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federal register

THURSDAY, SEPTEMBER 14, 1978



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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
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	LABOR			LABOR
	HEW/FDA			HEW/FDA

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

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

NOTE: As of August 14, 1978, Community Services Administration (CSA) documents are being assigned to the Monday/Thursday schedule.

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Title 3—The President

PROCLAMATION 4595

Veterans Day, 1978

By the President of the United States of America

A Proclamation

Among the great days of national remembrance, none is more deeply moving to Americans than Veterans Day. On this occasion, our nation traditionally joins together to salute those valiant individuals who have served in the Armed Forces.

This is a very special day. It symbolizes the debt of gratitude we owe our veterans. It reminds us that the freedom we enjoy has endured intact because millions of patriotic men and women answered their country's call to service and sacrifice.

Our veterans have not sought glory for themselves, but peace and freedom for us all. They represent the spirit that has preserved us as a great nation. They deserve our recognition for all they have done.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, invite all Americans to observe Saturday, November 11, 1978, as Veterans Day and on this historic occasion, let us resolve anew to keep faith with those whose love of country has set them in an imperishable roll of honor.

I urge all the families and friends of our sick and disabled veterans to visit them and extend to them a grateful nation's promise that they will not be forgotten.

I call upon Federal, State, and local Government officials to mark Veterans Day by displaying the flag of the United States, and by encouraging and supporting public involvement in appropriate ceremonies throughout the country.

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

Jimmy Carter

[FR Doc. 78-26029 Filed 9-12-78; 2:36 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.

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Order Granting Temporary Suspension of Early Withdrawal Penalty

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Temporary suspension of the regulation Q penalty normally imposed upon the withdrawal of funds from time deposits prior to maturity.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by the severe storms, flooding, hail, and tornadoes beginning on or about June 25, 1978, in the State of Wisconsin.

EFFECTIVE DATE: July 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Anthony F. Cole, Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3711.

SUPPLEMENTARY INFORMATION: On July 7, 1978, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 11795 of July 11, 1974, the President, acting through the Administrator of the Federal Disaster Assistance Administration, designated the following counties of the State of Wisconsin a major disaster area: Buffalo, Crawford, Dane, Green, Iowa, Juneau, La Crosse, Lafayette, Monroe, Pepin, Pierce, Richland, Rock, Sauk Trempealeau, and Vernon. The Board regards the President's action as recognition by the Federal Government that a disaster of major proportions has occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the regulation Q early withdrawal penalty.[1] The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster area as a result of the severe storms, flooding, hail, and tornadoes. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to July 7, 1978, and will remain in effect until 12 midnight December 31, 1978.

Section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) provides that no member bank shall pay any time deposit before maturity except upon such conditions and in accordance with such rules and regulations as may be prescribed by the Board. The Board has determined it to be in the overriding public interest to suspend the penalty provision in § 217.4(d) of regulation Q for the benefit of depositors suffering disaster-related losses within those geographical areas of the State of Wisconsin officially designated a major disaster area by the President. The Board, in granting this temporary suspension, encourages member banks to permit penalty-free withdrawal before maturity of time deposits for depositors who have suffered disaster-related losses within the designated disaster areas.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons directly affected by the severe damage and destruction occasioned by the storms and flooding in the designated counties of Wisconsin, the Board finds that good cause exists for dispensing with notice and public participation referred to in section 553(b) of title 5 of the United States Code with respect to this action and that public procedure with regard to this action would be contrary to the public interest. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, the Board finds that there is good cause to make the action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority (12 CFR 265.2(a)(18)), September 5, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-25885 Filed 9-13-78; 8:45 am]

[1] Sec. 217.4(d) of regulation Q provides that where a time deposit, or any portion thereof, is paid before maturity, a member bank may pay interest on the amount withdrawn at a rate not to exceed that currently prescribed for a savings deposit and that the depositor shall forfeit 3 months of interest payable at such rate.

[6210-01]

[Reg Z; FC-0153]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official staff interpretation(s).

SUMMARY: The Board is publishing the following official staff interpretation of regulation Z, regarding the necessity of separate disclosure of certain finance charges described under Ohio law. The agency is taking this action in response to a request for interpretation of this regulation.

EFFECTIVE DATE: On or after October 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Glenn E. Loney, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3867.

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR Part 261.6.

(2) An opportunity for public comment on an official staff interpreta-

tion may be provided upon request of interested parties and in accordance with 12 CFR Part 226.1(d)(2)(ii). As provided by 12 CFR Part 226.1(d)(3) every request for public comment must be in writing, should clearly identify the number of the official staff interpretation in question, should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 and must be postmarked or received by the Secretary's office before the effective date of the interpretation. The request must also state the reasons why an opportunity for public comment would be appropriate.

(3) 15 U.S.C. 1640(f).

12 CFR Part 226, FC-0153
§ 226.8(c)

Whether "base finance charge" and "service charge" are the same type of charge depends on interpretation of Ohio law. (Rescinds FC-0029 and Letter 1114.)

AUGUST 31, 1978.

On * * *, you requested an official staff interpretation of regulation Z regarding the requirement of § 226.8(c)(8)(i) of the regulation that a creditor provide a "description of the amount of each type" of finance charge where the total finance charge consists of "two or more types of charges."

At that time, you questioned whether the regulation requires a creditor to separately disclose the finance charges described under the Ohio Retail Installment Sales Act, ORC 1317.06, as a "base finance charge" and a "service charge." The position taken in Official Staff Interpretation FC-0029 answered your question affirmatively. However, in response to several requests, the staff has reconsidered the matter and is hereby rescinding FC-0029 and Public Information Letter 1114 which deals with the same subject.

The staff is of the opinion that if under the Ohio Retail Installment Sales Act, the "base finance charge" and the "service charge" constitute the same type of charge, regulation Z would not require separate disclosure of each charge. The answer to the question regarding whether the "base finance charge" and the "service charge" are the same type of charge depends on an interpretation of Ohio law. We believe it is inappropriate for the staff to make that determination. However, if the two charges were determined to be different "types of charges" under Ohio law the staff is of the opinion that separate disclosure of the "base finance charge" and the "service charge," using those terms, would be proper. We believe this would also be permissible, in accordance with the additional information provisions of § 226.6(c), if a creditor simply elected to itemize the charges.

This is an official staff interpretation of regulation Z, issued in accordance with § 226.1(d)(2) of the regulation and limited in its applicability to the facts and issues discussed above. If you have additional questions, please contact this office or Mr. Harry W. Huning, Vice President, Supervision and Regulations, Federal Reserve Bank of Cleveland, Cleveland, Ohio 19105.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

Board of Governors of the Federal Reserve System, September 5, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-25886 Filed 9-13-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-WE-3-AD; Amdt. 39-3296]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Co. Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection, protection, repair or replacement of the Lockheed Model L-1011 Series airplane center engine "S" duct flexible fire seal that could, if allowed to wear beyond certain limits, or become torn, compromise the function of the fire wall and permit the transfer of potentially hazardous quantities of vapors from the engine compartment into the afterbody section.

DATES: Effective October 13, 1978. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Co., P.O. Box 551, Burbank, Calif. 91520, Attention: Commercial Support Contracts, Department 63-11, U-33, B-1. Also, a copy of the service information may be reviewed at, or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On April 21, 1978, the FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to Lockheed L-1011-385 series airplanes (42 FR 17366). This AD establishes inspections of the flexible fire seal and provides for repair, repetitive inspections and terminating action. The proposal was prompted by discovery of a torn seal and subsequent evaluations of hazard and repair possibilities.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all comments received in response to the notice of proposed rulemaking. Comments were received from the manufacturer and from the Air Transport Association of America (ATA). The ATA presented the views of three operators.

