hwy 22 and the Penn-Lincoln Parkway, west of Pittsburgh, serving no intermediate points; from Pittsburgh over city streets to the Penn-Lincoln Parkway, then over the Penn-Lincoln Parkway to junction U.S. Hwy 22, and return over the same route. Between junction U.S. Hwy 22 and 30, approximately 14 miles west of Pittsburgh, PA, and Columbus, OH, serving all intermediate points; from junction U.S. Hwy 22 and 30, approximately 14 miles west of Pittsburgh, PA, over U.S. Hwy 22 to Cadiz, OH, then over U.S. Hwy 36 (portion also known as U.S. Hwy 250), to Coshocton, OH, then over OH Hwy 16 to Columbus and return over the same route. Irregular routes: *Passengers* and their *baggage* in the same vehicle with passengers in charter and special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Jefferson County, OH, and Brooke (except Berthany) and Hancock Counties, WV, and extending to points in the United States (including AK but excluding HI). Vendee is authorized to operate as a *common carrier* in all the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

MC-F-13715F, Authority sought for purchase by ATWOOD'S TRANSPORT LINES, INC., 5500 Tuxedo Road, Tuxedo, MD 20781, of all of the operating rights and certain other properties of The Gray Line, Inc., 1000 12th Street NW., Washington, DC 20005. Applicants' attorney: L. C. Major, Jr., Suite 400 Overlook Building., 6121 Lincolnia Road, Alexandria, Va 22312. Operating rights sought to be transferred: *common carrier* authority to transport passengers: (1) regular routes between Washington, DC and race tracks at Bel Air, MD; Timonium, MD; Pimlico Race Track in Baltimore, MD; Marlboro Race Track, Marlboro, MD; Laurel Race Track, Laurel, MD; Bowie Race Track, Bowie, MD; (2) special operations, irregular routes, between Washington, DC and Laurel Raceway, Laurel, MD, and Rosecroft Raceway, Oxon Hill, MD; (3) irregular route, sightseeing or pleasure tours from points in Washington, DC Commercial Zone, not including Alexandria, VA, to points in DE, MD, NJ, PA, and VA; (4) special operations, one-way sightseeing or pleasure tours from Baltimore, MD via Annapolis, MD, to DC; (5) round-trip or one-way charter operations from points in Washington, DC Commercial Zone, not including Alexandria, VA, to points in DE, MD, NJ, PA, and VA and from points within 20 miles of DC, not including Alexandria, VA to DC; (6) one-way charter operations from Alexandria, VA to DC and from Baltimore, MD via Annapolis, MD, to DC; (7) regular route between Washington, DCand Baltimore Raceway, Baltimore County, MD; (8) regular routes between Washington, DC and the site of the Shenandoah Downs Race Track, Charles Town, WV and Charles Town Race Course at Charles Town, WV, serving the intermediate points of Falls Church, VA and Bethesda and Rockville, MD; (9) irregular routes special operations, between points in a specified portion of Montgomery County, MD, and points in Arlington and Fairfax Counties, VA, on U.S. Hwy 50, on the one hand, and on the other, Shenandoah Downs Race Track and Charles Town Race Course at Charles Town, WV; (10) irregular route, special operations between Washington, DC and Hagerstown Race Track, Hagerstown, MD; (11) regular route, between Washington, DC and Charles Town, WV; (12) irregular route, special operations between points in a specified portion of MD, and the sites of Shenandoah Downs Race Track and Charles Town Race Course, Charles Town, WV; and contract carrier permit to transport passengers between Washington, DC and Sterling, VA under contract with Sterling Commuter, Inc. Transferee currently is authorized as a common carrier, to conduct regular route passenger operations between Washington, DC and Patuxent River, MD. Application has not been filed for temporary authority under section 210a(b). Hearing site: Washington, DC.

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission on or before October 10, 1978. Such protests shall comply with special rule 247(e) of the Commission's general rules of practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from aproval of its application.

MC 76993 (Sub-27F), filed August 14, 1978. Applicant: EXPRESS FREIGHT LINES, INC., 4924 South 13th Street, Milwaukee, WI 53221. Representative: Rex Eames, 900 Guardian Building, Detroit, MI 48226. 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, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission) between points in Cook, DuPage, Will, Kendall, Kane, Lake and McHenry Counties, IL. (Hearing site: Chicago, IL.)

NOTE.—This application is directly related to section 5 application in Express Freight Lines, Inc., Purchase, Wenzel Trucking Co., Inc. in MC-F-13707F published in a previous section of this FEDERAL REGISTER issue. The purpose of this application is to convert a certificate of registration to a certificate of public convenience and necessity.

MC 99493 (Sub-5F), filed August 7, 1978. Applicant: CENTRAL STORAGE & TRANSFER CO. OF HARRISBURG, 3500 Industrial Road, Harrisburg, PA 17101. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. 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, livestock, household goods as defined by the Commission, commodities in bulk, and

those requiring special equipment) between points in NJ within 15 miles of Camden, NJ, on the one hand, and, on the other, Harrisburg, PA. (Hearing site: Harrisburg, PA.)

NOTE.—The purpose is to eliminate the gateway of Philadelphia, PA inherent in the purchase of authority at MC-F-13534 published in a previous section of this FEDERAL REGISTER issue.

MC 106222 (Sub-6F), filed July 26, 1978. Applicant: WALLACK FREIGHT LINES, INC., 65 Court Street, Copiague, NY 11726. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *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), between Nassau and Suffolk Counties, NY, on the one hand, and, on the other, points in Westchester County, NY, and those in that part of Connecticut within 25 miles of Columbus Circle, New York, NY, (2) *general commodities* (except conduit, carbonated beverages, carbonated beverage containers and empty bottles, classes A and B explosives, commodities in bulk, those of unusual value, commodities requiring special equipment, household goods as defined by the Commission, between Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, and Union Counties, NJ, on the one hand, and, on the other, points in Westchester County, NY, and those in that part of CT within 25 miles of Columbus Circle, New York, NY. (Hearing site: New York, NY.)

NOTE.—This application is filed as a directly related application to finance proceeding docketed MC-FC-77781. The purpose of this application is to eliminate the gateway of New York, NY.

MC 114818 (Sub-19F), filed August 16, 1978. Applicant: MOTOR CARGO, 845 West Center, North Salt Lake, UT 84054. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, transporting *general commodities* (except household goods and petroleum products or liquids, in bulk in tank vehicles): (a) *over regular routes:* (1) between Wendover and Reno, NV via U.S. Hwy 40 (Interstate Hwy 80) serving all intermediate points; (2) between Reno and Las Vegas, NV: from Reno, NV, over U.S. Hwy 40 (Interstate Hwy 80) to junction U.S. Hwy Alternate 50, then over Alternate 50 to junction U.S. Hwy 95; then over U.S. Hwy 95 to Las Vegas, NV and return over the same routes, serving all intermediate points and the off route points of Frenchman, Gabbs, and Yerington, NV; (b) *over irregular routes:* between Reno, NV on the one hand and on the other, points in NV. Restricted against service between points in Lyon County, NV on or south of the 39th parallel, and between Reno, NV on the one hand, and any point on U.S. Hwy 395 between Gardenville, NV and the NV-CA State line north of Reno and the off route point of Stead Air Force Base. (Hearing site: Washington, DC.)

NOTE.—The purpose of this application is to convert the existing certificate of registraton of Wholesale Services, Inc. d.b.a. R. & R. Transportation Co. in Docket Nos. MC 121274 (Sub-1) and (Sub-2) from a certificate of registration to a certificate of public convenience and necessity, and to convert a portion of public convenience and necessity, and to convert a portion of the authority described in MC 121274 (Sub-1) from irregular route to regular route authority. Directly related to finance application MC-F-13706F published in a previous section of this FEDERAL REGISTER issue.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

MC 730 (Deviation No. 43), PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 958, Oakland, CA 94604, filed August 22, 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 Reno, NV over U.S. Hwy 395 to junction OR Hwy 31, then over OR Hwy 31 to junction U.S. Hwy 97, then over U.S. Hwy 97 to junction U.S. Hwy 26, then over U.S. Hwy 26 to Portland, OR 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 Reno, NV over U.S. Hwy 40 to junction U.S. Hwy 99E, then over U.S. Hwy 99E to Red Bluff, CA, then over U.S. Hwy 99 to Portland, OR and return over the same route.

MC 11220 (Deviation No. 35), GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, P.O. Box 59, Memphis, TN 38101,filed August 23, 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 St. Louis, MO over Interstate Hwy 55 to junction IL Hwy 121, then over IL Hwy 121 to junction Interstate Hwy 74, then over Interstate Hwy 74 to Peoria, IL, 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 St. Louis, MO over U.S. Hwy 50 to Sandoval, IL, then over U.S. Hwy 51 to Bloomington, IL, then over U.S. Hwy 150 to Peoria, IL and return over the same route.

MC 109533 (Deviation No. 19), OVERNITE TRANSPORTATION CO., P.O. Box 1216, Richmond, VA 23209, filed August 24, 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 Charleston, WV over U.S. Hwy 35 to Chillicothe, OH, then over U.S. Hwy 50 to Cincinnati, OH 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 Charleston, WV over U.S. Hwy 60 to Lexington, KY, then over KY Hwy 227 to junction KY Hwy 35, then over KY Hwy 35 to junction U.S. Hwy 42, then over U.S. Hwy 42 to Cincinnati, OH and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 58231, filed July 14, 1978. Applicant: DITTO FREIGHT LINES, 1575 Industrial Avenue, San Jose, CA 95112. Certificate of Public Convenience and Necessity sought to operate a freight service as a highway common carrier, as follows: Transportation of: (I) *General commodities,* subject to the restrictions shown hereunder: (A) Between all points and places in the San Francisco Territory, as described in Note A, including all points and places located within 15 statute miles of the boundary of said territory. (B) Between all points and places, inclusively, on or within 15 statute miles laterally of the following routes: I. U.S. Hwy 101 between San Jose and Paso Robles; 2. State Hwy 17 between San Jose and Santa Cruz; 3. State Hwy 1 between Santa Cruz and Monterey; 4. State Hwy 68 between Salinas and Monterey; 5. Interstate Hwy 80 between San Francisco and Sacramento; 6. Interstate Hwy 580 between San Francisco and its junction with Interstate Hwy 205, thence via Interstate Hwy 205 to its junction with Interstate Hwy 5, via Interstate Hwy 5 to Stockton, and thence State Hwy 99 to Sacramento; 7. State Hwy 4 between its junction with Interstate Hwy 80, near Pinole, and Stockton; 8. State Hwy 24 between Oakland and Walnut Creek and between Walnut Creek and its junction with State Hwy 4, near the U.S. Naval Weapons Station, Concord; from said junction via State Hwy 4 to its junction with State Hwy 160, near Oakley and State Hwy 160 between said junction and Sacramento; 9. State Hwy 33 between Tracy and Gustine; 10. State Hwy 99 between Sacramento and Bakersfield; 11. State Hwy 120 between the Mossdale Wye and Manteca; 12. State Hwy 132 between Vernalis and Modesto; 13. State Hwy 140 between Gustine and Merced; 14. State Hwy 152 between Gilroy and Califa; 15. Interstate Hwy 5 between Stockton and its junction with State Hwy 58; 16. State Hwy 198 between its junction with U.S. Hwy 101 and its junction with State Hwy 99; and 17. State Hwy 46 between its junction with U.S. Hwy 101 at Paso Robles and its junction with State Hwy 99. (C) Through routes and rates may be established between any and all points designated in Part I. (II) *General commodities,* subject to the restrictions shown hereunder: (A) Between all points on or within 15 statute miles of points on the following routes: 1. U.S. Hwy 101 between the CA-OR State Line and its junction with Interstate Hwy 5 at Los Angeles. 2. Interstate Hwy 5 between the CA-OR State Line and the United States-Mexico Border at San Ysidro. 3. U.S. Hwy 395 between the CA-OR State Line and the CA-NV State Line. 4. State Hwy 299 between its junction with U.S. Hwy 101 near Arcata and Alturas. 5. State Hwy 89 between its junction with State Hwy 299 and its junction with Interstate Hwy 80 near Truckee. 6. State Hwy 99 between Red Bluff and its junction with Interstate Hwy 5 at Wheeler Ridge. 7. State Hwy 70 between Marysville and its junction with U.S. Hwy 395 near Crescent Mills. 8. State Hwy 20 between Capella and its junction with Interstate Hwy 80. 9. State Hwy 29 between its junction with State Hwy 20 near Upper Lake and Vallejo. 10. State Hwy 49 between Vinton and Auburn. 11. State Hwy 65 between Marysville and Roseville. 12. Interstate Hwy 80 between San Francisco and the CA-NV State Line. 13. U.S. Hwy 50 between Sacramento and the CA-NV State Line. 14. State Hwy 4 between its junction with Interstate Hwy 80 near Pinole and Stockton. 15. State Hwy 24 between Oakland and Concord. 16. State Hwy 160 between Sacramento and its junction with State Hwy 4 near Antioch. 17. Interstate Hwy 580 between San Francisco and its junction with Interstate Hwy 205, thence via Interstate Hwy 205 and its junction with Interstate Hwy 5, via Interstate Hwy 5 to Stockton. 18. State Hwy 17 between San Rafael and Santa Cruz. 19. State Hwy 1 between Santa Cruz and Carmel. 20. State Hwy 68 between Salinas and Monterey. 21. State Hwy 33 between Tracy and Maricopa. 22. State Hwy 140 between Gustine and Merced. 23. State Hwy 120 between Mossdale Wye and Manteca. 24. State Hwy 49 between Placerville and Sonora. 25. State Hwy 108 between Oakdale and Modesto. 26. State Hwy 132 between junction with Interstate Hwy 580 and Modesto. 27. State Hwy 152 between Gilroy and CA. 28. State Hwy 198 between San Lucas and its junction with State Hwy 65 near Exeter. 29. State Hwy 46 between Paso Robles and Famoso. 30. State Hwy 166 between Santa Maria and junction with Interstate Hwy 5 at Wheeler Ridge. 31. U.S. Hwy 395 between the CA-NV State Line and its junction with Interstate Hwy 15. 32. Interstate Hwy 15 from the CA-NV State Line to San Diego. 33. State Hwy 65 from its junction with State Hwy 198 near Exeter and Bakersfield. 34. State Hwy 58 between Bakersfield and Barstow. 35. Interstate Hwy 40 between Barstow and CA-AZ State Line. 36. State Hwy 14 between Mojave and junction with Interstate Hwy 5 near Valencia. 37. Interstate Hwy 10 between Los Angeles and the CA-AZ State Line. 38. Interstate Hwy 8 between San Diego and the CA-AZ State Line. 39. State Hwy 86 from Indio to El Centro. (B) Through routes and rates may be established between any and all points designated in Part II. III. Other than the service authorized in paragraph I, service between points in paragraph II shall be limited to shipments having a minimum weight of 10,000 pounds or which shall be billed at charges no less than those applicable to shipments having a minimum weight of 10,000 pounds or which shall be billed at charges no less than those applicable to shipments of at least 10,000 pounds. IV. The authority granted in paragraphs 1 and 2 above shall be restricted against the transportation of: (a) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags, (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting). (b) Automobiles, trucks and buses, namely: new and used, passenger automobiles (including jeeps), ambulances, hearses, taxis, freight automobiles, trucks and buses. (Not including unfinished vehicles, vehicle parts, chassis or trailers). (c) Livestock, namely: 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. (d) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles. (e) Commodities when transported in bulk in dump-type trucks or trailers in hopper-type trucks or trailers. (f) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (g) Logs. (h) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. (i) Fresh fruits and vegetables. V. In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

NOTE A. SAN FRANCISCO TERRITORY

San Francisco territory includes all the city of San Jose and that area embraced by the following boundary: beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point 1 mile west of State Hwy 82; southerly along an imaginary line 1 mile west of and paralleling State Hwy 82 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road;

southeasterly along the Southern Pacific Co. right-of-way to Pollard Road; including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente: easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Hwy 82; northwesterly along State Hwy 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Hwy 238 (Oakland Road); northerly along State Hwy 238 to Warm Springs; northerly along State Hwy 238 (Mission Boulevard via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard and MacArthur Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard to Warren Boulevard (State Hwy 13); northerly along Warren Boulevard to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; westerly, northerly, and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Aveune to San Pablo Avenue (State Hwy 123); northerly along San Pablo Avenue to and including the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to California Public Utilities Commission, California State Building, 350 McAllister Street, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket MC 7303, filed August 1, 1978. Applicant: MAURY-GILES COUNTY EXPRESS, INC., 402 Maplewood Avenue, Nashville, TN 37201. Representative: Walter E. Grantham II, Suite 201, Johnson Building, 113 East Second Street, Chattanooga, TN 37403. Certificate of public convenience and necessity sought to operate a freight service, as follows: Transportation of *general commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment or handling), between all points in Giles County, TN, and Nashville, TN, serving Columbia as an intermediate point, and closed doors between Columbia and Nashville, TN, over U.S. Hwy 31 and all highways in Giles County, TN, with alternate use of Interstate Route 65 and State Routes 99 for convenience, and between all points in Giles County, TN, and Chattanooga, TN, over all highways in Giles County, TN, and U.S. Hwy 64 to Monteagle, and thence over Interstate Route 24 to its junction with U.S. Hwy 72, thence with U.S. hwys 41, 64, and 72 to their juncture with Interstate Route 24 closed doors between Giles County, TN, and Chattanooga, TN, and restricted against through service between Nashville, TN, and Chattanooga, TN, and co-extensive authority in interstate or foreign commerce, pursuant to section 206(a)(6) of the Interstate Commerce Act. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Tennessee Public Service Commission, C1-102 Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-25144 Filed 9-6-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6570-06]

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 2:30 p.m. (eastern time), Friday, September 8, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Allocation of fiscal year 1978 funds to State and local agencies.
2. Proposed fiscal year 1979 Private Bar Program.
3. Report on Commission Operations by the Executive Director.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat at 202-634-6748.

This notice issued September 1, 1978.

[S-1785-78 Filed 9-5-78; 11:31 am]

[6750-01]

2

FEDERAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR 43, August 31, 1978, Page No. 38991.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, September 13, 1978.

CHANGES IN THE AGENDA: The Federal Trade Commission has added an item to the agenda of its previously announced open meeting of September 13, 1978:

(3) Consideration of Proposed Octane Certification and Posting Rule.

[S-1796-78 Filed 9-5-78; 4:04 pm]

[7030-01]

3

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., September 13, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public:

Docket 113, et al., *Chippewa.*
Docket 128, et al., *Potawatomi.*
Docket 272, *Creek.*

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone: 202-653-6174.

[S-1787-78 Filed 9-5-78; 11:31 am]

[1505-01]

4

[USITC SE-78-41]

INTERNATIONAL TRADE COMMISSION.

Correction

In S-1740-78 appearing at page 38992 in the issue of Thursday, August 31, 1978 item "7" should be transferred under the heading, "Portions closed to the public:".

[4910-58]

5

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Monday, September 11, 1978 [NM-78-32].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTER TO BE CONSIDERED: A majority of the Board has determined by recorded vote that the business of the Board requires that the following item be discussed on this date and that no earlier announcement was possible:

Letter to Allied Pilots Association re reconsideration of probable cause, American Airlines accident, St. Thomas, V.I., April 27, 1976.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-1784-78 Filed 9-5-78; 9:15 am]

[4910-58]

6

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, September 14, 1978 [NM-78-33].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first seven items on the agenda will be open to the public; the last item will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—Southern Co. Services, Inc., Beech-Hawker 125-660A, N40PL, McLean, Va., April 28, 1977.
2. *Highway Accident Report*—Cates Trucking, Inc., Tractor-semitrailer/multiple vehicle collision and override, I-285, Atlanta, Ga., June 20, 1977.
3. *Marine Accident Report*—MV *Chester A. Poling* sinking near Cape Ann, Mass., January 10, 1977.
4. *Letter* to Federal Railroad Administratioin re their response to safety recommendation R-73-5.
5. *Closeout* of safety recommendations A-78-4, R-74-33, R-77-18, R-75-32, and R-75-37.
6. *Closeout* of safety recommendations H-77-9, H-77-43, and R-76-8.
7. *Discussion*—Determination of probable cause.
8. *Opinion and Order*—Petition of Jolls, Dkt. SM-1953; disposition of petitioner's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-1788-78 Filed 9-5-78; 11:31 am]

[7590-01]

7

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: September 1, and 11, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

FRIDAY, SEPTEMBER 1

5:30 p.m. (approximate).—Discussion of August 30, 1978 letter from Shearon Harris Licensing Board (approximately ½ hour), public meeting.

ADDITIONAL INFORMATION

By a vote of 4-0 (Commissioner Bradford not participating) on September 1, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's rules that Commission business requires that this agenda item be held on less than 1 week's notice to the public. Prompt scheduling is required for this important matter.

MONDAY, SEPTEMBER 11

2:30 p.m.—Discussion of extension of S-3 Interim Rule (approximately 1 hour, public meeting).

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

Dated: September 1, 1978.

ROGER M. TWEED,
Office of the Secretary.

[S-1789-78 Filed 9-5-78; 1:53 pm]

[7590-01]

8

NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

TIME AND DATE: Tuesday, September 5, 1978.

PLACE: Chairman's Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Closed (additional item).

MATTERS TO BE CONSIDERED:

TUESDAY, SEPTEMBER 5

2:30 p.m. (approximately).—Discussion of OIA/OGC inquiry into testimony of the Executive Director for Operations (approximately 1 hour), (closed-exemption 1).

ADDITIONAL INFORMATION

By a vote of 4-0 (Commissioner Bradford not participating) on August 31, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that this agenda item be held on less than 1 week's notice to the public. Prompt scheduling is required for this important matter.

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

Dated: September 1, 1978.

ROGER M. TWEED,
Office of the Secretary.

[S-1790-78 Filed 9-5-78; 1:53 pm]

[7600-01]

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, September 14, 1978.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson, 202-634-7970.

Dated: September 5, 1978.

[S-1791-78 Filed 9-5-78; 1:53 pm]

[7600-01]

10

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 1 p.m., Thursday, September 21, 1978.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson, 202-634-7970.

Dated: September 5, 1978.

[S-1792-78 Filed 9-5-78; 1:53 pm]

[4410-01]

11

PAROLE COMMISSION.

TIME AND DATE: Wednesday, September 13, 1978, at 9 a.m.

PLACE: Room 500, 320 First Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of the ratification of the Commission's fiscal year 1980 budget request prior to its submission to the Office of Management and Budget, discussion of the Commission's fiscal year 1979 budget in conjunction with the possible formulation of a supplemental budget request for fiscal year 1979.

CONTACT PERSON FOR MORE INFORMATION:

M. E. Malin Foehrkolb, 724-3117.

[S-1793-78 Filed 9-5-78; 1:53 pm]

[4410-01]

12

PAROLE COMMISSION.

TIME AND DATE: Wednesday, September 13, 1978, at 1 p.m.

PLACE: Room 500, 320 First Street NW., Washington D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of previous meeting and possible scheduling of future meetings.
2. Proposed revision of Notice of Action and related forms.
3. Proposed revision of the Commissions Regulation published at 28 CFR 2.19(a)(4) to clarify the basis of giving weight to recommendations made by sentencing judges or prosecutors.
4. Ratification of the following policy and procedure memoranda:
   a. No. 78/16—Information to Organized Crime Section.
   b. No. 78/15—Temporary Revision in Drug Price Lists.
   c. No. 78/13—Presumptive Release Date Policy.

CONTACT PERSON FOR MORE INFORMATION:

M. E. Malin Foehrkolb, 724-3117.

[S-1794-78 Filed 9-5-78; 1:53 pm]

[7910-01]

13

RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, September 12, 1978; 10 a.m.

PLACE: Conference Room, 4th floor, 2000 M Street, NW., Washington, DC. 20446.

STATUS: Matters 1 through 7D are open to public observation. Matters 7E and 8 are closed to public observation. Matters 9 and 10 are not applicable for status.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of meeting held September 5, 1978, and other Board meetings, if any.
2. Determination of excessive profits: OEA, Inc., consolidated with: Mathewson Tool Co., Matco Equipment Corp., and Explosive Technology, Inc., fiscal years ended July 31, 1970, 1971, 1972, and 1973.
3. Determination of excessive profits: OSO Corp., fiscal year ended October 31, 1973.
4. Determination of excessive profits: Poloron Products, Inc., consolidated with: Poloron Products of Pennsylvania, Inc. and Poloron Products of Mississippi, Inc., fiscal year ended November 30, 1969.
5. Determination of excessive profits: Hercules Inc., fiscal year ended December 31, 1970.
6. Determination of excessive profits: MBAssociates, fiscal year ended April 1, 1973.
7. Report of the Chairman concerning:
   A. Budget,
   B. Case processing,
   C. Organization progress of the staff,
   D. Rulemaking and regulations, and
   E. Personnel actions.
8. Final report on Executive Order 12044.
9. Approval of agenda for meeting to be held September 26, 1978.
10. Approval of agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: September 5, 1978.

GOODWIN CHASE,
Chairman.

[S-1795-78 Filed 9-5-78; 3:35 pm]

[8010-01]

14

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 held a closed meeting on Friday, September 1, 1978, at 2 p.m., in Room 825, 500 North Capitol Street, Washington, D.C.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries attended the closed meeting. Certain staff members who were responsible for the calendared matters were also present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the item considered at the closed meeting was considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Commissioners Loomis, Evans, and Pollack determined that (i) the aforesaid meeting should have been held in closed session and (ii) Commission business required consideration of this matter and no earlier notice thereof was possible.

The subject matter of the closed meeting held on Friday, September 1, 1978, at 2 p.m. was: Formal order of investigation.

For further information, please contact Michael P. Rogan at 202-755-1638.

SEPTEMBER 1, 1978.

[S-1786-78 Filed 9-5-78; 11:31 am]

federal register

THURSDAY, SEPTEMBER 7, 1978
PART II



ACTION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

FEDERAL LABOR RELATIONS COUNCIL AND FEDERAL SERVICE IMPASSES PANEL

GENERAL SERVICES ADMINISTRATION

NATIONAL TRANSPORTATION SAFETY BOARD

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PENSION BENEFIT GUARANTY CORPORATION

■

PRIVACY ACT OF 1974

Annual Publication

[6050-07]

ACTION
PRIVACY ACT ISSUANCES
Notice of Incorporation by Reference

Agency: Action.

Action: Incorporation by reference of Privacy Act issuances.

Summary: Federal agencies are required by the Privacy Act of 1974 to give annual notice of certain records they maintain. The notices published last year were compiled by the Office of the Federal Register into "Privacy Act Issuances—1977 Compilation." The purpose of this document is to incorporate by reference the notices that appear in "Privacy Act Issuances—1977 Compilation" and to publish in full the systems that this agency has amended since publication of the 1977 Compilation.

Dates: This document fulfills the annual notice requirements of the Privacy Act for 1978.

For further information contact: John F. Nolan, Director, Administrative Services Division, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525. Phone number 202- 254-8105.