Both commenters stated their agreement with the proposal except as regards proposed compliance requirements if a seal is found worn through or torn. These commenters proposed substitution of compliance recommendations contained in Lockheed L-1011 Service Bulletin 093-54-030. This position was predicated on their acceptance of a Lockheed analysis which purports to show that the combination of circumstances required to produce a hazardous condition is less than extremely improbable.

The FAA concurs that some additional time for compliance is appropriate. Therefore the "before further flight" requirement of paragraph (g) has been modified to "250 hours".

Other comments relative to economic burden due to scheduling problems have been considered by the FAA. Since some 10 months will have elapsed from initial discovery of the condition to the issuance of a final AD, the FAA believes that there is adequate time for the operators to conduct scheduling activities necessary to minimize economic burden.

The phrase "or later FAA approved revisions" has been deleted from the service bulletin citation in paragraph (c) of the AD and a note has been added indicating that this version of the service bulletin is the only version acceptable for demonstrating compliance with the AD under the terms of paragraphs (c) through (h).

After careful review of all available data including the comments above the FAA believes that sufficient evidence exists in the public interest in aviation safety to adopt the proposed rule, with relieving substantive changes and with minor editorial and clarifying changes of a nonsubstantive nature, as a final rule.

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:

LOCKHEED CALIFORNIA CO.: Applies to Lockheed-California Co. Model L-1011-385 Series airplanes certificated in all categories.

Compliance required as indicated, unless previously accomplished.

To prevent the transfer of potentially hazardous quantities of vapors from the engine compartment into the afterbody of the airplane, accomplish the following:

(a) For airplanes with 7,500 or more hours total time in service on the effective date of this AD, within the next 1,000 hours time in service, inspect the center engine "S duct" flexible fire seal Part No. 1506933-101 per paragraph (c) below.

(b) For airplanes with less than 7,500 hours total time in service on the effective date of this AD, prior to the accumulation of 8,500 hours total time in service, inspect the center engine "S" duct flexible fire seal per paragraph (c) below.

(c) Visually inspect the center engine "S" duct flexible fire seal for depth of groove and/or tears per the procedures set forth in paragraph 2.A of Lockheed California Service Bulletin 093-54-030 dated March 28, 1978 (hereinafter referred to as SB 093-54-030).

NOTE.—Service Bulletin 093-54-030 dated March 28, 1978 is the only version of Service Bulletin 093-54-030 suitable for demonstrating compliance with paragraphs (c) through (h) of this AD.

(d) If there are no tears, and evidence of grooving is observed, or if groove depth is determined to be less than 0.035 inch using the procedures of paragraph 2.A of SB 093-54-030, the seal may be retained in service with performance of repetitive inspections at intervals not to exceed 1500 hours total time in service.

(e) If there are no tears and seal is worn to a groove depth greater than 0.035 inch but less than 0.050 inch:

(1) Continue worn part in service and reinspect within 1000 hours additional time in service; or

(2) Repair seal per paragraph 2.C of SB 093-54-030, and reinspect within 8500 hours additional time in service; or

(3) Replace seal with like serviceable part per paragraph 2.B of SB 093-54-030 and reinspect per paragraph 2.A of SB 093-54-030 within 8500 hours additional time in service.

(f) If seal is worn to a groove depth equal to or greater than 0.050 inch but is intact, within 500 hours additional time in service, repair seals per paragraph 2.C of SB 093-54-030 or replace seal per paragraph 2.B of SB 093-54-030 and reinspect per paragraph 2.A of SB 093-54-030 within 8500 hours additional time in service.

(g) If seal is worn through or torn, within 250 hours additional time in service repair seal per paragraph 2.C of SB 093-54-030 or replace seal per paragraph 2.B of SB 093-54-030 and reinspect per paragraph 2.A of SB 093-54-030 within 8,500 hours additional time in service.

(h) Actions required per this AD may be terminated when chafing protection (Belt Assembly Part Number 1619429-101) is installed per paragraph 2.D of SB 093-54-030 in conjunction with a new, used, or repaired center engine "S" duct flexible fire seal which meets the criteria of paragraph (d) or (e)(2) of this AD. Revert to routine maintenance/inspection practices.

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

(j) Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate aircraft to a base for accomplishment of inspections and/or maintenance required by paragraph B of this AD.

(k) Upon request of operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region may adjust the initial and repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective October 13, 1978.

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

NOTE.—The Federal Aviation Administration has determined that this document 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 September 30, 1978.

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

[FR Doc. 78-25693 Filed 9-13-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-GL-12]

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

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate additional controlled airspace near Lebanon, Ohio, to accommodate a new (NDB) instrument approach procedure into the Lebanon-Warren County Airport established pursuant to a request from the Lebanon-Warren County Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions.

EFFECTIVE DATE: November 2, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1,200 feet above ground to 700 feet above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained in controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

DISCUSSION OF COMMENTS

On page 30068 of the FEDERAL REGISTER dated July 13, 1978, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of part 71 of the Federal Aviation Regulations so as to designate a transition area at Lebanon, Ohio. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. As a result of the notice of proposed rulemaking docket issued June 26, 1978, a letter of objection was received from Mr. James T. VanDervort of Wilmington, Ohio. Mr. VanDervort objected to the establishment of an instrument approach procedure into the Lebanon-Warren County Airport because he felt the approach procedure would cause an increase in air traffic in the vicinity of the Waynesville Airport, Waynesville, Ohio. He expressed concern over the fact that the Waynesville Airport experiences a heavy volume of traffic due to pilot training, glider operations, parachute jumping, and business flying. He believes that the establishment of the instrument approach procedure would entice students to practice IFR approaches at the Lebanon-Warren County Airport and therefore cause the increase in air traffic at the Waynesville Airport.

Aeronautical study disclosed that the Waynesville Airport is located approximately 6 nmi northeast of the Lebanon-Warren County Airport. The approach procedure will be established on the northwest side of the Labanon-Warren County Airport. It will be ini-

tiated on the Oneida LOM located 7.4 nmi northwest of the Warren County Airport and proceed direct to the airport. Aircraft utilizing the approach procedure will be directed away from, instead of toward, the Waynesville Airport thereby assisting in eliminating some of the possible traffic in the Waynesville area. There are presently 15 IFR approaches to airports within 25 nmi of the Waynesville Airport. The establishment of this new approach procedure and the designation of the transition area to accommodate the procedure should not cause student pilots to concentrate their training at Lebanon-Warren County.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, effective November 2, 1978, as follows:

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

LEBANON, OHIO

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Lebanon-Warren County Airport (latitude 39°27'30" N., longitude 84°15'15" W.) excluding the portions which overlie the Dayton, Ohio, and Middletown, Ohio, transition areas.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration 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 Des Plaines, Ill., on August 30, 1978.

WAYNE J. BARLOW,
Acting Director,
Great Lakes Region.

[FR Doc. 78-25694 Filed 9-13-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-GL-8]

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

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate additional controlled airspace near Kenton, Ohio, to accommodate a [VOR-A] instrument approach procedure into the Hardin County Airport established on the basis of a request from Hardin County Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions.