Approval of the Director

The notices of systems of records of this agency which appear in "Privacy Act Issuances—1977 Compilation" are incorporated by reference. The Director of the Office of the Federal Register granted approval to incorporate by reference these Privacy Act issuances on July 13, 1978. Published below is the full text of systems of records that this agency has amended since publication of the 1977 Compilation.

The following systems have been issued:

System name: Former Volunteer/Staff Resource Record (AF/FVL-1).

System location: ACTION, Office of Former Volunteer Liaison, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Categories of individuals: All former staff and volunteers.

Categories of records in the system: Individual former staff and former volunteer files containing the following information about the particular individual; name, current address; current home and business phone number, social security number; date of birth; next of kin name and address; preservice, service, and post-service education, employment and training experience; trade skills; language skills; educational level; teaching experience; current interest in voluntary service; type of volunteer/staff duty assignments and location of assignments.

Authority for maintenance of system: The Peace Corps Act, as amended (22 U.S.C. 2501, et seq.); and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this file will be used by the ACTION agency to involve former staff and volunteers with policy formation, program evaluation, recruitment, foreign and domestic disaster relief, and to keep up-to-date addresses for mailing publications and public affairs releases.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained on magnetic discs and tapes which are stored in a locked room when not in immediate use in a building with a 24-hour guard.

Retrievability: Records are indexed by categories such as skills, social security number, and alphabetical order.

Safeguards: Records in the system are available only to appropriate officials of ACTION with the need for access to such records for the performance of their duties.

Retention and Disposal: Records are begun following end of staff and/or volunteer service and retained for the "life" of the volunteer/staffer These records have no present destruction data and are now expected to be destroyed 50 years after establishment.

System manager(s) and address: Coordinator, Office of Former Volunteer Liaison, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525

Record source categories: Information supplied by former staff and former volunteers.

Notification procedure: Individuals wishing to see information in their records, inquire if this system of records contains information about them, or contest/correct information should provide their name, any former name, date of birth, social security number, dates of service if known, location of service and type of volunteer (Peace Corps or VISTA) or staff. Individuals should address their inquiries to: Director, Administrative Services Division, Office of Administration and Finance, ACTION, 806 Connecticut Avenue NW., Washington, D.C. All inquiries should have "Privacy Act Request" noted on the envelope.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

System name: Outplacement Counseling Talent Bank—ACTION AF/PMD-31.

System location: Outpatient Counseling Unit, Personnel Operations Branch, Personnel Management Division, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Categories of individuals: Applicants for employment with Federal, State and local government agencies and for private-sector employment, all of whom have been ACTION (Peace Corps or VISTA) Volunteers.

Categories of records in the system: These files contain copies of resumes and applications for employment (SF-171) with Federal, State and local government agencies and with private-sector employers, and copies of correspondence to and from individuals in the system and copies of correspondence relative to employment of those individuals, and similar documents.

Authority for maintenance of system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq., and the Peace Corps Act, Amended, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: To Federal, State and local government agencies and to private-sector employers with regard to any applicant's eligibility and suitability for employment. Other routine uses as stated in ACTION's Preliminary statement published in FR Vol. 41, No. 238, Thursday, Dec. 9, 1976, pages 53940 and 53941, and FR Vol. 42, No. 114, Tuesday, June 14, 1977, page 30412.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets secured with three-way combination locks.

Retrievability: Records are indexed in alphabetical order and by skill code category.

Safeguards: All records are placed in combination-lock files when not in use and are locked during non-business hours.

Retention and Disposal: Records in files are updated annually. If the subject of the file indicates a desire to remain in the system, the file is maintained for another year. Otherwise, the file is destroyed by burning or shredding.

System manager(s) and address: Chief, Personnel Operations Branch, Personnel Management Division, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Record source categories: Information contained in the system is obtained from the following sources: applications, resumes and related personnel forms furnished by the individual.

System name: ACTION Information Gathering System—ACTION/AF-32.

System location: Office of Administrative Service/ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Categories of individuals: (1) Persons serving in, having served in, or who are served by programs initiated by ACTION; (2) persons working with ACTION programs on a volunteer basis, and (3) the general public, i.e., in communities and areas (i) where ACTION programs are; (ii) where ACTION programs are proposed; and (iii) nationwide for media impact studies, post-service studies, etc.

Categories of records in the system: The system will contain information necessary to provide statistical and analysis data in connection with agency activities including volunteer projects. The agency anticipates during the next year studies in such aeas as: Recruitment, impact of advertising campaigns or media on a given area; public awareness of proposed or existing programs; program effect in particular demographic areas; impact of volunteer service on individuals after service; community awareness of program impact and vounteer programs on private sector volunteerism, etc. Individuals will be asked to complete a form and will be informed of the particulars of the study, i.e., the specific purpose of the study, who is conducting the study, the use of the information they submit; who has access to the records; provisions of the Privacy Act; the authority for collect-

ing the data; the effect of nondisclosure; the particular study title and the Privacy Act system of records identification number.

This information may include names and addresses, relationships to a particular agency activity, age, race, education, ethnic background, employment history, family size and age groups, marital status, impact of an ACTION program on the individual or community, type of service received, volunteer program interest area, effect of advertising on the individual. Although it is impossible to foresee all information which will be gathered for study the agency anticipates that such data may be collected. Subsystems of records may be set up for relatively short periods of time during the information gathering sage. However, the overall responsibility for these subsystems comes under the Administrative Services Division. Records will be retained only as long as needed for the study but statistical data may be retained after personal identifiers have been removed.

Authority for maintenance of system: The Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951, 5042 (13) and the Peace Corps Act, as amended (22 U.S.C. 2501, et seq.)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Data maintained in this system shall be used to enable the agency to carry out its authorized functions in connection with program and project evaluation as stated in the statement of general routine uses published in the preliminary statement set forth in 42 FR No. 182 at page 47439 paragraph 8 * * * "Information in any system may be used as a data source, for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies. Information may also be disclosed to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or the Privacy Act or to locate specific individuals for personnel research or other personnel management functions." Initially, the information will be furnished by the individual to the ACTION staff personnel or personnel performing the study on behalf of ACTION. Such records will be retained only as long as required to complete the work.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These files may be maintained in various fashions. Material placed on computers shall be stored in disc packs with tape backup. All files shall in any event be maintained and filed in rooms or cabinets with manipulation proof combination locks which are not in immediate use.

Retrievability: Files are retrievable through name or identifying number.

Safeguards: Records in this system will be available only to appropriate personnel, including staff or other individuals working on ACTION's behalf, having a need for such records in the performance of their duties.

Retention and Disposal: Records in this system shall be maintained only so long as necessary to carry out the management survey or other function for which they were collected and then shall either be destroyed or the information may be stored after removal of all personal identification.

System manager(s) and address: Director, Administrative Services Division, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Record source categories: Information will be obtained from the individual or persons dealing with ACTION programs.

Notification procedure: Individuals wishing to see information in their records; inquire if this system of records contains information about them; or contest/correct information, should provide their name, any former name, date of birth, social security number, dates and type of record. Individuals should address their inquiries to: Director, Administrative Services Division, Office of Administration and Finance, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525. All inquiries should have "Privacy Act Request" noted on the envelope.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

The following systems have been revoked since the 1977 Compilation.

Classified Document Security Violation File
Theft of Employee Property File
Domestic Full-Time Volunteer Legal File
Peace Corps Applicant File for Period 1967 to June, 1974

Conflict of Interest Records (Is covered under the Civil Service Commission CSC/Govt-2 "Confidential Employment and Financial Interest Statement" system of records.)

AVAILABILITY OF 1977 COMPILATION

"Privacy Act Issuances—1977 Compilation" is available from Regional Depository Libraries at 50 locations around the country and can be examined at these libraries free of charge. The 1977 Compilation is also available at the General Services Administration Federal Information Centers, which are located at 38 central points around the country and may be examined at the central headquarters and all field offices of this agency. It is also available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Upon request, the Office of the Federal Register will furnish a photocopy of the full text of a particular records system published in the 1977 Compilation for a nominal fee.

LOCATION OF NOTICES IN 1977 COMPILATION

Notices of this agency's systems of records appear in Volume 1 of the 1977 Compilation at 47348 (42 FR 47348, September 20, 1977). The price of this Volume is six dollars and fifty cents.

This is issued in Washington, D. C. on August 25, 1978.

Jim Duke,
Executive Officer.

[FR Doc. 78-24576 Filed 9-5-78; 8:45 am]

[6570-06]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PRIVACY ACT OF 1974

Republication of Privacy Act Systems of Records

Action: Publication of Third Annual Compilation of Privacy Act Systems of Records maintained by the Equal Employment Opportunity Commission.

Summary: Publication of the Commission's Annual Compilation as required by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4) (Pub. L. 93-597) and the cancellation of the System of Records Under the Privacy Act designated "EEOC-10, Voluntary Program Skills Bank" and "EEOC-14, Day-Care Center Study Records."

Dates: Notice of this Compilation is effective September 6, 1978.

For further information contact: Constance L. Dupre, Association General Counsel, Legal Counsel Division, EEOC, 2401 "E" Street NW., Washington, D.C. 202-634-6595.

Supplementary information: A compilation of the Commission's Privacy Act systems of records was most recently published at 43 FR 19634 (May 5, 1978). Since that publication, the following amendments to those systems of records have been made:

1. The "Categories of Records" (i.e. information) maintained on participating attorneys in system EEOC-2, Attorney Referral List, was expanded in order to improve the effectiveness of the Attorney Referral Program (43 FR 30347, July 14, 1978). The additional information maintained includes: whether the attorney speaks a foreign language fluently, whether the attorney has the capacity to engage in class action litigation, and whether the attorney charges a consultation fee.

2. Notice is hereby given that the Commission has voted to cancel its system of records designated "EEOC-10, Voluntary Programs Skills Bank." The system was published at 43 FR 19634 (May 5, 1978). The records described under the heading "EEOC-10" were resumes or statements of personal qualifications voluntarily submitted by members of the general public and employees of the Federal Government to be included within the skills bank. The Commission no longer maintains such records. Accordingly, the system is hereby cancelled, effective upon publication of this Annual Compilation of Privacy Act Systems of Records. The designation "EEOC-10" is reserved.

3. Notice is hereby given that the Commission has voted to cancel its system of records designated "EEOC-14, Day Care Center Study Records." The system was published at 43 FR 19634 (May 5, 1978). The records described under the heading "EEOC-14" consisted of information on those persons and their children who participated in the EEOC's day-care center study program. The Commission no longer maintains such records. Accordingly, the system is hereby cancelled, effective upon publication of this Annual Compilation of Privacy Act Systems of Records. The designation "EEOC-14" is reserved.

4. The systems of records of the Equal Employment Opportunity Commission published below are current as of September 6, 1978.

Signed at Washington, D.C., this 21st day of August, 1978.

For the Commission.

Eleanor Holmes Norton,
Chair.

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II. Appendix
(A) List of Field Offices and Headquarters Offices for the Equal Employment Opportunity Commission.
(B) Additional Routine Uses for Systems EEOC-2 and 4-13.

EEOC—1 (Reserved)

EEOC—2

System name: Attorney Referral List—EEOC.

System location: All district offices (see appendix).

Categories of individuals: Attorneys.

Categories of records in the system: Contains attorney's names, business addresses and telephone numbers, nature and amount of civil rights litigation experience, state and Federal bar admission; whether the attorneys have the capacity and desire to handle class actions; whether the attorneys charge consultation fees (and how much); whether the attorneys will waive the consultation fee; the types of fee arrangements the attorney will accept; and whether the attorneys speak a foreign language fluently.

Authority for maintenance of system: 42 U.S.C. 2000e-4(g); 44 U.S.C. 396(a)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by EEOC personnel as a source of attorneys to whom charging parties can be referred to handle the litigation of their title VII complaints.

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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on prepared forms and 3 inch by 5 inch cards.

Retrievability: Indexed alphabetically by names of the attorneys.

Safeguards: Access to this system of records is restricted to EEOC district office personnel who have a legitimate use for the information contained therein. This system is stored in a filing cabinet.

Retention and Disposal: Maintained until the Commission is notified that an attorney no longer wishes to be included on the referral list. Upon such notification, records are destroyed by manual shredding.

System manager(s) and address: The District Counsel at each EEOC district office (see appendix).

Notification procedure: Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) full name of the individual; (2) mailing address to which reply should be sent.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Attorneys.

EEOC—3

System name: Charge of Discrimination Case Files—EEOC.

System location: District office where the charge of discrimination was filed (see appendix).

Categories of individuals: Any aggrieved individuals who charge that an unlawful employment practice within the meaning of title VII of the Civil Rights Act of 1964, as amended, has been committed by an employer, employment agency, labor organization or joint labor-management apprenticeship committee.

Categories of records in the system: Grievance filed by charging party alleging discrimination, original communication, perfected charge, amended charge; copy of deferral letter to state; communication requesting assumption of jurisdiction; receipt for copy of charge; receipt for notification of charge; analysis of deferral agency action or nonaction; charging party's statements and affidavits; report of initial and exit interviews; follow-up letter from charging party; statements and affidavits of charging party's witnesses; statement of respondent and respondent's witnesses; respondent's statement of position; correspondence and documentation related thereto; documentary evidence gathered from respondent such as charging party's records of jobs and earnings, records of jobs and earnings of coworkers, seniority list, job titles and an analysis of such documents; affidavits or statements of any additional witnesses interviewed and

copies of any documents submitted by them; observations made on a tour of respondent's facilities, organizational charts, diagrams, summaries of comments made by employees regarding work facilities, EEO data, EEO Report forms; community background data such as racial and ethnic composition, education level by minority group status and sex, average income by minority status and sex, and history of employment relationships; collective bargaining agreements when relevant to the issue and related supplements or modifications to the contracts; copies of any subpoenas issued, and any petitions to modify or revoke; copies of any temporary restraining orders issued to seek preliminary relief in the case; investigator's notices and analysis of data; Decisions and Letters of Determination; conciliation agreements; statements or affidavits of additional witnesses contacted in connection with the investigaion made; and any additional evidence gathered during the course of the investigation.

Authority for maintenance of system: 5 U.S.C. 301; 42 U.S.C. 2000e-5, -8, and -9; 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system of records is to provide for the federal prohibition against employment discrimination in the private and pubic sector based on race, color, religion, sex or national origin. The records are the official file to be utilized by authorized EEOC personnel, including investigators, conciliators, attorneys, research assistants and analysts, Commissioners, Compliance personnel and Regional and District Directors, in making an official determination regarding the validity of the charge of discrimination and as supportive material for any cases which are subsequently conciliated, or litigated by the EEOC or the Department of Justice. Other uses include the following: (1) to conduct compliance reviews with local, State and Federal agencies, such as the Office of Federal Contract Compliance, Department of Justice, Department of Labor, Office of Revenue Sharing of the Treasury Department, Law Enforcement Assistance Administration, and other Federal agencies as may be appropriate or necessary to carrying out the Commission's functions under the title (see 42 U.S.C. 2000e-4(g)(1), 8 (b) and (d)); (2) sharing information contained in these records with State and local agencies administering State or local fair employment practices laws (see 42 U.S.C. 2000e-4(g)(1), 8 (b) and (d)); (3) sharing information in case files with the following persons(s) in contemplation of or in connection with title VII litigation:

(a) Charging Parties and their attorneys;

(b) Aggrieved persons in case files involving Commissioner Charges and their attorneys provided that such persons have been notified of their status as aggrieved persons pursuant to section 1601.25(c) of the Commission's Procedural Regulations;

(c) Persons or organizations filing on behalf of an aggrieved person, provided that the aggrieved person has given written authorization to the person who filed on his or her behalf to act as the aggrieved person's agent for this purpose and their attorneys;

(d) Employees of Commission-funded groups such as the Mexican-American Legal Defense and Education Fund and Lawyer's Committee for Civil Rights Under Law for the purpose of reviewing information in case files to determine the appropriateness of referral to private attorneys as a service to charging parties, provided that the Commission-funded group is reviewing the information at the request of the charging party;

(e) Respondents and their attorneys, provided that the charging party or aggrieved person has filed suit under Title VII; and (4) cooperating with private Title VII litigants and prospective Title VII litigants by allowing, when requested, access to information in other case files involving the same respondent, provided that the information in the other case files is relevant or material to the private litigant's case.

Disclosure of the status of the processing of a charge of employment discrimination 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders, tape and computer print-outs.

Retrievability: Cross-indexed by charging party name, respondent name, and charge number; may be retrieved by any of the above three indexes.

Safeguards: Records are handled by authorized personnel of the Equal Employment Opportunity Commission and others; see routine uses. Premises are locked when authorized personnel are not on duty Periodic security checks and emergency planning.

Retention and Disposal: Case files which are received in the Office of Compliance and the Office of General Counsel are returned to their respective field offices. Files are retired to Federal Records Center one year after the year of the last action, including action in the federal courts or the last compliance review (the final report submitted by the respondent after conciliation to indicate compliance); destroyed after three additional years, except landmark cases, which are retained.

System manager(s) and address: District Director of the field office where charge was filed.

Systems exempted from certain provisions of the Act: System is exempt under 5 U.S.C. 552a(k)(2).

EEOC—4

System name: Commissioners' Biographical File—EEOC

System location: Office of Congressional Affairs, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506.

Categories of individuals: Current and former Commissioners of EEOC.

Categories of records in the system: Includes name, date and place of birth, education and employment histories, Congressional confirmation hearing transcript, speeches, and publications.

Authority for maintenance of system: 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the staff of the Office of Congressional Affairs to answer public and Congressional inquiries regarding EEOC Commissioners.

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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on paper.

Retrievability: Indexed alphabetically by last name of the Commissioner.

Safeguards: Stored in standard file cabinets. Available to office employees and Commissioners.

Retention and Disposal: Maintained indefinitely.

System manager(s) and address: Director, Office of Congressional Affairs, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506.

Notification procedure: Inquiries concerning this system of records should be addressed to the system manager. All inquiries should furnish the full name of the individual, and the mailing address to which the reply should be mailed.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: The Commissioner to whom the record pertains, publications, and original data generated by the Commission.

EEOC—5

System name: Correspondence and Congressional Inquiries—EEOC

System location: Office of Congressional Affairs, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506.

Categories of individuals: Current and former EEOC employees, charging parties, members of the general public.

Categories of records in the system: Includes name of inquiring individuals and information submitted by them; date inquiry received; date response due; to whom inquiry assigned; date response sent out; issue raised in the inquiry.

Authority for maintenance of system: 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used (a) as a control of incoming correspondence, a record file as to the nature and status of the correspondence, a reference of assignment for outgoing response, a reference to previous correspondence on the same subject; and (b) to avoid duplication of responses and to assure a reply to Congressional inquiries.

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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in loose-leaf notebooks and on control slips.

Retrievability: Indexed numerically by date of incoming letter and alphabetically by name of the inquiring member of Congress and inquiring party.

Safeguards: Stored in standard file cabinets. Access to the records of daily incoming and outgoing correspondence is limited to office employees. Records of these files are stored in locked desk drawers.

Retention and Disposal: Retained for six months after completion of necessary action, then destroyed manually. Material relating to specific subjects becomes part of the subject's official file.

System manager(s) and address: Director, Office of Congressional Affairs, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506.

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Correspondence from members of Congress and their staffs, charging parties, members of the general public, and data generated within the Commission.

EEOC—6

System name: Employee Alcoholism and Drug Abuse Records—EEOC.

System location: Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506, regional and district offices and regional litigation centers (see appendix).

Categories of individuals: Current and former employees of EEOC.

Categories of records in the system: Contains information relating to individuals who are referred to the Public Health Service, other agency operating health facilities, alcoholic and drug abuse treatment and/or rehabilitation centers, and private physicians.

Authority for maintenance of system: 5 U.S.C. 301; 5 U.S.C. 7901; 42 U.S.C. 218; 44 U.S.C. 396(a); 29 CFR 1510; 45 CFR 57.1 et seq.; 38 FR, Part 1401, CSC FPM Letters No. 792-6 and -7; Bureau of the Budget Circular A-68, August 28, 1964; Bureau of the Budget Circular A-72, June 18, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by authorized personnel of the EEOC Headquarters, regional and district offices, personnel division upon the individual's request; by governmental personnel for purposes of attaining benefits; for disclosure in connection with judicial or administrative proceedings; for disclosure to medical personnel to meet a medical emergency; for disclosure to qualified personnel for purposes of research, audits, or program evaluation; for disclosure of a minor patient to his/her parents under the guidelines set forth in 21 CFR, Part 140.

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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by the names of the persons on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. HM Individual health record card: six years after last entry. Log of visit to facility: if summarized, three months after last entry; if not summarized, two years after last entry. Health record case files, related forms, correspondence and papers which document employee medical history except pre-employment health qualification placement records, disability retirement exams, and fitness for duty examinations which become a part of the OPF (Standard Form 66) upon separation, are maintained for a period of six years after date of last entry.

System manager(s) and address: Director of Personnel, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506. District and Regional Directors, and Regional Attorneys, EEOC district and regional locations (see appendix).

Notification procedure: Individuals who have been referred to PHS, or other agency operating health facilities are aware of that fact and any inquiries concerning this system should be addressed to the Director of Personnel, headquarters, or the District or Regional Directors and Regional Attorneys at the district and regional locations where individual is currently employed. Individuals should provide their full name, date of birth, and social security number.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: The individual to whom the record pertains; private physicians; medical institutions; Veterans Administration benefits program; office of workers' compensation programs; pay and leave allowance cards; health benefits records system; CSC personnel management evaluation and audit record system.

EEOC—7

System name: Employee Pay and Leave Records—EEOC.

System location: All locations listed in appendix.

Categories of individuals: Current and former employees of EEOC.

Categories of records in the system: Time and attendance cards and forms; leave records (employee name, branch or office, pay period ending, leave and overtime used during the pay period); requests for leave (earned or advance) or leave of absence; requests for an authorization of overtime; annual attendance record (indicates name, social security number, service computation date, hours and dates worked and taken as leave, pay plan, salary and occupation code, grade, leave earned and used); bond issuance and bond balance.

Authority for maintenance of system: 5 U.S.C. 301; 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: May be used by authorized EEOC personnel to keep a daily record of leave and overtime acquired and used; as a basis for maintaining an employee's official time card; and as a counseling aid for employees and to assist in evaluating an employee's performance.

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.

Routine uses of records maintained in this system include providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Chairman. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Chairman.

In the absence of a withholding agreement, the social security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the social security number, in accordance with Section 7 of the Privacy Act, 5 U.S.C. 552a, Pub. L. 93-579.

Records maintained in this system may be disclosed, as necessary, to employees of the Educational Systems Corporation for research purposes only to study the effects of providing day-care services on the job productivity and worker satisfaction of Commission employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on prepared forms and on punched and unpunched cards.

Retrievability: Indexed alphabetically by name, social security number, and/or chronologically by event and name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Files are stored in standard cabinets, safes and secured rooms.

Retention and Disposal: Maintained from three months to one year. They are then manually destroyed.

System manager(s) and address: Director of each Commission Office or Division at headquarters; Regional and District Directors (see appendix).

Notification procedure: Employees of the Commission wishing to

know whether information about them is maintained in this system of records should address inquiries to the Director of the Office or Division where employed or to the District or Regional Director if employed at a field installation (see appendix). Former employees separated from the Commission and no longer in the federal service should address all inquiries to the National Personnel Records Center, General Services Administration, 111 Winnebago Street, St. Louis, Missouri 63118. The individual should provide his or her full name, date of birth, social security number and mailing address.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Official personnel folders, data submitted by employees, and data submitted by the offices where the individuals are or were employed.

EEOC—8

System name: Employee Travel and Reimbursement Records.

System location: EEOC Headquarters, 2401 E Street NW., Washington, D.C. 20506.

Categories of individuals: Current and former EEOC employees.

Categories of records in the system: Includes travel orders, records of travel advances, amounts owed the agency by employees for travel and other purposes, amounts payable to the employee for travel and other purposes, payments made to the employees for travel and other reimbursable transactions and a record of the difference between the cost of official travel as estimated in the travel order and the amount actually expended by the employee.

Authority for maintenance of system: 31 U.S.C. 66a, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by authorized personnel in the Financial Services Division at headquarters as a record of planned and completed travel expenses; as a justification of government travel disbursements; and to record accounts receivable from and payable to the government for accounts advanced to the employee or owed to the employee for official travel and other purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on magnetic tape.

Retrievability: Indexed by an assigned employee code.

Safeguards: Access to any information maintained therein is limited to employees whose official duties require such access.

Retention and Disposal: The records are maintained for the current fiscal year and two preceding fiscal years. They are then retired to the Federal Records Center.

System manager(s) and address: Chief, Financial Services Division, EEOC, 2401 E Street NW., Washington, D.C. 20506.

Notification procedure: Inquiries concerning this system of records should be addressed to the System manager. It is necessary to furnish the following information (1) name (2) social security number (3) mailing address to which the response is to be sent.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Bills, receipts, and claims presented by employees and original data generated by the Commission.

EEOC—9

System name: Labor-Management Negotiated Agreements—EEOC.

System location: Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506. Regional and district offices.

Categories of individuals: Current and former employees of EEOC.

Categories of records in the system: Contains information or documents relating to the Commission's labor-management relations program, including information and decisions by the Department of Labor, Impasses Panel, and Federal Labor Relations Council.

Authority for maintenance of system: 5 U.S.C. 301; 5 U.S.C. 7001; 44 U.S.C 396(a); Lloyd-LaFollette Act of 1912; Executive Order 11491, as amended; 5 CFR 711.101-711.102.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by authorized EEOC personnel to respond to inquiries or requests from parties to the negotiated agreement; inquiries from other federal agencies; a court subpoena or to refer to a District Court; requests by parties having standing under Executive Order 11491, as amended; and in a proceeding authorized by Executive Order 11491, as amended.

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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders, binders, and on index cards.

Retrievability: Indexed by subject matter and the names of parties involved.

Safeguards: Limited to individuals whose official duties require access and the parties having a standing in a particular labor-management proceeding.

Retention and Disposal: Maintained up to five years and sent to the National Archives.

System manager(s) and address: Director of Personnel, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506. District and Regional Directors at regional and district offices (see appendix).

Notification procedure: Employees and former employees of EEOC wishing to know whether information about them is maintained in this system of records should address inquiries to the Director of Personnel, at the above address, if they are or were employed at headquarters, Washington, D.C. or to the District and Regional Directors at the installation where the individual is or was employed (see appendix). The individuals should provide their full name, date of birth and social security number.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: The individual to whom the record pertains; members of the bargaining unit; EEOC officials whose official duties require access to the records; authorized officials from the Department of Labor, Civil Service Commission, Federal Mediation and Conciliation Service, Federal Labor Relations Council, Federal Service Impasses Panel, and other third parties to disputes resolution, including arbitrators; other federal agencies having a standing in the Commission's dispute or requesting information; research groups; courts and information; research groups; courts and litigation; the Congress upon request.

EEOC—10 (Reserved)

EEOC—11

System name: Correspondence File—EEOC.

System location: Seattle District Office and Chicago District Office (See Appendix).

Categories of individuals: Charging parties, applicants for employment and members of the general public.

Categories of records in the system: Includes name of inquiring individuals and information submitted by them; date inquiry received; date response sent out; issue raised in the inquiry; to whom inquiry assigned.