EFFECTIVE DATE: November 2, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1,200 feet above ground to 700 feet above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

DISCUSSION OF COMMENTS

On page 21464 of the FEDERAL REGISTER dated May 18, 1978, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Kenton, Ohio. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. As a result of the notice of proposed rule making docket issued May 8, 1978 a letter of aeronautical comment was received from the Trager Aviation Center, Lima, Ohio, expressing concern that the proposed instrument approach procedure would conflict with student training at Allen County Airport in Lima. Aeronautical study by the FAA reveals that the airspace docket action to designate additional controlled airspace is intended to enhance safety as it relates to the see-and-be-seen concept of visual weather condition operations. In addition, the comments were addressed to the potential of aircraft delays at other adjacent airports as a result of the new instrument approach procedure. As in the previous statement, the instrument approach procedure into Kenton Airport is intended to provide for a better movement of aircraft operations in the area and should reduce delays, particularly those now experienced by aircraft desiring to operate into Kenton Airport. The approach procedures and the designated airspace described in this docket will improve safety and should reduce delays in this area.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Adminstrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 2, 1978, as follows:

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

KENTON, OHIO

That airspace extending upward from 700 feet above the surface within a 7.5 mile radius of the center, latitude 40°36'48" N., longitude 83°38'39" W. of Hardin County Airport, Kenton, Ohio.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Adminstration 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 Des Plaines, Ill., on August 30, 1978.

WAYNE J. BARLOW,
Acting Director,
Great Lakes Region.

[FR Doc. 78-25695 Filed 9-14-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-ASW-20]

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

Designation of Transition Area: Sand Springs, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to designate a transition area at Sand Springs, Okla. The intended effect of the action is to pro-

vide controlled airspace for aircraft executing a proposed instrument approach procedure to the William R. Pogue Municipal Airport. The circumstance which created the need for the action was a requirement to provide capability for flight under instrument flight rules (IFR) procedures to the airport. Coincident with this action, the airport is changed from visual flight rules (VFR) to IFR status.

EFFECTIVE DATE: November 2, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On June 5, 1978, a notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 24324) stating that the Federal Aviation Administration proposed to designate the Sand Springs, Okla., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Responses were received with one commenter objecting to the proposal.

DISCUSSION OF COMMENTS

The owner-operator of the Eagle's Nest Airport expressed concern that the proposed standard instrument approach procedure (SIAP) to the William R. Pogue Airport, designated on the Tulsa VORTAC, would traverse the Eagle's Nest traffic pattern. The commenter recommended realignment of the SIAP on a north-south flow to remove possible conflicts. The FAA concurred in the recommendation and redesigned the SIAP to the William R. Pogue Airport, basing the final approach course on the 318° radial of the Glenpool, Okla., VOR. The transition area airspace configuration as described in the notice was not affected by the action. Except for editorial changes, this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates the Sand Springs, Okla., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the William R. Pogue Municipal Airport utilizing the Glenpool VOR.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) is amended, effective 0901 G.m.t., November 2, 1978, as follows:

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

SAND SPRINGS, OKLA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the William R. Pogue Municipal Airport (latitude 36°10'25" N., longitude 96°08'55" W.) excluding that airspace that overlies the Tulsa, Okla., transition area.

(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 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 Fort Worth, Tex., on August 31, 1978.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 78-25697 Filed 9-13-78; 8:45 am]

[4910-13]

[Docket No. 18267; Amdt. No. 1119]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

FOR EXAMINATION

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

FOR PURCHASE

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

BY SUBSCRIPTION

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

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8277.

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

The large number of SIAP's, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAP's but refer to their graphic depiction on charts printed by publishers of aeronautical materials.

Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAP's. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

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

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

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

Adoption of the Amendment

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

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

* * * effective November 2, 1978:

Fort Myers, FL—Page Field, VOR RWY 23, Amdt. 4
Galesburg, IL—Galesburg Municipal, VOR Rwy 2, Amdt. 9
Galesburg, IL—Galesburg Municipal, VOR Rwy 20, Amdt. 10
Monmouth, IL—Monmouth Municipal, VOR-A, Amdt. 4
Detroit, MI—Detroit Metropolitan Wayne County, VOR Rwy 3C, Amdt. 6, cancelled
Detroit, MI—Detroit Metropolitan Wayne County, VOR Rwy 27, Amdt. 7, cancelled
Alliance, NE—Alliance Muni, VOR Rwy 12, Original
Alliance, NE—Alliance Muni, VOR Rwy 12, Amdt. 4, cancelled
Alliance, NE—Alliance Muni, VOR Rwy 30, Original
New York, NY—LaGuardia, VOR-A, Amdt. 11
New York, NY—LaGuardia, VOR-B, Amdt. 14
New York, NY—LaGuardia, VOR-C, Amdt. 4
Beckley, WV—Raleigh County Memorial, VOR/DME RWY 19, Original

* * * effective October 19, 1978:

Alabaster, AL—Shelby County, VOR-A, Amdt. 4
Marianna, FL—Marianna, Muni, VOR-B, Orig.
Wichita, KS—Copeland, VOR-D, Original
Westminster, MD—Clearview Airpark, VOR-A, Amdt. 5
Mt. Pleasant, MI—Mt. Pleasant Municipal, VOR Rwy 27, Amdt. 5
Muskegon, MI—Muskegon County, VOR-A (TAC), Amdt. 13
Salem, MI—Salem, VOR-A, Amdt. 2
Faribault, MN—Faribault Municipal, VOR Rwy 2, Original, Cancelled
Faribault, MN—Faribault Municipal, VOR-A, Original
Owatonna, MN—Owatonna Municipal, VOR Rwy 12, Amdt. 6
Owatonna, MN—Owatonna Municipal, VOR/DME Rwy 30, Original
Waseca, MN—Waseca Municipal, VOR-A, Amdt. 2
O'Neill, NE—O'Neill Muni, VOR Rwy 13, Amdt. 2
Silver City, NM—Silver City & Grant County, VOR-A, Amdt. 5
Silver City, NM—Silver City & Grant County, VOR/DME-B, Amdt. 1
Rocky Mount, NC—Rocky Mount-Wilson, VOR/DME RWY 22, Amdt. 7
Okmulgee, OK—Okmulgee Muni, VOR Rwy 22, Original
Okmulgee, OK—Okmulgee Muni, VOR-A, Amdt. 7, cancelled
Charleston, SC—Johns Island, VOR-A, Amdt. 3
Aberdeen, SD—Aberdeen Regional, VOR Rwy 31, Amdt. 14
Aberdeen, SD—Aberdeen Regional, VOR/DME Rwy 13, Amdt. 6
Gloucester, Va—Gloucester, VOR-A, Amdt. 5
West Point, VA—West Point Muni, VOR-A, Amdt. 1
Winchester, VA—Winchester Muni, VOR-A, Amdt. 4
Winchester, VA—Winchester Muni, VOR/DME-B, Amdt. 1
LaCrosse, WI—LaCrosse Municipal, VOR Rwy 13, Amdt. 18
LaCrosse, WI—LaCrosse Municipal, VOR Rwy 36, Amdt. 20

* * * effective September 21, 1978:

Allentown, PA—Allentown-Bethlehem-Easton, VOR-A, Amdt. 7

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

* * * effective November 2, 1978:

Denver, CO—Stapleton International, LOC BC Rwy 17R, Amdt. 13
Alliance, NE—Alliance Municipal, VOR Rwy 30, Amdt. 7, cancelled
New York, NY—LaGuardia, LOC (BC) Rwy 31, Amdt. 8

* * * effective October 19, 1978:

Aberdeen, SD—Aberdeen Regional, LOC/DME BC Rwy 13, Amdt. 3
LaCrosse, WI—LaCrosse Municipal, LOC (BC) Rwy 36, Amdt. 6

* * * effective October 5, 1978:

LaFayette, LA—Lafayette Regional, LOC (BC) Rwy 1, Amdt. 4, cancelled
Milwaukee, WI—General Mitchell Field, LOC (BC) Rwy IL, Original