Authority for maintenance of system: 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used (a) as a control of incoming correspondence, a record file as to the nature and status of the correspondence, a reference of assignment for outgoing response, a reference to previous correspondence on the same subject; and (b) to avoid duplication of responses and to assure a reply to all those who have sent inquiries to this office.

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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored on paper in file folders.

Retrievability: This system is indexed numerically by date of inquiry and alphabetically by name of inquirer for each yearly quarter.

Safeguards: The files are stored in locked file cabinets. Access to the files is limited to office employees.

Retention and Disposal: Retained for one (1) year after completion of necessary action, then destroyed manually.

System manager(s) and address: Director, Seattle District Office, Equal Employment Opportunity Commission, Times Square Building, 4th Floor, 414 Olive Way, Seattle, Washington 98101.

Notification procedure: Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose

records are requested: (1) full name of the individual, (2) mailing address to which reply should be mailed, (3) date(s) of correspondence.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Correspondence from charging parties, applicants for employment and the general public.

EEOC—12

System name: Officials' Biographical File—EEOC.

System location: Office of Public Affairs, Equal Employment Opportunity Commission, Columbia Plaza, 2401 E Street NW., Washington, D.C.

Categories of individuals: Current and past EEOC officials.

Categories of records in the system: Includes name, date and place of birth, education and employment histories, job duties, past experiences.

Authority for maintenance of system: 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the staff of the Office of Public Affairs to answer public inquiries regarding EEOC officials.

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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored on paper in file folders.

Retrievability: This system is indexed alphabetically by last name of official.

Safeguards: The files are stored in a standard file cabinet which is available to office employees.

Retention and Disposal: Maintained indefinitely.

System manager(s) and address: Director, Office of Public Affairs, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506.

Notification procedure: Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) full name of the individual, (2) mailing address to which reply should be mailed.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: The official to whom the information pertains.

EEOC—13

System name: Employee Performance, Effectiveness and Evaluation System.

System location: Dallas Regional Office and District Offices within the Dallas Region. (See office addresses at 40 FR 39222, August 27, 1975.)

Categories of individuals: Equal Employment Specialists employed within the Dallas Region.

Categories of records in the system: Names of employees, dates of evaluations, file numbers of compliance files evaluated, and categorization and description of any errors or deficiencies in the investigation or conciliation, job title and/or grade, and tabulation of units of work completed, and quality control data.

Authority for maintenance of system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Dallas Regional Director, District Directors and Deputy Directors of District Offices within the region for assignment making, for employee evaluation of error patterns, for definition of training needs, and for identification of problems which may be corrected by changing procedures.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored on paper and prepared forms in file folders.

Retrievability: This system is indexed alphabetically by the last name of employee or numerically by employee code.

Safeguards: The files are locked in file cabinets or stored in desk drawers. Access is limited to Commission employees whose official duties require access.

Retention and Disposal: Records are retained for two years after preparation or until completion of any grievance, complaint, award, or other action, adverse or otherwise, which may require their retention for longer than two years. They are then destroyed.

System manager(s) and address: Director, Dallas Regional Office and Directors of the District Offices within the Dallas Region. (See addresses of offices published at 40 FR 39222, August 27, 1975.)

Notification procedure: Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) the full name of the individual; (2) the district office where the individual is or was employed; (3) social security number; (4) the address to which the response should be sent.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Work units are submitted by employees. Analyses are made of employees' and supervisors' performance by supervisors and District Director, respectively.

EEOC—14 (Reserved)

Appendix A

ATLANTA REGION

Atlanta Regional Office
Citizens Trust Bldg., Suite 1150
75 Piedmont Avenue, N. E.
Atlanta, Georgia 30303
Atlanta Regional Litigation Center
1389 Peachtree Street, N. E.
Atlanta, Georgia 30309
Atlanta District Office
Citizens Trust Bldg. 10th Floor
75 Piedmont Avenue, N. E.
Atlanta, Georgia 30303
Birmingham District Office
2121 8th Avenue, North, Room 824
Birmingham, Alabama 35203
Charlotte District Office
411 North Tryon Street, 2nd Floor
Charlotte, North Carolina 28202
Jackson District Office
200 E. Pascagoula St.
Petroleum Bldg., 5th Floor
Jackson, Mississippi 39201
Memphis District Office
The Dermon 1 Bldg., Suite 1004
46 North Third Street
Memphis, Tennessee 38103
Miami District Office
Dupont Plaza Center
Suite 414
300 Biscayne Boulevard Way
Miami, Florida 33131

CHICAGO REGION

Chicago Regional Office
230 S. Dearborn St.
Room 2641
Chicago, Illinois 60604
Chicago Regional Litigation Center
55 E-Jackson Blvd.
Room 1401
Chicago, Illinois 60605
Chicago District Office
Federal Building, Room 234
536 South Clark Street
Chicago, Illinois 60605
Cincinnati District Office
Federal Building, Room 7019
550 Main Street
Cincinnati, Ohio 45202
Cleveland District Office
Engineers' Building, Room 402
1365 Ontario Street

Cleveland, Ohio 44114
Detroit District Office
Federal Bldg. & Old Courthouse
231 W. Lafayette St., Room 461
Detroit, Michigan 48226
Indianapolis District Office
Federal Building
U.S. Courthouse
46 East Ohio Street, Room 456
Indianapolis, Indiana 46204
Milwaukee District Office
Veterans Administration Bldg.
342 North Water Street, 6th Floor
Milwaukee, Wisconsin 53202

DALLAS REGION

Dallas Regional Office
1100 Commerce Street, Room 7811
Dallas, Texas 75242
Dallas District Office
Corrigan Tower
212 N. St. Paul
Dallas, Texas 75216
Albuquerque District Office
Western Bank Building
Suite 1515
505 Marquette Avenue, NW.
Albuquerque, New Mexico 87101
Houston District Office
Federal Building, Room 1101
2320 LaBranch
Houston, Texas 77004
New Orleans District Office
Hale Boggs Fed. Bldg.
500 Camp Street, Room 1007
New Orleans, Louisiana 70130
San Antonio District Office
727 E. Durango, Suite B-601
San Antonio, Texas 78200

KANSAS CITY REGION

Kansas City Regional Office
601 East 12th Street, Room 113
Kansas City, Missouri 64106
Kansas City District Office
1150 Grand, 1st floor
Kansas City, Missouri 64106
St. Louis District Office
1601 Street
St. Louis, Missouri 63101

NEW YORK REGION

New York Regional Office
26 Federal Plaza, Room 1615
New York, New York 10007
New York District Office
90 Church Street, Room 1301
New York, New York 10007
Boston District Office
150 Causeway Street, Suite 1000
Boston, Massachusetts 02114
Buffalo District Office
One West Genesee Street, Room 320
Buffalo, New York 14202
Newark District Office
744 Broad St.
Room 502
Newark, New Jersey 07102

PHILADELPHIA REGION

Philadelphia Regional Office
127 North 4th Street, 3rd Floor
Philadelphia, Pennsylvania 19106
Philadelphia Regional Litigation Center
127 North 4th Street, Suite 200
Philadelphia, Pennsylvania 19106
Philadelphia District Office
219 North Broad Street, 2nd Floor
Philadelphia, Pennsylvania 19107
Baltimore District Office
Rotunda Building, Room 210
711 West 40th Street
Baltimore, Maryland 21211
Pittsburgh District Office
Federal Building, Room 2038A
1000 Liberty Avenue
Pittsburgh, Pennsylvania 15222
Washington District Office
1717 H Street NW., Suite 402
Washington, D.C. 20006

SAN FRANCISCO REGION

San Francisco Regional Office
300 Montgomery Street, Suite 740
San Francisco, California 94104
San Francisco Regional Litigation Center
Grosvenor Plaza, Suite 1010
1390 Market Street
San Francisco, California 94102
San Francisco District Office
Grosvenor Plaza, 3rd Floor
1390 Market Street
San Francisco, California 94102
Denver Regional Litigation Center
1513 Stout Street, 6th Floor
Denver, Colorado 80202
Denver District Office
Columbia Building, 2nd Floor
1845 Sherman Street
Denver, Colorado 80202
Los Angeles District Office
3255 Wilshire Blvd.
9th Floor
Los Angeles, California 90010
Phoenix District Office
201 N. Central Ave.
Suite 1450
Phoenix, Arizona 85073
Seattle District Office
Times Square Building, 4th Floor
415 Olive Way
Seattle, Washington 98101

HEADQUARTERS OFFICES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION 2401 E Street NW. Washington, D.C. 20506

OFFICE OF THE CHAIR

OFFICE OF THE VICE CHAIRMAN

OFFICE OF THE COMMISSIONERS

OFFICE OF THE EXECUTIVE DIRECTOR

OFFICE OF THE EQUAL EMPLOYMENT OPPORTUNITY

OFFICE OF INTERNAL AUDIT

OFFICE OF CONGRESSIONAL AFFAIRS

OFFICE OF PUBLIC AFFAIRS

OFFICE OF GENERAL COUNSEL

OFFICE OF POLICY IMPLEMENTATION

OFFICE OF SYSTEMIC PROGRAMS

OFFICE OF PROGRAM PLANNING AND EVALUATION

OFFICE OF GOVERNMENT EMPLOYMENT

OFFICE OF FIELD SERVICES

OFFICE OF SPECIAL PROJECTS AND PROGRAMS

OFFICE OF ADMINISTRATION

Appendix B

Additional Routine Uses for Systems EEOC—2 and 4-13

The following "routine uses" were adopted by the Equal Employment Opportunity Commission for systems EEOC—2, and 4-13 at 42 FR 69 (January 3, 1977):

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

4. A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

5. A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[6325-01]

FEDERAL LABOR RELATIONS COUNCIL AND FEDERAL SERVICE IMPASSES PANEL

PRIVACY ACT ISSUANCES

Notice of Incorporation by Reference

Agency: Federal Labor Relations Council and Federal Service Impasses Panel.

Action: Incorporation by reference of Privacy Act issuances.

Summary: Federal agencies are required by the Privacy Act of 1974 to give annual notice of certain records they maintain. The notices published last year were compiled by the Office of the Federal Register into "Privacy Act Issuances—1977 Compilation." The purpose of this document is to incorporate by reference the notices that appear in "Privacy Act Issuances—1977 Compilation" and to publish in full the systems that this agency has amended since publication of the 1977 Compilation.

Dates: This document fulfills the annual notice requirements of the Privacy Act of 1978.

For further information contact: Robert J. Freehling, 632-6264.

Approval of the Director

The notices of systems of records of this agency which appear in "Privacy Act Issuances—1977 Compilation" are incorporated by reference. The Director of the Office of the Federal Register granted approval to incorporate by reference these Privacy Act issuances on August 16, 1978.

1977 Compilation Up-To-Date

Information about this agency's systems of records that appears in "Privacy Act Issuances—1977 Compilation" is complete and up-to-date. Since publication of the 1977 Compilation, this agency has made no changes to its systems of records.

Availability of 1977 Compilation

"Privacy Act Issuances—1977 Compilation" is available from Regional Depository Libraries at 50 locations around the country and can be examined at these libraries free of charge. The 1977 Compilation is also available at the General Services Administration Federal Information Centers, which are located at 38 central points around the country and may be examined at the central headquarters and all field offices of this agency. It is also available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Upon request, the Office of the Federal Register will furnish a photocopy of the full text of a particular record system published in the 1977 Compilation for a nominal fee.

Location of Notices in 1977 Compilation

Notices of this agency's systems of records appear in Volume 1 of the 1977 Compilation at page 47402 (42 FR 47402, Sept. 20, 1977). The price of this Volume is six dollars and fifty cents..

Dated: August 24, 1978.

By the Federal Labor Relations Council.

Henry B. Frazier III,
Executive Director.

By the Federal Service Impasses Panel.

Howard W. Solomon,
Executive Secretary.

[FR Doc. 78-24578 Filed 9-5-78; 8:45 am]

[6820-34]

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT ISSUANCES

Notice of Incorporation by Reference

Agency: General Services Administration.

Action: Incorporation by reference of Privacy Act issuances.

Summary: Federal agencies are required by the Privacy Act of 1974 to give annual notice of certain records that they maintain. The notices published last year were compiled by the Office of the Federal Register into "Privacy Act Issuances—1977 Compilation." The purpose of this document is to incorporate by reference the notices that appear in "Privacy Act Issuances—1977 Compilation" and to publish in full the systems that this agency has amended since publication of the 1977 Compilation.

Dates: This document fulfills the annual notice requirements of the Privacy Act of 1978.

For further information contact: Mr. William Hiebert, Records Management Branch, Paperwork Management Division, 202-566-0673.

Approval of the Director

The notices of systems of records of this agency which appear in "Privacy Act Issuances—1977 Compilation" are incorporated by reference. The Director of the Office of the Federal Register granted approval to incorporate by reference these Privacy Act issuances on July 13, 1978. Published below is a list of the systems of records that this agency has deleted and the full text of systems of records that this agency has amended since publication of the 1977 Compilation.

1. The following systems of records are deleted as it has been determined that the systems either do not contain personal information subject to the provisions of the Privacy Act or that any personal information in the systems is not retrieved by a personal identifier:

a. Work Measurement, Performance, and Analysis Systems GSA/FSS-2 (23-00-0084).

b. Project Control, Assignment, and Reporting Systems GSA/FSS-3 (23-00-0085).

c. Work Record Systems GSA/FSS-11 (23-00-0093).