* * * effective September 21, 1978:

Allentown, PA—Allentown-Bethlehem-Easton, LOC BC RWY 24, Amdt. 15

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

* * * effective November 2, 1978:

Denver, CO—Arapahoe County, NDB RWY 34R, Amdt. 4
Denver, CO—Stapleton Internaional, NDB Rwy 26L, Amdt. 34
Denver, CO—Stapleton International, NDB Rwy 26R, Amdt. 4
Detroit, MI—Detroit Metropolitan Wayne County, NDB Rwy 3C, Amdt. 5
Detroit, MI—Detroit Metropolitan Wayne County, NDB Rwy 3L, Amdt. 5
Detroit, MI—Detroit Metropolitan Wayne County, NDB Rwy 21C, Amdt. 6
Detroit, MI—Detroit Metropolitan Wayne County, NDB Rwy 21R, Amdt. 6
Alliance, NE—Alliance Muni, NDB Rwy 30, Amdt. 6
New York, NY—LaGuardia, NDB RWY 4, Amdt. 34
New York, NY—LaGuardia, NDB RWY 22, Amdt. 9

* * * effective October 19, 1978:

Macomb, IL—Macomb Municipal, NDB Rwy 26, Amdt. 6
Topeka, KS—Forbes Field, NDB Rwy 13, Original
Jackson, MN—Jackson Muni, NDB Rwy 13, Amdt. 5
Sidney, MT—Sidney-Richland Municipal, NDB/DME RWY 1, Original
Gwinner, ND—Gwinner Muni, NDB Rwy 34, Amdt. 3
Charleston, SC—Johns Island, NDB Rwy 9, Amdt. 2
Aberdeen, SD—Aberdeen Regional, NDB RWY 31, Amdt. 4
LaCrosse, WI—LaCrosse Municipal, NDB Rwy 18, Amdt. 7

* * * effective October 5, 1978:

Lafayette, LA—Lafayette Regional NDB Rwy 3, Orig.
Lafayette, LA—Lafayette Regional, NDB Rwy 19, Amdt. 6, cancelled
Lafayette, LA—Lafayette Regional, NDB Rwy 21, Orig.
Denton, TX—Denton Municipal, NDB Rwy 17, Original
Denton, TX—Denton Municipal, NDB Rwy 17, Amdt. 1, Cancelled

* * * effective September 21, 1978:

Elmira, NY—Chemung County, NDB RWY 24, Amdt. 8

Allentown, PA—Allentown-Bethlehem-Easton, NDB Rwy 6, Amdt. 14

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

* * * effective November 2, 1978:

Denver, CO—Arapahoe County, ILS Rwy 34R, Amdt. 1
Denver, CO—Stapleton International, ILS BC Rwy 8R, Amdt. 6
Denver, CO—Stapleton International, ILS Rwy 26L, Amdt. 40
Denver, CO—Stapleton International, ILS Rwy 35L, Amdt. 21
Denver, CO—Stapleton International, ILS Rwy 35R, Amdt. 3
Galesburg, IL—Galesburg Municipal, ILS Rwy 2, Amdt. 1
Detroit, MI—Detroit Metropolitan Wayne County, ILS Rwy 21R, Amdt. 13
New York, NY—LaGuardia, ILS RWY 13, Amdt. 10
New York, NY—LaGuardia, ILS RWY 22, Amdt. 12
Detroit, MI—Detroit Metropolitan Wayne County, ILS Rwy 3L, Amdt. 3

* * * effective October 19, 1978:

Arcata-Eureka, CA—Arcata, ILS Rwy 31, Amdt. 22
Shreveport, LA—Shreveport Regional, ILS Rwy 31, Amdt. 1
Aberdeen, SD—Aberdeen Regional, ILS Rwy 31, Amdt. 4
LaCrosse, WI—LaCrosse Municipal, ILS Rwy 18, Amdt. 7

* * * effective October 5, 1978:

Lafayette, LA—Lafayette Regional, ILS Rwy 19, Amdt. 7, cancelled
Lafayette, LA—Lafayette Regional, ILS Rwy 21, Original
Denton, TX—Denton Muni, ILS Rwy 17, Original

* * * effective September 21, 1978:

Elmira, NY—Chemung County, ILS Rwy 24, Amdt. 10
Allentown, PA—Allentown-Bethlehem-Easton, ILS Rwy 6, Amdt. 20
Allentown, PA—Allentown-Bethlehem-Easton, ILS Rwy 13, Amdt. 3
Charleston, SC—Charleston AFB/Municipal ILS Rwy 33, Original

5. By amending § 97.31 RADAR SIAP's identified as follows:

* * * effective November 2, 1978:

Denver, CO—Arapahoe County, RADAR-1, Amdt. 8
Denver, CO—Stapleton International, RADAR-1, Amdt. 15

* * * effective October 19, 1978:

Orlando, FL—Herndon, RADAR-1, Amdt. 17
Tampa, FL—Tampa International, RADAR-1, Amdt. 7
Lansing, MI—Capital City, RADAR-1, Amdt. 4

* * * effective October 5, 1978:

Lafayette, LA—Lafayette Regional, RADAR-1, Amdt. 2

NOTE.—The FAA published an Amendment in Docket No. 18143, Amdt. No. 1116 to Part 97 of the Federal Aviation Regulations (Vol. 43 FR No. 145, page 32410; dated July 27, 1978) under § 97.31 effective September 7, 1978, which is hereby amended as follows: Knoxville, TN—McGhee Tyson, Radar-1, Amdt 18, is rescinded. Knoxville, TN—McGhee Tyson, Radar-1, Amdt 17 remains in effect.

6. By amending § 97.33 RNAV SIAP's identified as follows:

* * * effective November 2, 1978:

Denver, CO—Arapahoe County, RNAV Rwy 28, Amdt. 1.

* * * effective October 19, 1978:

Oxford, OH—Miami University, RNAV Rwy 4, Amdt. 2

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

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

Issued in Washington, D.C., on September 1, 1978.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc. 78-25692 Filed 9-13-78; 8:45 am]

[6320-01]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-178; Amdt. No. 41]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Applications for Route Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., September 11, 1978.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule clarifies and slightly modifies a recently adopted provision of the Board's procedural regulations. It changes the date for answers, from 30 working days, to 30 days (including weekends and holidays), and eliminates its applicability when the Board has already initiated a route case and the applicant is filing an application to be heard in that case. This action is being taken on the Board's own initiative.

DATES: Adopted: September 7, 1978. Effective: September 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Stephen Babcock, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: By PR-173, 43 FR 21873 (May 22, 1978), the Board adopted a new section 908 to its rules of practice in economic proceedings (14 CFR 302.908). This new section requires carriers to file motions for hearing, motions to consolidate, or petitions for orders to show cause, with almost all applications for new or modified certificated route authority. Experience under the new rule (which went into effect on June 21, 1978) has shown the need for two small changes.

The first of these is that we have decided to require answers to motions for hearing to be filed 30 days after the service date of the motion that they answer, rather than 30 days excluding Saturdays, Sundays, and holidays, as the rule now provides. We believe that 30 calendar days is sufficient time to prepare answers and this change will also conform this provision to our general rule, which is that the nonworking days are excluded from time computations only when a time of 7 days or less is specified.

Secondly, we are expecting from the coverage of this section applications "filed in response to, and conforming to, an order instituting a route investigation." We are taking this action because the economic data that section 908 requires are not needed when the Board has already decided to hear a case, and we believe that the service requirements contained in our generally applicable rules of practice (14 CFR 302.8(a)) are sufficient to give notice of applications to interested persons when a case has already been set down.

We are also eliminating subsection (f) because it is superfluous, and have changed the format of the section in order to clarify it.

Because of the need to clarify the present rule to avoid confusion on the part of applicants and their counsel, we find good cause to omit notice of proposed rulemaking and to make this rule effective immediately.

We will also instruct our docket section to continue to accept answers to motions served on or before the publication date of this rule on or before the dates determined in accordance with the existing provision. This should preclude any inconvenience to parties who may not immediately become aware of this change.

Accordingly, we revise section 908 of our rules of practice in economic proceedings (14 CFR 302.908) to read as follows:

§ 302.908 Applications for new or modified certificated route authority.

(a) This section applies to all applications for new or modified certificated route authority except those filed under subpart M or N of this part and those filed in response to, and conforming to, an order instituting a route investigation. Except as modified by this section, the rules in subpart A of this part continue to apply.

(b) A motion for hearing, a motion to consolidate, or a petition for an order to show cause shall be filed with every application.

(c) Applications and accompanying motions shall be served, for each point applied for, on the following:

(1) All air carriers authorized to regularly serve the point.

(2) All persons that have applications pending before the Board to regularly serve the point.

(3) All commuter air carriers operating at least five flights per week to or from the point, according to the current "Official Airline Guide" or "Air Cargo Guide."

(4) The aviation regulatory agency of the State, territory, or possession of the United States in which the point is located or, if there is no aviation regulatory agency, the Governor or other chief executive of the State, territory, or possession.

(5) The mayor or other chief executive of the point.

(6) The airport authority of each airport that the applicant proposes to use.

(7) Any other persons, as ordered by the Board in particular instances.

(d) Motions for hearing need not contain traffic and financial data for markets for which data has already been submitted by another person, if the applicant has moved to consolidate its application with the route proceeding that that other person has asked the Board to initiate. Otherwise, all motions shall include statements of all matters that the applicant believes justify the institution of a route proceeding. Matters of fact shall be sworn to, unless they are subject to official notice. Statements must include the following facts and projections:

(1) Present and proposed schedules by type of aircraft;

(2) Number of departures, plane-miles, passengers, and passenger-miles;

(3) Estimate of self-diversion or diversion from other carriers, if applicable;

(4) Anticipated operating revenues;

(5) Estimate of impact of proposal on operating expenses (for local service carriers, computed according to subpart K of this part);

(6) (For local service carriers only) estimate of allowance for return on investment and taxes, computed according to subpart K of this part; and

(7) (For local service carriers only) increase or decrease in subsidy requirements.

(e) Motions for hearing shall include a list of the names and addresses of all persons that will be served, and a notice that those persons can support or oppose the motion by filing an answer and serving a copy of it on all persons served with the motion. The notice shall also state the due-date for answers.

(f) Answers to motions for hearing shall be filed and served within 30 days of the service date of the motion that they answer. Answers to motions to consolidate and petitions for orders to show cause shall be filed within 7 days of the service date of the motion or petition that they answer.

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

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR
Secretary.

[FR Doc. 78-25954 Filed 9-13-78; 8:45 am]

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5973, 34-15135, 35-20699, IC-10389, AS 254]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

Requirements for Form and Content of Financial Statements of Bank Holding Companies and Banks

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting new rules concerning the form and content of financial statements for bank holding companies and banks in view of the increased complexity of these companies. These rules are designated as article 9 of regulation S-X. It is expected that the rules being adopted will provide more informative financial statements for investors and potential investors in securities of these companies.

EFFECTIVE DATE: Effective for financial statements covering periods commencing after December 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Lawrence J. Bloch, Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549, 202-472-3782.

SUPPLEMENTARY INFORMATION: In a release issued on December 8, 1977,[1] the Commission requested comment on a revision of its proposed article 9 of regulation S-X concerning the form and content of financial statements of bank holding companies and banks. In proposing the replacement of the existing article 9, the Commission intended to eliminate its reliance on the provisions of regulation F of the Board of Governors of the Federal Reserve System. The principal purpose of this proposal was to establish requirements in regulation S-X for statements of bank holding companies and banks in view of the increased complexity of their operations. An earlier proposal had been issued on April 21, 1977.[2]

Comments on this proposal have been received from 102 persons, including 83 from bank holding companies and banks. Letters have been received from banking associations, bank regulatory agencies, a financial analyst organization, and accounting organizations and accounting firms. The comments in these letters have been considered and changes have been made in the drafts. The Commission believes that at this time it is appropriate to adopt the revised Article 9.

COMMENTS AND CHANGES

INCOME STATEMENT FORMAT

A relatively small number of comments were concerned with the net interest income format of the income statement included in the proposal. These commentators felt that using this statement format without making an equivalency adjustment for tax-exempt interest made the statement confusing when compared to statistical data found elsewhere in reports. In particular, they referred to the statistical disclosure requirements for bank holding companies under guides 61 and 3 which permit the use of such adjustments. Some of those criticizing the proposed income statement format

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[1] Release Nos. 33-5886, 34-14238, 35-20307, IC-10052 (42 FR 63578; Dec. 16, 1977).

[2] Release Nos. 33-5823, 34-13459, 33-19995; IC-9730 (42 FR 21809; Apr. 29, 1977).

suggested that article 9 adopt the single step income statement format found in the regulatory agency reports, while others favored the addition of tax equivalent amounts to securities interest income.

In reports for 1976 and 1977, a substantial number of bank holding companies used the net interest income format of income statements, and we believe that this format presents valuable information for analysis by investors even when it is not on a tax equivalent basis. The tax equivalency adjustment is not in accordance with generally accepted accounting principles but reflects theoretical income never actually realized by a company. Although such and adjustment may be appropriate for statistical analytical purposes, it is not appropriate for inclusion in financial statements. Consequently, we have not deemed it appropriate to change the format of the income statement.[3]

RECEIVABLES FROM OFFICERS, DIRECTORS AND OTHERS

Many letters of comment were concerned with the broad scope of the proposed requirements for reporting of loans to persons in such relationships to the registrant and its affiliates as officers, directors, employees, and principal stockholders. As proposed, this reporting would have extended also to certain associates of such persons. These letters argued that the information requested was not material and might be misleading, that sufficient regulatory safeguards exist, that this disclosure would breach traditional privacy and confidentiality relationships in banking, and that the scope of the disclosure was too broad and consequently unworkable. It was pointed out that many bank holding companies have several thousands of employees and obtaining information about them and their associates was extremely difficult, if not impossible in the case of associates. In addition, some commentators noted that the requirement for detail reporting of amounts receivable aggregating more than $500,000 or 2½ percent of stockholders' equity, whichever is less, in a schedule was not particularly material in the case of most bank holding companies.

These comments have been considered, and as a result the requirement has been changed so that it is now limited to persons related to the registrant and its principal subsidiaries as directors, executive officers or principal holders of equity securities and certain of their associates. For the purpose of this reporting principal subsidiaries include the subsidiary with the greatest amount of deposits and any other subsidiary with deposits which exceed 15 percent of consolidated deposits. The term "executive officer" has been defined for the purpose of this report to mean the president, secretary, treasurer, any vice president in charge of a principal business function and any other person who performs similar policymaking functions for the registrant. This is derived from a definition in form 10-K. A definition of "relative" has been provided. Neither the threshold of 5 percent of stockholders' equity for supplementary note reporting of the aggregate amount due from these persons nor the threshold of the lesser of $500,000 or 2½ percent of stockholders' equity for detail schedule reporting has been changed.