2. The following systems of records are deleted as it has been determined that the systems of records are covered by and duplicative of the Civil Service Commission's systems of records CSC/GOVT-1, Appeals, Grievances, and Complaint Records; CSC/GOVT-3, General Personnel Records; and/or CSC/GOVT-5, Recruiting, Examining, and Placement Records:

a. Employee Appraisal Files GSA/OAD-2 (23-00-0002).

b. Incentive Awards Files GSA/OAD-5 (23-00-0005).

c. Disciplinary Action and Appeal and Grievance Files GSA/OAD-8 (23-00-0008).

d. Staffing Activities Records GSA/OAD-10 (23-00-0010).

e. Trainee Program Records GSA/OAD-13 (23-00-0013).

f. Record of Formal Training GSA/OAD-14 (23-00-0014).

g. Processing and Records Files GSA/OAD-18 (23-00-0018).

h. Test Materials GSA/OAD-20 (23-00-0020).

i. Discrimination Complaint File GSA/OAD-35 (23-00-0038).

3. The system of records, Fund Raising Campaign Files GSA/OAD-3 (23-00-0003), is deleted. The system of records contains statistics only. Lists of individuals showing the amounts of their contributions are not prepared.

4. The system of records, Key Personnel Directory and Key Contact Card GSA/FSS-14 (23-00-0099), was deleted on November 2, 1977 (42 FR 5735).

5. A new general routine use was added to the appendix following the GSA notices of systems of records on May 23, 1978 (43 FR 22242). The routine use covered disclosures of information from the GSA systems of records to agents of GSA. The revised appendix is as follows:

Appendix

The following routine use statements will apply to General Services Administration notices where indicated:

Routine Use—Law Enforcement

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto.

Routine Use—Disclosure When Requesting Information

A record from this system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

Routine Use—Disclosure of Requested Information

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Routine Use—Grievance, Complaint, Appeal

A record from this system of records may be disclosed to an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with that agency's responsibility for evaluation of Federal personnel management.

To the extent that official personnel records in the custody of GSA are covered within systems of records published by the Civil Service Commission as Government-wide records, those records will be considered as a part of that Government-wide system. Other official personnel records covered by notices published by GSA and considered to be separate systems of records may be transferred to the Civil Service Commission in accordance with official personnel programs and activities as a routine use.

Routine Use—Congressional Inquiries

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

Routine Use—Private Relief Legislation

The information contained in the following systems of records, GSA/OAD-1 through 36; GSA/ADTS-3, 5, 6, and 7; GSA/PBS-1; GSA/FSS-8; and GSA/FPA-2 through 12, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in the circular.

Routine Use—GSA Agents

A record from this system of records may be disclosed as a routine use (1) to an expert, a consultant, or a contractor of GSA to the extent necessary to further the performance of a Federal duty, and (2) to a physician to conduct a fitness-for-duty examination of a GSA officer or employee.

6. The system of records, Career and Executive Development Records GSA/OAD-11 (23-00-0011), is revised to reflect changes in the categories of records. The revised system of records is as follows:

GSA/OAD-11 (23-00-0011)

System name: Career and Executive Development Records GSA/OAD.

System location: This system is located in the personnel offices at the addresses listed in the appendix for the Office of Personnel following the notice GSA/OAD-22; the GSA Central Office, Office of Personnel, 18th and F Streets NW., Washington, D.C. 20405; and within offices of the services and staff offices throughout GSA where there are participants in the GSA Career Development Program.

Categories of individuals: Current and former GSA employees.

Categories of records in the system: The following records are maintained for the purpose of monitoring and documenting the performance and status of the GSA Career Development Program and GSA Executive Development participants:

1. Career folders (supervisory assessments, counseling reports, and specific and tentative developmental plans).
2. Training and Advancement Development Agreement (TADA), Career Advancement Developmental Agreement (CADA), Inter-Career Development Agreement (ICDA), Career Intern Developmental Agreement (CIDA), Upward Mobility Development System (UMDA), and Career Intern Development System (CIDS) records.
3. GSA Form 1349, Personal Data Statement.
4. GSA Form 3328, Upward Mobility Interest Survey.
5. GSA Form 2634, Job Element Appraisal for Career Potential.
6. GSA Form 2990, Notice of Trainee Entry.

Authority for maintenance of system: 5 U.S.C. 4103 and 5 U.S.C. 4301-4308.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records within this system are maintained on paper.

Retrievability: All records within this system are primarily retrievable by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel, 18th and F Streets NW., Washington, D.C. Mailing address: General Services Administration (BP), Washington, D.C. 20405.

Notification procedure: Current employees may obtain information about whether they are part of this system of records from their supervisor or from the personnel officer at the appropriate address listed in the appendix following the notice GSA/OAD-22, or from the Director of Personnel at the address noted above, whichever is applicable. Former employees may obtain information from the Director of Personnel at the address listed above.

Record access procedures: Requests to access records from current employees should be directed to the employees' supervisor or to the personnel officer at the appropriate address listed in the appendix following the notice GSA/OAD-22, or to the Director of Personnel at the address noted above, whichever is applicable. Former employees should direct requests to access records to the Director of Personnel, General Services Building, at the address listed in the appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and appealing initial determinations are issued in 41 CFR 105-64, published in the FEDERAL REGISTER.

Record source categories: The information upon which these records are based is provided by the following sources:

1. Career folders: Employee completed GSA Form 1349 and supervisor's evaluations; except employees in levels GS-8 and below and wage system equivalents, where GSA Form 3328 is used.
2. TADA, CADA, ICDA, UMDA, and CIDS: Correspondence between personnel specialists in GSA Central Office, and the personnel specialists in the operating offices of GSA and those in the Civil Service Commission.
3. GSA Forms 1349: Employees and official personnel folders.
4. GSA Form 2634: Employment offices of the personnel offices, supervisors both past and present, or other individuals who are familiar with the candidates.
5. GSA Form 2990: Official personnel folders.

6. The system of records, Compensation and Classification Records GSA/OAD-17 (23-00-0017), is revised to delete classification appeals which are covered by the Civil Service Commission's system of records CSC/GOVT-1 and to delete the Federal Protective Officers Study which is filed by study title and not by individual identifier. The revised system of records is as follows:

GSA/OAD-17 (23-00-0017)

System name: Compensation and Classification Records GSA/OAD.

System location: This system is maintained in the personnel offices of GSA at the addresses listed in the appendix following the notice GSA/OAD-22, as well as the GSA Central Office, Office of Personnel, 18th and F Streets NW., Washington, D.C. 20405.

Categories of individuals: Current and former employees of GSA and applicants for GSA positions.

Categories of records in the system: Records consist of documents relating to overseas employees, supergrades, classification surveys, leave and pay administration, and position descriptions. These records are maintained for the purpose of properly implementing the activities and requirements relevant to compensation and classification within GSA.

Authority for maintenance of system:
1. Overseas employee file: 5 U.S.C. 5921 through 5925.
2. Supergrade file: 5 U.S.C. 5108.
3. Classification surveys: 5 U.S.C. 5115.
4. Leave and pay administration: 5 U.S.C. 5301 through 6326.
5. Position description file: 5 U.S.C. 5113.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records within this system are maintained on paper in file folders and card files.

Retrievability: The records within this system are primarily retrievable by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and Disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel at 18th and F Streets NW., Washington, D.C. 20405.

Notification procedure: Current employees may obtain information about whether they are part of this system of records from their supervisor or from their personnel office at the appropriate address listed in the appendix following the notice GSA/OAD-22, or from the Director of Personnel at the address noted above, whichever is applicable. Former employees and applicants for GSA positions may obtain information from the personnel officers located at the addresses listed in the appendix.

Record access procedures: Requests from current employees to gain access to information pertaining to them should be directed to their supervisor or to their personnel officer at the appropriate address listed in the appendix following the notice GSA/OAD-22, or to the Director of Personnel at the address listed above, whichever is applicable. Former employees and applicants for GSA positions should direct requests to gain access to information pertaining to them to the appropriate GSA personnel officer at the address listed in the appendix. For identification requirements refer to the agency regulations as outlined in 41 CFR 105-64.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the FEDERAL REGISTER.

Record source categories: The information on which these records are based is provided by the individuals themselves, official personnel folders, other employees, and supervisors.

8. The system of records, Labor-Management Relations Files GSA/OAD-7 (23-00-0007), is revised to reflect changes in the categories of records. The revised system of records is as follows:

GSA/OAD-7 (23-00-0007)

System name: Labor-Management Relations Files GSA/OAD.

System location: The system is located in the personnel offices of GSA at the locations listed in the appendix following the notice GSA/OAD-22; the GSA Central Office, Office of Personnel at 18th and F Streets NW., Washington, D.C. 20405; and various service and staff offices throughout GSA.

Categories of individuals: GSA employees who are union officials or are in an exclusively recognized unit. Also GSA employees who have filed grievances under the negotiated grievance procedure.

Categories of records in the system: The following records are maintained in order to identify and record those employees who are included in exclusively recognized units, under dues withholding, elected or appointed as union officers, whose grievances have been resolved by arbitration awards, and who use official time for representational functions:

1. Union dues withholding request or revocation.
2. List of employees who are elected or appointed union officers or officials.
3. Arbitration awards based on employee or union grievance.

4. GSA Form 3079, Official Time for Representational Functions.

Authority for maintenance of system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records are described in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records and machine listings in file cabinets.

Retrievability: Filed alphabetically at locations by name.

Safeguards: When not in use by an authorized person, these records are stored in lockable metal file cabinets or in secured rooms.

Retention and Disposal: Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The Director of Personnel, 18th and F Streets NW., Washington, D.C. 20405.

Notification procedure: Current employees may obtain information about whether they are a part of this system of records from their supervisor or from their personnel officer at the appropriate address listed in the appendix following the notice GSA/OAD-22, or from the Director of Personnel at the address noted above, whichever is applicable. Former employees may obtain information from the personnel officers at the address listed in the appendix.

Record access procedures: Requests from current employees to gain access to information pertaining to them should be directed to their supervisor or to their personnel officer at the appropriate address listed in the appendix following the notice GSA/OAD-22, or to the Director of Personnel at the above address, whichever is applicable. Former employees should direct requests to gain access to information pertaining to them to the appropriate personnel officer at the address listed in the appendix. For identification requirements refer to the agency regulation as outlined in 41 CFR 105-64.

Contesting record procedures: GSA rules for access to records, for contesting the contents, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the FEDERAL REGISTER.

Record source categories: Officials preparing files and records submitted by employees.

Availability of 1977 Compilation

"Privacy Act Issuance—1977 Compilation" is available from Regional Depository Libraries at 50 locations around the country and can be examined at these libraries free of charge. The 1977 Compilation is also available at the General Services Administration Federal Information Centers, which are located at 38 central points around the country and may be examined at the Central Office and all field offices of this agency. It is also available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Upon request, the Office of the Federal Register will furnish a photocopy of the full text of a particular records system published in the 1977 Compilation for a nominal fee.

Location of Notices in 1977 Compilation

Notices of this agency's systems of records appear in Volume I of the 1977 Compilation starting on page 47730 (42 FR 47730, September 21, 1977). The price of this volume is six dollars and fifty cents.

Dated: August 16, 1978.

Norman L. Linton,
Acting Director of Administration.

[FR Doc. 78-24580 Filed 9-5-78; 8:45 am]

[4910–58]

NATIONAL TRANSPORTATION SAFETY BOARD

PRIVACY ACT ISSUANCES

Notice of Incorporation by Reference

Agency: National Transportation Safety Board.

Action: Incorporation by reference of Privacy Act issuances.

Summary: Federal agencies are required by the Privacy Act of 1974 to give annual notice of certain records they maintain. The notices published last year were compiled by the Office of the Federal Register into "Privacy Act Issuances—1977 Compilation." The purpose of this document is to incorporate by reference the notices that appear in "Privacy Act Issuances—1977 Compilation."

Date: This document fulfills the annual notice requirements of the Privacy Act for 1978.

For further information contact: Fritz L. Puls, General Counsel, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594, 202-472-6034.

Approval of the Director

The notices of systems of records of this agency which appear in "Privacy Act Issuances—1977 Compilation" are incorporated by reference. The Director of the Office of the Federal Register granted approval to incorporate by reference these Privacy Act Issuances on August 16, 1978.

1977 Compilation Up-to-Date

Information about this agency's systems of records that appears in "Privacy Act Issuances—1977 Compilation" is complete and up-to-date. Since publication of the 1977 Compilation, this agency has made no changes to its systems of records.

Availability of 1977 Compilation

"Privacy Act Issuances—1977 Compilation" is available from Regional Depository Libraries at 50 locations around the country and can be examined at these libraries free of charge. The 1977 Compilation is also available at the General Services Administration Federal Information Centers, which are located at 38 central points around the country and may be examined at the central headquarters and all field offices of this agency. It is also available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Upon request, the Office of the Federal Register will furnish a photocopy of the full text of a particular records system published in the 1977 Compilation for a nominal fee.

Location of Notices in 1977 Compilation

Notices of this agency's systems of records appear in Volume I of the 1977 Compilation at 42 FR 47441. The price of this Volume is six

Dated: August 25, 1978.

FRANCIS H. MCADAMS,
Acting Chairman.

[FR Doc. 78-24635 Filed 9-5-78; 8:45 am]

[7630-01]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PRIVACY ACT ISSUANCES

Notice of Incorporation by Reference

Agency: Pennsylvania Avenue Development Corporation.

Action: Incorporation by reference of Privacy Act issuances.

Summary: Federal agencies are required by the Privacy Act of 1974 to give annual notice of certain records they maintain. The notices published last year were compiled by the Office of the Federal Register into "Privacy Act Issuances—1977 Compilation." The purpose of this document is to incorporate by reference the notices that appear in "Privacy Act Issuances—1977 Compilation" and to publish in full the systems that this agency has amended since publication of the 1977 Compilation.

Dates: This document fulfills the annual notice requirements of the Privacy Act for 1978.

For further information contact: Barbara S. Austin, Administrative Officer, Pennsylvania Avenue Development Corporation, Suite 1148, 425 13th Street NW., Washington, D.C. 20004, 202-566-1218.