FOREIGN ACTIVITIES

There were many comments on aspects of the proposed requirements for disclosure of foreign activities. This is a relatively new reporting area resulting from the issuance of statement of financial accounting standards No. 14 by the Financial Accounting Standards Board in December 1976. In developing these requirements, we considered the general criteria of standard No. 14, the specific characteristics of banking and the developing reporting requirements of the banking regulatory agencies.

The letters of comment were principally concerned with the following matters:

(1) The definition of foreign activities differed from the one found in standard No. 14.

(2) In addition to asset and revenue tests the threshold tests included criteria based on income (loss) before income tax expenses and net income, which are not found in standard No. 14.

(3) The disclosure requirements in the proposal are more detailed than those in standard No. 14.

(4) Allocation of the allowance for loan losses to foreign activities.

The definition of foreign activities includes loans and other revenue producing assets and transactions in which the debtor or customer is domiciled outside of the United States. The definition covers operations located and conducted entirely outside the United States and also covers loans and transactions made from a location in the United States to a debtor or customer outside of the United States. The definition recognizes the ability of banks at times to place loans in a foreign or domestic office depending on the availability or funds. Although the definitions and details of items to be reported for foreign activities in Article 9 differ in certain respects from those in the reports of condition and income (call report) of the Federal bank regulatory agencies because of differences in the purposes for which the reports are required, we believe that there is no difference in details and totals of corresponding assets, liabilities, revenue, and income which are to be reported. The provisions of Article 9 have also been designed to reflect the application of the general provisions of standard No. 14 to the special nature of banking. Because of difficulties in defining "guarantee" we have changed the proposed definition by deleting from it the provision for exclusion from foreign activities of a loan to a debtor domiciled outside of the United States which is fully guaranteed by a U.S. Government agency or U.S. domiciled company.

The general requirement for disclosure of foreign activities has been changed by the deletion of a provision that disclosure be made if the appropriate criteria were met in each of the two most recent fiscal years. As revised, disclosure would be necessary only for those years in which the criteria are met. The requirement that disclosure be made if income before income tax expense or net income exceeds 10 percent of the corresponding amount in the related financial statement has not been deleted. These criteria are appropriate for bank holding companies and other financial type companies because their leveraged nature creates different relationships between assets, revenue and income as against the relationships existing in commercial and industrial companies.

The requirements for disclosure of particular assets and liabilities and revenue and income related to foreign activities has not been changed except in minor details; however, disclosure to be made by significant geographic area has been revised so that amounts will be called for only by identifiable assets, total revenue and income before income taxes and net income.

As was the case in the first exposure of article 9, many letters objected to the requirement for allocation of a portion of the allowance for loan losses to foreign loans. The December proposal would have necessitated disclosure not only as to allocation to foreign loans in the aggregate but also by significant geographic segment. The American Institute of Certified Public Accountants suggested limitation of disclosure to foreign loans in the aggregate only. A few other letters supported this but indicated that allocations were nevertheless made. By limiting the requirements for significant geographic segment reporting to one amount for identifiable assets, disclosure of the allocation of the

[3] The format of the income statement and also of the balance sheet are suggested presentations, but the statements may be filed in such form and order as will best indicate their significance and character. (See § 210.3-01(a).)

allowance for loan losses is limited to the aggregate amount applicable to foreign activities. In this connection, standard No. 14 states clearly that asset valuation allowances of this type shall be taken into account in computing the amount of an industry segment's identifiable assets.

INVESTMENT SECURITIES

Although many letters of comment took the view that parenthetical disclosure of market value of investment securities on the balance sheet was not necessary, we believe that this disclosure is valuable in the evaluation of this asset specifically and in relation to the balance sheet in its entirety. The significance of market value of investments is such that it should not be completely relegated to a note to the financial statements.

A number of other changes have been made to related areas of the proposal. The schedule which called for presentation of investment securities grouped by type and maturity has been changed by revising the definition of "issuer" to delete the provision for considering securities which are guaranteed by or moral obligations of a person to be securities of the guarantor or obligor as well as securities of their issuer. This has been replaced by a provision that debt securities which are payable from and secured by the same source of revenue shall be considered securities of a single issuer.

OTHER CHANGES

The requirement for reporting loans in several detailed categories has been revised by changing the consumer category to installment. A requirement for separate reporting of financial or agricultural loans if the total of either category exceeds 10 percent of total loans has been dropped. A provision has been made that unearned income shall be deducted separately from total loans.

Separate provisions have been made to report lease financing on the balance sheet and the related income on the income statement.

The requirement for disclosure of the amount of other real estate on the balance sheet or in a note regardless of materiality has been deleted. Other real estate need be disclosed only if the amount exceeds 30 percent of stockholders' equity. The suggestion in other letters of comment that other real estate be accounted for as part of loans has not been recognized.

A provision has been added for disclosure of the aggregate amount of time certificates of deposit in denominations of $100,000 or more.

A number of letters of comment questioned the information value of reporting loan interest income in the same categories by which loans are reported and stated that it would be difficult to implement accounting systems to produce this information. This proposed requirement has been deleted.

The provision in the proposal for separate reporting of equity and earnings of unconsolidated subsidiaries, gains or losses on investments in securities of subsidiaries and 50 percent or less owned persons, and minority interests has been changed so that these items are included with other income and other expense.

EFFECTIVE DATE

Many comments were concerned with the need for sufficient time to plan and install changes in accounting systems to provide new information called for in these requirements. Consequently the revised article 9 will be effective for financial statements for periods commencing after December 24, 1978. In this connection, because of the usefulness of some of the new provisions to investors, the Commission strongly encourages early compliance with them in statements for periods commencing prior to the effective date.

We believe that changes to the statement of income involve reclassification and presentation of information presently available to a registrant so that statements for prior periods can be recast without difficulty. The detailed information concerning foreign activities is such that it may not be available for 1978 and earlier years. Registrants should give as much information concerning foreign activities for 1978 and earlier years as is presently available and explain in a note that all of the currently prescribed information was not available earlier.

Commission action: The Commission hereby amends part 210 of chapter II of title 17 of the Code of Federal Regulations by revising the table of contents, § 210.5-01, §§ 210.9-01—9-05, § 210.12-01 and § 210.12-02 as indicated below:

1. The table of contents of part 210 is revised as set forth below:

APPLICATION OF REGULATION S-X (17 CFR PART 210)

* * * * *

BANK HOLDING COMPANIES AND BANKS

Sec.
210.9-01 Application of §§ 210.9-01 to 210.9-05.
210.9-02 Balance sheets.
210.9-03 Income statements.
210.9-04 Foreign activities.
210.9-05 What schedules are to be filed.

* * * * *

2. In § 210.5-01 paragraph (a)(7) is revised, paragraph (b) is deleted, and paragraph (c) is redesignated as (b) as set forth below:

§ 210.5-01 Application of §§ 210.5-01 to 210.5-04.

(a) * * *

(7) Bank holding companies consolidated and banks (see §§ 210.9-01 to 210.9-05). Unconsolidated financial statements and schedules filed for bank holding companies shall be prepared in accordance with this article (§§ 210.5-01 to 210.5-04), except as provided in § 210.9-01(b).

* * * * *

(b) [Deleted]

(c) [Redesignated as (b)]

3. Sections 210.9-01 through 210.9-05, are revised to read as follows:

BANK HOLDING COMPANIES AND BANKS

§ 210.9-01 Application of §§ 210.9-01 to 210.9-05.

(a) *Bank holding companies and banks.* This article shall be applicable to consolidated financial statements filed for bank holding companies and financial statements of banks.