Approval of the Director

The notices of systems of records of this agency which appear in "Privacy Act Issuances—1977 Compilation" are incorporated by reference. The Director of the Office of the Federal Register granted approval to incorporate by reference these Privacy Act issuances on July 13, 1978.

1977 Compilation Up-To-Date

Information about this agency's systems of records that appears in "Privacy Act Issuances—1977 Compilation" is complete and up-to-date. Since publication of the 1977 Compilation, this agency has made no changes to its systems of records.

Availability of 1977 Compilation

"Privacy Act Issuances—1977 Compilation" is available from Regional Depository Libraries at 50 locations around the country and can be examined at these libraries free of charge. The 1977 Compilation is also available at the General Services Administration Federal Information Centers, which are located at 38 central points around the country and may be examined at the central headquarters and all field offices of this agency. It is also available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Upon request, the Office of the Federal Register will furnish a photocopy of the full text of a particular records system published in the 1977 Compilation for a nominal fee.

Location of Notices in 1977 Compilation

Notices of this agency's systems of records appear in Volume II of the 1977 Compilation at 42 FR, page 48782 on September 23, 1977. The price of this volume is six dollars and seventy-five cents.

W. ANDERSON BARNES,
Executive Director.

[FR Doc. 78-24581 Filed 9-5-78; 8:45 am]

[7708-01]

PENSION BENEFIT GUARANTY CORPORATION

PRIVACY ACT ISSUANCES

Notice of Incorporation by Reference

Agency: Pension Benefit Guaranty Corporation.

Action: Incorporation by reference of Privacy Act issuances.

Summary: Federal agencies are required by the Privacy Act of 1974 to give annual notice of certain records they maintain. The notices published last year were compiled by the Office of the Federal Register into "Privacy Act Issuances—1977 Compilation." The purpose of this document is to incorporate by reference the notices that appear in "Privacy Act Issuances—1977 Compilation" and to publish a routine use which was revised since publication of the 1977 Compilation.

Dates: This document fulfills the annual notice requirements of the Privacy Act for 1978.

For further information contact: Richard J. Anderson, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006, 202-254-4895.

Approval of the Director

The notices of systems of records of the Pension Benefit Guaranty Corporation ("PBGC") which appear in "Privacy Act Issuances—1977 Compilation" are incorporated by reference. The Director of the Office of the Federal Register granted approval to incorporate by reference these Privacy Act issuances on July 13, 1978. Published below is a PBGC General Routine Use that this agency has amended since publication of the 1977 Compilation. This routine use is applicable to each PBGC system of records.

4. Routine Use—Disclosure During and in Anticipation of Litigation.

A record from this system of records may be disclosed during litigation, including disclosure to all counsel in the course of discovery or settlement negotiations and during the presentation of evidence to a court, magistrate or administrative tribunal, or during proceedings in reasonable anticipation thereof.

Availability of 1977 Compilation

"Privacy Act Issuances—1977 Compilation" is available from Regional Depository Libraries at 50 locations around the country and can be examined at these libraries free of charge. The 1977 Compilation is also available at the General Services Administration Federal Information Centers, which are located at 38 central points around the country. In addition, the 1977 Compilation may be examined at PBGC's offices at 2020 K Street NW., Washington, D.C. It is also available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Upon request, the Office of the Federal Register will furnish a photocopy of the full text of a particular records system published in the 1977 Compilation for a nominal fee.

Location of Notices in 1977 Compilation

Notices of the PBGC's systems of records appear in Volume II of the 1977 Compilation at page 49696 (42 FR 49696). The price of this Volume is six dollars and seventy-five cents.

Dated: August 24, 1978.

MATTHEW M. LIND,
Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 78-24582 Filed 9-5-78; 8:45 am]

federal register

THURSDAY, SEPTEMBER 7, 1978
PART III



DEPARTMENT OF TRANSPORTATION

Coast Guard

■

NAVIGATION LIGHTS FOR SMALL VESSELS

Proposed Rulemaking

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77-233]

[33 CFR Part 89]

NAVIGATION LIGHTS FOR SMALL VESSELS

AGENCY: U.S. Coast Guard, DOT.

ACTION: Proposed rules.

SUMMARY: These proposed rules prescribe requirements for the approval procedures for, and the installation and performance of navigation lights on vessels of less than 20 meters in length to meet the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). 72 COLREGS contains technical performance requirements for navigation lights applicable to all vessels using International Rules waters. Although 72 COLREGS became effective on July 15, 1977, the Coast Guard placed the navigation light performance requirements in abeyance for small vessels until these regulations could be developed. These requirements would improve the overall quality of navigation lights as displayed on vessels operating on International Rules waters and therefore decrease the risk of collision between vessels at night and in periods of restricted visibility.

DATES: 1. Comments must be received on or before November 7, 1978. 2. Public hearings: The Coast Guard will hold a public hearing on October 5, 1978, beginning at 9:30 a.m., in San Francisco, Calif., and on October 17, 1978, beginning at 9 a.m., in Washington, D.C.

ADDRESS: Comments should be submitted to Commandant (G-CMC/81), (CGD 77-233), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. The San Francisco hearing will be held in the Cathedral Hill A Room at the Jack Tar Hotel, Van Ness Avenue at Geary Boulevard, San Francisco, Calif. 94101. The Washington hearing will be held in Room 2230 in the Nassif Building, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Chris Llana, Office of Marine Environment and Systems (G-WLE-4/73), Room 7315, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4958.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 77-233), identify the specific section of the proposal to which each comment applies, and include sufficient detail to indicate the basis on which each comment is made. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. Interested persons are invited to attend the hearings and present oral or written statements on this proposal. It is requested that anyone desiring to make comments notify Captain Danahy, Marine Safety Council (G-CMC/81) Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477, at least 10 days before the scheduled date of the public hearing and specify the approximate length of time needed for the presentation. Comments at the public hearings will normally be heard in the order the request to comment is received. It is urged that a written summary or copy of the oral presentation be included with the request.

DRAFTING INFORMATION

The principal persons involved in the drafting of this proposal are: Christopher Llana, Project Manager, Office of Marine Environment and Systems, and Edward Gill, Project Counsel, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

BACKGROUND

These proposed regulations would implement for vessels under 20 meters in length the navigation light requirements of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). Because regulations to put 72 COLREGS navigation light requirements into effect for small uninspected vessels had not been developed at the time 72 COLREGS came into force on July 15, 1977, the Coast Guard placed the 72 COLREGS navigation light requirements in abeyance. This originally applied until August 1, 1978, for all vessels having navigation lights in conformance with 1960 International Rules, but has been extended until publication of the final rule.

The 72 COLREGS navigation light specifications are much more extensive and detailed than those in the 1960 International Rules. Whereas the 1960 rules dealt with configuration and range, the 72 COLREGS specify configuration, range, exact color, transmissivity, horizontal and vertical sector minimum intensities, spillover limitations, and screens. The convention leaves few details for a country to independently regulate.

The 72 COLREGS navigation light requirements seek to prevent collisions at night and in periods of restricted visibility by providing the vessel operator with information otherwise only available during daylight. Navigation lights provide information on vessel size, function, current status, heading, and speed—essential information if the navigation rules are to be followed. The 72 COLREGS technical performance requirements insure the accurate and unambiguous display of this information.

CRITERIA

In formulating these proposed regulations, certain criteria were given consideration. First, it was determined that the specifications in 72 COLREGS must be the underlying basis for the regulations. Further, while the navigation rules are often thought to be important for large ships only, this is not true. The rules apply equally to vessels of all sizes, and observance of the rules by all vessels is vital if collisions are to be avoided. Recognizing this, the Inter-Governmental Maritime Consultative Organization (IMCO) gave consideration to small vessels in the preparation of 72 COLREGS.

The navigation light treatment in 72 COLREGS varies both with vessel size and type. Different requirements apply to vessels less than 7 meters in length with a maximum speed of less than 7 knots, vessels less than 12 meters in length, and vessels between 12 and 20 meters in length. Different requirements also apply to powered vessels, sailing vessels, and vessels under oars. Although the configuration and range requirements vary with vessel size and type, many of the technical performance specifications apply uniformly to all types of vessels. The 72 COLREGS specifications which apply generally to navigation lights as well as those which are specifically addressed to navigation lights for vessels less than 20 meters in length are incorporated in these proposed implementing regulations.

The Coast Guard recognizes that the relatively larger number of smaller vessels when considered with the maneuvering characteristics of those vessels makes special treatment for small vessel navigation lights desirable. The regulations for large vessel navigation lights are not practicable when applied in whole to small vessels. The second criterion in the development of these proposed regulations, then, is practicability. Small vessel

navigation lights should be relatively inexpensive and be of a design adaptable to mass production. The Coast Guard has used what flexibility there is in 72 COLREGS to provide less stringent requirements for small vessel navigation lights than apply to vessels 20 meters in length or over.

These two criteria would not necessarily lead to the same results if considered separately. They, to some extent, represent competing interests—interests which are both valid and pressing. These proposed rules have evolved to their current form after extensive input was weighed and analyzed. This input concerned the legal, the technical, and the economic aspects of the navigation light issue.

Examples of input include Coast Guard laboratory testing of numerous navigation lights on the market; industry data and positions; foreign navigation light standards; consideration by the National Boating Safety Advisory Council, and by the rules of the Road Advisory Committee; and legal analysis of 72 COLREGS requirements.

The input has been given broad consideration at the technical, legal, and policymaking levels within the Coast Guard. The resulting proposal reflects Coast Guard policy of applying navigation light requirements to small vessels which are reasonable and practicable, but which also conform to the safety specifications of 72 COLREGS.

Scope

The scope of these proposed regulations has departed from past practice in an effort to make the substantive navigation light requirements more effective than they have been. The operator of a small vessel is responsible for properly displaying navigation lights. The consumer usually has no choice but to accept the navigation lights as they come on the boat. If the lights are improperly designed or installed, usually the small vessel operator is unaware of it, and yet the operator would still be liable both for the violation of the international rules and possibly for damages should there be an accident caused by the improper display of navigation lights. The International Navigational Rules Act of 1977 (Pub. L. 95-75; 91 Stat. 308; 33 U.S.C. 1601) provides for a $500 civil penalty against any person operating a vessel in violation of the international rules (72 COLREGS).

These proposed regulations would for the first time provide for the approval of lights which are in conformance with the international rules that are intended for installation on vessels less than 20 meters in length. They would also provide standards for the installation of those lights in conformance with the international rules.

Application

The 72 COLREGS apply to all vessels using international rules waters. Currently the United States does not have a mechanism for identifying those navigation lights which conform to 72 COLREGS and those which do not. These proposed regulations would set up such a mechanism. An approval procedure and installation requirements would apply to future navigation light installations and criteria would be established for evaluating existing navigation light installations.

August 1, 1981, is proposed as the effective date for the regulations governing new navigation light installations. August 1 is the start of the model year for many boat manufacturers, and by delaying the effective date until 1981, manufacturers would have time to design, obtain approval for, and market conforming navigation lights. It is proposed that lights installed before August 1, 1981, must meet objective field standards rather than laboratory standards. The standards for existing navigation light installations would become effective when the final rule is published. Enforcement of compliance with 72 COLREGS requirements will commence at that time.

Existing vessels

The Coast Guard is proposing dual standards for future and existing navigation light installations as an alternative to requiring the retrofit of new lights. There are more than 10 million recreational boats in the United States. Of these about 500,000 carry international rules lights because they may operate on international rules waters. Many more carry international rules lights, although they operate exclusively on inland waters. The Coast Guard believes that, because of the economic impact, requiring a blanket retrofit of navigation lights would be unwarranted, and given the large number of vessels and the currently limited supply of lights meeting 72 COLREGS requirements, would not be feasible.

Coast Guard testing of navigation lights has indicated that a few existing navigation light models would conform with the proposed rules for new lights. (The raw data and results of the tests are available for examination in the public docket.) Given that, there must be some number of vessels which are currently displaying lights conforming to 72 COLREGS requirements. Regulations requiring a blanket retrofit of navigation lights with "approved" new lights would be overbroad.

A conclusive determination of compliance of existing navigation light installations with annex I to 72 COLREGS technical specifications would involve removal of each light to a laboratory for precise photometric testing. In addition, time consuming measurements would have to be made with the light installed on the vessel. A minimum of four lights per vessel would have to be tested. Resources are not available to test even one set of lights out of 10,000. However, as the Coast Guard feels that the effectiveness of navigation lights currently on many vessels is inadequate, some method of determining compliance is needed that can be applied by the owner/operator of a vessel and by Coast Guard boarding officers.

The only practical test which they can apply to navigation lights on small vessels is visual inspection. Accordingly, the proposed rules presume technical conformance with 72 COLREGS requirements *unless* a visual inspection indicates that the light *does not* conform. The limited measurement accuracy inherent in a visual inspection puts practical limits on the performance requirements on which a determination of nonconformance can be based. The proposed rules consider three basic areas of performance: (1) configuration, (2) horizontal sectors, and (3) visibility obscuration. The configuration requirements relate to the number, type, and location of the navigation lights making up the light "picture" required by the International Rules of the Road. Proper configuration is easily ascertainable by eye. The limits of the horizontal sectors (practical cutoff) cannot be determined by visual inspection with the accuracy possible using laboratory equipment. However, if a navigation light is clearly not in conformance, either due to improper mounting or design, visual inspection will reveal that fact. The proposed rules provide for a 10° precision range for visual inspection (i.e. if a visual inspection determines that the horizontal sector is off by 10° or more, the navigation light will be held to be in nonconformance with 72 COLREGS requirements). The third area of inspection is visibility obscuration. On some boats the lights are mounted behind obstructions on the vessel in such a manner that the light cannot be seen throughout the required sector. Such faults are readily detected by a visual inspection.