(b) Financial statements filed for bank holding companies (unconsolidated) shall be prepared in accordance with §§ 210.5-01—210.5-04 except that:

(1) On the balance sheet, (i) current assets and current liabilities need not be separately classified from other assets and liabilities respectively, and (ii) the amounts presented for securities of, indebtedness of, and indebtedness to affiliates and other persons at §§ 210.5-02- 10, 11, and 31 and on schedules III, IV, and X shall show investments in and indebtedness of and to banks separately from amounts for other persons; and

(2) On the income statement, dividends received from unconsolidated subsidiaries and 50 percent or less owned persons shall be shown as the first item on the statement, and the amount to be reported at § 210.5-03-17 shall be the equity in undistributed earnings of unconsolidated subsidiaries and 50 percent or less owned persons. Dividends and equity in undistributed earnings related to banks shall be shown separately from amounts for other persons.

(c) The requirements of the general rules in §§ 210.1-01—210.1-02, 210.2-01—210.2-05, 210.3-01—210.3-17, and 210.4-01—210.4-08 shall be applicable except where they differ from requirements of § 210.9-01 to 9-05.

§ 210.9-02 Balance sheets.

Except as otherwise permitted by the Commission, the balance sheets filed for persons to whom this article is applicable shall comply with the following provisions (see paragraph (a) of § 210.3-01):

ASSETS AND OTHER DEBITS

1. *Cash and due from depository institutions.* (a) State separately (1) interest bearing deposits in other banks and (2) noninterest bearing deposits and cash.

(b) State in a note the amount and terms of any deposits in other banks held as compensating balances against long- or short-term borrowing arrangements (see § 210.5-02-1).

2. *Investment securities.* (a) State the aggregate book value of investment securities showing parenthetically or otherwise on the balance sheet the aggregate amount on the basis of market quotations or fair value at the balance sheet date.

(b) State in a note book value and value on the basis of market quotations or fair value of securities of (1) the U.S. Treasury and other U.S. Government agencies and corporations; (2) States of the U.S. and political subdivisions; and (3) other securities including bonds, notes, debentures and stock of business corporations, foreign governments and political subdivisions, intergovernmental agencies, and a Federal Reserve bank.

(c) State in a note the basis by which book value is determined. Bond premium shall be amortized and discount shall be accreted.

(d) Include securities pledged, loaned, or sold under repurchase agreements and similar arrangements. Exclude borrowed securities and securities purchased under resale agreements or similar arrangements.

(e) State in a note the name of issuer, aggregate book value, and aggregate amount on the basis of market quotations or fair value of the securities of any issuer for which the aggregate book value exceeds 10 percent of stockholders' equity of the person. For the purpose of this disclosure, the term "issuer" shall have the meaning given in section 2(4) of the Securities Act of 1933, except that debt securities issued by a State of the United States and its political subdivisions and agencies which are payable from and secured by the same source of revenue or taxing authority shall be considered to be securities of a single issuer. Information need not be given as to securities of the U.S. Government and U.S. Government agencies and corporations. Consideration shall be given to disclosure of risk characteristics of the securities of an issuer and of differences in risk characteristics of different issues of securities of an issuer as may be appropriate.

3. *Trading account securities.* State in a note whether securities in dealer trading accounts are valued at (a) cost, (b) lower of cost or market, or (c) market. If market is not used, state parenthetically or otherwise on the balance sheet the aggregate amount on the basis of the market quotations or fair value at the balance sheet date.

4. *Other short-term investments.* (a) State the aggregate value of Federal funds sold and securities purchased under resale agreement or similar arrangements. All securities purchased under transactions of this type shall be included regardless of (1) whether they are called simultaneous purchases and sales, buy-backs, turnarounds, overnight transactions, delayed deliveries, or other terms signifying the same substantive transaction, and (2) whether the transactions are with the same or different institutions if the purpose of the transaction is to resell identical or similar securities.

(b) Federal funds sold and purchases of securities under resale agreements shall be reported gross and not netted against purchases of Federal funds and sales of securities under repurchase agreements.

5. *Loans.* (a) State separately (1) total loans and (2) allowance for loan losses and (3) unearned income.

(b) State on the balance sheet or in a note the amount of loans in each of the following categories:

(1) Commercial, financial, and agricultural.

(2) Real estate—construction.

(3) Real estate—mortgage.

(4) Installment.

(5) Foreign.

(c) (1) Include under the real estate-construction category loans secured by real estate which are made for the purpose of financing construction of real estate and land development projects.

(2) Include under the real estate-mortgage category loans payable in monthly, quarterly, or other periodic installments and secured by developed income property and personal residences.

(3) Include under the installment category loans to individuals generally repayable in monthly installments. This category shall include but not be limited to credit card and related activities, individual automobile loans, other installment loans, mobile home loans, and residential repair and modernization loans.

(4) The amount to be reported for foreign loans shall agree with the total reported at § 210.9-04(c)(1).

(5) Include under the commercial, financial, and agricultural category all loans not included in another category. This category shall include but not be limited to loans to real estate investment trusts, mortgage companies, banks, and other financial institutions; loans for carrying securities; and loans for agricultural purposes. Do not include loans secured primarily by real estate.

(d) State separately any other loan category regardless of relative size if necessary to reflect any unusual risk concentration.

(e) If the amount exceeds 5 percent of stockholders' equity, state in a note the aggregate amount of loans owed by persons related to the reporting person or any of its principal subsidiaries as directors, executive officers,[4] or principal holders of equity securities. The aggregate amount shall include (but not be limited to) loans to the foregoing persons and to (1) any corporation, venture, or organization of which any of the foregoing persons is a general partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which any of the foregoing persons has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person. Amounts to be reported shall include loans from the parent company or any consolidated subsidiary. It shall not be necessary to disclose amounts related to installment loans as defined in subparagraph (c)(3) above made in the ordinary course of business that (i) were made on substantially the same terms, including interest rates and collateral, as those prevailing at the same time for comparable transactions with other persons, and (ii) did not involve more than normal risk of collectability or present other unfavorable features.

(f) Unearned income shall be deducted separately from total loans.

(g) A series of categories other than those specified in (b) above may be used to present details of loans if considered a more appropriate presentation. The provisions of (d), (e), and (f) above shall be complied with.

(h) For each period for which an income statement is filed furnish in a note a statement of changes in the allowance for loan losses showing balances at beginning and end of the period, provision charged to income, recoveries of amounts charged off, and losses charged to the allowance.

6. *Lease financing.* State separately in a note the net investment in (a) direct financing leases and (b) leveraged leases.

7. *Bank premises and equipment.* (a) State the net amount of bank premises, equipment, and leasehold improvements.

(b) State separately in a note each major class used in the ordinary course of business such as land, building, equipment, or leasehold improvements; the accumulated depreciation and amortization; and the basis of determining the amounts. Include premises and equipment under capital leases.

8. *Due from customers on acceptances.* (a) State amounts receivable from customers on drafts and bills of exchange that have been accepted by a consolidated subsidiary bank or by other banks for the account of a consolidated subsidiary and that are outstanding—that is, not held by the subsidiary bank, on the reporting date. (If held by the subsidiary bank, they should be reported as "loans.")

9. *Other assets.* (a) State separately any of the following assets which exceeds 30 percent of stockholders' equity or any other asset which exceeds 30 percent of stockholders' equity. The remaining assets may be shown in one amount.

(1) Excess of cost over assets acquired (net of amortization).

(2) Other intangible assets (net of amortization).

(3) Other real estate.

(4) Investments in and indebtedness of affiliates and other persons.