The requirements for International Rules navigation lights are enforceable against the operator of the vessel. It is the responsibility of the operator to check for navigation light conformance with the International Rules and to make any changes necessary if they do not conform to the rules.

New vessels and new installations

Beginning on August 1, 1981, all International Rules navigation lights would have to meet the more stringent

requirements applicable to the manufacture and installation of lights. Because the regulations can be made known well in advance of the effective date for new light requirements, the application of 72 COLREGS navigation light specifications can be more controlled.

The performance of new lights can be measured quite accurately in a test lab equipped with the specialized instruments needed to determine intensity, chromaticity, etc. Under these ideal conditions accurate measurement can be made to within a degree of sector arc. Chromaticity can be measured in terms of internationally accepted color coordinates rather than the subjective evaluations of "red", "white", or "green". The test procedures possible in a well equipped laboratory provide a high degree of certainty in a pass-fail determination, as compared to what is possible in a determination of conformance for navigation lights on existing vessels.

The installer of navigation lights on new vessels is normally in a position to accurately determine alignment and otherwise made provision for the correct installation of the navigation lights. The installer, usually the boat manufacturer, should be familiar with the various rules on navigation lights. In any case, the proposed rules would require that the light manufacturer provide instructions in sufficient detail so that the lights can be correctly installed.

The Coast Guard believes that requirements for new navigation lights for vessels less than 20 meters in length should be less stringent than the requirements for large vessels. The proposed rules provide this relief in three ways.

First, the term "practical cutoff", which is used but not defined in 72 COLREGS, is defined liberally in the proposed rules for small vessels. Practical cutoff is the point near the end of a prescribed horizontal sector at which the intensity of illumination from the light is considered to have become insignificant. For large vessels, practical cutoff is considered to be 10 percent of the minimum required sector intensity. For vessels under 20 meters in length, the proposed definition is 50 percent of the minimum required intensity. This definition allows for spilling over beyond the sector of the extraneous light from lens glow, internal reflection, etc., which cannot otherwise be eliminated except by the use of large screens. Such screens are impracticable on most small vessels.

Second, production lights for small vessels would be allowed to show the horizontal sector intensities within 2° of the angles specified by 72 COLREGS. State-of-the-art light design and production techniques are not sufficiently advanced to allow conformance to 72 COLREGS horizontal sector intensity requirements if production lamps are used. The test light submitted for type approval may be fitted with an ideal lamp and therefore a tolerance is not allowed in the test light's performance. Lights can be produced at a reasonable cost which will conform to this requirement. Increasing the tolerance beyond 2°to provide further relief from the literal 72 COLREGS requirements would therefore be unjustified.

Relief is also given in the installation of the light on the vessel. Because the shape and structure on many boats do not lend themselves to the precise mounting of navigation lights, a 2° installation tolerance would be permitted.

The proposed rules would impose several requirements not contained in 72 COLREGS to facilitate the proper installation and display of navigation lights. Manufacturers would be required to incorporate features in the light housing design to aid in alignment, and to provide adequate labeling information on the proper use of their product. Another provision wuld make accidental reversal of the colored lenses impossible in combination sidelights.

The proposed regulations contain a test procedure by which type approval will be determined and which will be used to spot check production lights. The test procedure assures consistency in method and accuracy from one test laboratory to another.

Evaluation

This proposal has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (43 FR 9582, March 8, 1978). A draft evaluation of the proposal has been prepared, and has been included in the public docket.

In consideration of the foregoing, it is proposed that subchapter DD of title 33 of the Code of Federal Regulations be amended by adding a new part 89 to read as follows:

Subpart A—General

Sec.
89.1 Purpose and applicability.
89.3 Definitions.
89.5 Requirements.

Subpart B—Manufacturer Requirements

Sec.
89.11 Applicability.
89.13 Type approval.
89.14 Practical cutoff.
89.15 Production tolerance.
89.17 Construction.
89.19 Labeling.

Subpart C—Installation Requirements

Sec.
89.41 Applicability.
89.43 Use of approved navigation lights.
89.45 Configuration.
89.47 Alignment.
89.49 Obscuration.

Subpart D—Testing

Sec.
89.61 Test laboratories.
89.63 Angular measurements.
89.65 Test lamp voltage.
89.67 Instrument separation.
89.69 Horizontal intensity.
89.71 Vertical intensity.
89.73 Chromaticity.
89.75 Test report.

Authority: Pub. L. 95-75; Sec. 8, 91 Stat. 310; (33 U.S.C. 1607); 49 CFR 1.46(n)(11).

Subpart A—General

§ 89.1 Purpose and applicability.

This part prescribes rules for the approval procedures for, and the installation of navigation lights on vessels of less than 20 meters in length to meet the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). (Note 1)

Note. 1.—The 72 COLREGS are published as Appendix A of Part 87 of this Subchapter.

§ 89.3 Definitions.

As used in this part:

(a) "International rules navigation lights"—means navigation lights used or intended for use on international rules waters.

(b) "International rules waters"—means those waters on which the 72 COLREGS apply. The lines of demarcation delineating these waters are set out in part 82 of this title.

(c) "Length"—means length overall measured in plan view.

(d) "Manufacture"—means manufacture, construct, assemble, or import for sale.

§ 89.5 Requirements.

(a) Each international rules navigation light installed on a vessel before August 1, 1981, must meet the 72 COLREGS requirements for navigation lights. This requirement is presumed to be met unless it can be determined by visual inspection that—

(1) the configuration does not conform to the requirements of part C and annex I of the 72 COLREGS;

(2) the horizontal arc of visability deviates 10 degrees or more from the requirements of rule 21 of the 72 COLREGS; or

(3) the horizontal arc of visibility is obscured by a part of the vessel for more than six degrees for an all-around light, more than two degrees for a masthead light, or at all for a sternlight or a sidelight.

(b) The requirements for international rules navigation lights manufactured on or after August 1, 1981, are contained in subpart B of this part.

(c) The requirements for installing international rules navigation lights on or after August 1, 1981, are contained in subpart C of this part.

Subpart B—Manufacturer Requirements

§ 89.11 Applicability.

This subpart applies to manufacturers of navigation lights who seek Coast Guard approval for lights that are intended to be used on vessels under 20 meters in length and that are intended to conform with the 72 COLREGS.

§ 89.13 Type approval.

(a) Each manufacturer must obtain type approval for each model navigation light before that model can be sold as an approved international rules navigation light.

(b) Type approval is obtained by submitting the following to the Commandant (G-WLE-4/73):

(1) Test results obtained in accordance with subpart D of this part.

(2) The sample navigation light used to obtain the test results required in paragraph (b)(1).

(3) A copy of the labeling information required by § 89.19(a).

(4) A copy of the installation instructions required by § 89.19(c).

(c) The sample light submitted for testing may be specially selected, adjusted, and provided with an ideal lamp, but must otherwise be mechanically indentical to production lights. The ideal lamp must be of the same type as used in production lights.

(d) The sample light and other data submitted for approval become the property of the Coast Guard.

(e) Type approval will be granted after the Coast Guard has determined that the sample light, labeling information, and installation instructions are in conformance with the requirements of 72 COLREGS and this subpart.

(f) Production lights of an approved model are subject to spot testing by the Coast Guard. If the production lights of an approved model do not conform with the requirements of this subpart, the Coast Guard may revoke or suspend type approval for that model navigation light.

§ 89.14 Practical cut-off.

(a) For the purposes of this part, the term "practical cut-off" used in section 9 of annex I to the 72 COLREGS means 50 percent of minimum required intensity.

(b) For practical cut-off to be reached, the intensity must decrease to 10 percent of minimum required intensity by 20° outside the prescribed horizontal sector.

§ 89.15 Production tolerances.

(a) Each production light must show the horizontal sector intensities within two degrees of the angles specified by section 9 of annex I to the 72 COLREGS.

(b) Each production light must conform to all other 72 COLREGS performance requirements.

§ 89.17 Construction.

(a) Each navigation light housing must be constructed so that it may be accurately aligned during installation.

(b) The construction required under paragraph (a) may be accomplished by using—

(1) flat vertical mounting surfaces, either transverse or longitudinal;

(2) index marking; or

(3) a template.

(c) The red and green lenses in combination sidelights, if removable, must not be interchangeable.

§ 89.19 Labeling.

(a) Each navigation light, or the smallest package in which it is shipped, must be marked with the following information.

(1) Manufacturer identification (name and address).

(2) Coast Guard approval number.

(3) Type of light (masthead, sidelight, etc.).

(4) Application (sailing vessels, nonsailing vessels, or all types of vessels; less than 12 meters in length, or less than 20 meters in length).

(5) Lamp type by manufacturer identification.

(6) Lamp wattage and rated voltage.

(b) The lamp type must be permanently marked on the navigation light where it can be seen by a person changing the lamp.

(c) Each light must be packaged with instructions sufficiently detailed to provide for installation of the light in conformance with subpart C of this Part.

Subpart C—Installation Requirements

§ 89.41 Applicability.

The Coast Guard will consider navigation lights installed on vessels under 20 meters in length on or after August 1, 1981, to be in compliance with 72 COLREGS if they meet the requirements of this subpart.

§ 89.43 Use of approved navigation lights.

Each navigation light installed must be an approved light.

§ 89.45 Configuration.

Each navigation light must be installed in conformance with the configuration requirements of Part C and annex I of the 72 COLREGS.

§ 89.47 Alignment.

Each navigation light must be installed so that the horizontal alignment of its housing is within two degrees of the alignment required by rule 21 of the 72 COLREGS.

§ 89.49 Obscuration.

(a) Each all-around light must be installed so that the horizontal arc of visibility is not obscured for more than six degrees.

(b) Each masthead light must be installed so that the prescribed horizontal arc of visibility is not obscured for more than two degrees.

(c) Each sidelight and each sternlight must be installed so that the prescribed horizontal arc of visibility is not obscured.

Subpart D—Testing

§ 89.61 Test laboratories.

(a) For the purposes of this section, "independent test laboratory" means a test laboratory that is neither owned nor controlled by a manufacturer of navigation lights.

(b) Testing must be carried out at an independent test laboratory acceptable to the Commandant.

(c) An independent test laboratory is acceptable if it is found to possess equipment and personnel sufficient to test navigation lights in accordance with the test procedure specified in this subpart for their conformity with the requirements of annex I to the 72 COLREGS, and with the requirements of subpart B of this part.

(d) The determination of acceptability will be made by, and the list of acceptable test laboratories maintained by, the Commandant (G-WLE-4/73).

§ 89.63 Angular measurements.

All angular measurements must be made with reference to the midpoint of the lamp filament.

§ 89.65 Test lamp voltage.

The test lamp must be operated for five hours at rated voltage before intensity measurements are made. The voltage used for all tests must be rated voltage ±0.01 volts.

§ 89.67 Instrument separation.

The test light must be separated from the instrument measuring intensity by a distance sufficient to provide a valid inverse-square law relationship.

§ 89.69 Horizontal intensity.

(a) The test equipment and procedures used must provide an accuracy of ±1 degree in the measurement of horizontal arc.

(b) The test instrument and procedures used must provide an accuracy of ±10 percent in the measurement of intensity.

(c) Horizontal sector intensity data must be taken in the horizontal plane passing through the midpoint of the lamp filament. Intensity data must be taken throughout the prescribed sector, and within 25 degrees of the sector limits outside the sector.

(d) Measurements must be taken at intervals of one degree or less from ten degrees outside the sector to five degrees inside the sector, and at intervals of five degrees or less within the remainder of the sector. For all-round lights measurements must be taken at intervals of ten degrees or less.

§ 89.71 Vertical intensity.

(a) The test equipment and procedures used must provide an accuracy of ±1 degree in the measurement of vertical arc.

(b) The test instrument and procedures used must provide an accuracy of ±10 percent in the measurement of intensity.

(c) Vertical sector intensity data must be taken in a vertical plane passing through the midpoint of the lamp filament and—

(1) Bisecting the prescribed horizontal sector ±² degrees for sidelights, masthead lights, and sternlights; and

(2) At any orientation for all-round lights.

(d) For lights not intended for use on sailing vessels, vertical sector intensity data must be taken at intervals of 2 degrees or less through a vertical arc of 10 degrees above and below the horizontal.

(e) For lights intended for use on sailing vessels, vertical sector intensity data must be taken at intervals of 2 degrees or less through a vertical arc of 10 degrees above and below the horizontal, and at intervals of 5 degrees or less through the vertical arc extending from 10 degrees to 30 degrees above and below the horizontal.

§ 89.73 Chromaticity.

(a) The test instrument and procedures used must provide an accuracy of ±0.01 in the measurement of International Commission on Illumination color coordinates.

(b) Chromaticity must be measured within the horizontal plan passing through the midpoint of the lamp filament and—

(1) At the midpoint of the prescribed horizontal sector ±2 degrees for sidelights, masthead lights, and stern lights; and

(2) Within the vertical plane within which the vertical sector intensity was measured for all-round lights [§ 89.71(c)].

§ 89.75 Test report.

(a) If testing shows that the sample navigation light conforms to the requirements of 72 COLREGS, a test report must be prepared certifying that fact.

(b) A navigation light conforms to the requirements of 72 COLREGS and of this part if its performance as measured deviates from those requirements by no more than the accuracies specified by this subpart.

(c) The test report must include the following:

(1) All test data.

(2) Copies of certificates of calibration on all instruments.

(3) A summary of results indicating compliance with 72 COLREGS requirements.

(Pub. L. 95-75; Sec. 8, 91 Stat. 310 (33 U.S.C. 1607); 49 CFR 1.46(n)(11))

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

Dated: August 31, 1978.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

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