(b) Include under other real estate all real estate owned other than that used in the ordinary course of business and state the basis or bases at which it is carried. Any reduction in book value resulting from the recognition of fair market value at the time of acquisition of other real estate shall be accounted for as a loan loss. If an allowance for real estate losses subsequent to acquisition is maintained, the amount shall be disclosed, deducted from the other real estate owned and a statement of changes in the allowance showing balances at beginning

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[4] For the purpose of the disclosures in §§ 210.9-02-5(e) and 14(c) and § 210.9-05 schedule I, the term "principal subsidiaries" includes the subsidiary with the greatest amount of deposits of all consolidated bank subsidiaries and any other consolidated subsidiary in which deposits exceed 15 percent of consolidated deposits as reported at § 210.9-02-11; the term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as loans, investment, operations administration or finance) and any other person who performs similar policymaking functions; and the term "relative" means any relationship by blood, marriage, or adoption, not more remote than first cousin.

and end of period, provision charged to income and losses charged to the allowance shall be furnished for each period for which an income statement is filed.

(c) State in a note (1) amounts representing investments in affiliates and investments in other persons which are accounted for by the equity method and (2) indebtedness of affiliates and indebtedness of other persons the investments in which are accounted for by the equity method. State the basis of determining the amounts reported under (1). (See § 210.5-02-10 and 11).

10. *Total assets and other debits.*

LIABILITIES AND STOCKHOLDERS' EQUITY

LIABILITIES

11. *Deposits.* (a) State separately the following deposit categories:

(1) Demand deposits in domestic bank offices.

(2) Savings deposits in domestic bank offices.

(3) Time deposits in domestic bank offices.

(4) Deposits in foreign banking offices.

(b) Include under demand deposits—domestic all domestic deposits other than savings and time deposits.

(c) Include under the savings deposits—domestic category interest bearing deposits without specified maturity or contractual provisions requiring advance notice of intention to withdraw funds. Include deposits for which a bank, optionally, may require written notice of intended withdrawal not less than 30 days in advance.

(d) Include under the time deposits—domestic category deposits subject to provisions specifying maturity or other withdrawal conditions such as time certificates of deposits, open account time deposits and deposits accumulated for the payment of personal loans.

(e) State separately in a note the aggregate of time certificates of deposit in denominations of $100,000 or more.

(f) Subcaptions (a)(2) and (a)(3) above may be combined if either one is less than 10 percent of total deposits.

12. *Short-term borrowings.* (a) State separately here or in a note amounts payable for (1) Federal funds purchased and securities sold under agreements to repurchase; (2) commercial paper; and (3) other short-term borrowings.

(b) Federal funds purchased and sales of securities under repurchase agreements shall be reported gross and not netted against sales of Federal funds and purchases of securities under resale agreements.

(c) Include as securities sold under agreements to repurchase all transactions of this type regardless of (1) whether they are called simultaneous purchases and sales, buy-backs, turnarounds, overnight transactions, delayed deliveries, or other terms signifying the same substantive transaction, and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to repurchase identical or similar securities.

(d) The weighted average interest rate and general terms (as well as formal provisions for the extension of the maturity) of each category of short-term borrowings shall be disclosed along with the maximum amount of borrowings in each category outstanding at any month-end during each period for which an end-of-period balance sheet is required. In addition, the approximate average short-term borrowings outstanding during the period and the approximate weighted average interest rate (and a brief description of the means used to compute such averages) for such aggregate short-term borrowings shall be disclosed in the notes to the financial statements.

This information is not required to be given for any category of short-term borrowings for which the approximate average balance outstanding during the period was less than 30 percent of stockholders' equity.

(e) The amount and terms (including commitment fees and the conditions under which lines may be withdrawn) of unused lines of credit for short-term financing shall be disclosed, if significant, in the notes to the financial statements. The amount of these lines of credit which support a commercial paper borrowing arrangement or similar arrangements shall be separately identified.

13. *Bank acceptances outstanding.* State the aggregate of unmatured drafts and bills of exchange accepted by a subsidiary bank, or by some other bank as its agent, less the amount of such acceptances acquired by the subsidiary bank through discount or purchase and held on the reporting date.

14. *Accounts payable and accrued liabilities.* (a) State separately any of the following liabilities which exceeds 30 percent of stockholders' equity or any other liability which exceeds 30 percent of stockholders' equity. The remaining accounts payable and accrued liabilities may be shown in one amount (see note disclosure called for in subparagraph (c) below:)

(1) Income taxes payable.

(2) Deferred income taxes.

(3) Indebtedness to affiliates and other persons (see § 210.5-02-31).

(4) Indebtedness to directors, executive officers, and principal holders (other than affiliates) of equity securities.

(b) State in a note indebtedness to affiliates and indebtedness to other persons the investments in which are accounted for by the equity method. (See § 210.5-02-31.)

(c) If the amount exceeds 5 percent of stockholders' equity, state in a note the aggregate amount owed to persons related to the reporting person or any of its principal subsidiaries as directors, executive officers, or principal holders of equity securities. The aggregate amount shall include (but not be limited to) amounts owed to the foregoing persons and to (1) any corporation, venture or organization of which any of the foregoing persons is a general partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which any of the foregoing persons has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity and (3) any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person. Amounts to be reported shall include amounts owed by the parent company or any consolidated subsidiary.

15. *Bonds, mortgages and similar debt.* (a) Include bonds, capital notes, debentures, mortgages and similar debt.

(b) State in a note the information required under § 210.5-02-29 (see also § 210.5-02-30).

(c) State in notes with appropriate explanations (1) the title and amount of each issue of debt of a subsidiary included in (a) above which has not been assumed or guaranteed by the registrant; and (2) any liens on bank premises of a subsidiary bank or its consolidated subsidiaries which have not been assumed by the bank subsidiary or its consolidated subsidiaries.

16. *Total liabilities.*

17. *Commitments and contingent liabilities.* (a) See § 210.3-16(i).

(b) State in a note the amount of outstanding standby letters of credit. For the purpose of this disclosure "standby letters of credit" shall include every letter of credit (or similar arrangement however named or designated) which represents an obligation to the beneficiary on the part of an issuing consolidated subsidiary bank (1) to repay money borrowed by or advanced to or for the account of the account party; (2) to make payment on account of any evidence of indebtedness undertaken by the account party; or (3) to make payment on account of any default by the account party in the performance of an obligation. Do not include standby letters of credit for which the issuing bank has either been paid an amount equal to its liability under the standby letter of credit, or has set aside sufficient funds in a segregated deposit account to cover its maximum liability.

18. *Minority interest in consolidated subsidiaries.*

STOCKHOLDERS' EQUITY

19. *Capital shares.* The classification and disclosure required by § 210.5-02-38 shall be given.

20. *Other stockholders' equity.* The classification and disclosure required by § 210.5-02-39 shall be given (see subsection 210.3-16(h)).

21. *Total stockholders' equity.*

22. *Total liabilities and stockholders' equity.*

§ 210.9-03. Income statements.

Except as otherwise permitted by the Commission, the income statements filed for persons to whom this article is applicable shall comply with the provisions of this rule (see paragraph (a) of § 210.3-01).

INTEREST INCOME

1. *Interest and fees and loans.*

(a) Include interest and service charges and fees which are related to or are an adjustment of the loan interest rate. Include interest on notes, bills and drafts that have been rediscounted with Federal Reserve or other banks or pledged as collateral to secure bills payable or for any other purpose and profits or losses resulting from the sale of acceptances and commercial paper at discount rates other than those at which such paper was purchased.

(b) Current amortization of premiums on mortgages or other loans shall be deducted from interest on loans and current accretion of discount on such items shall be added to interest on loans.

2. *Interest (and dividends if material) on investment securities.* (a) State separately (1) taxable interest income, (2) interest income exempt from Federal income taxes, and (3) dividends (if material).

(b) Include accretion of discount on securities and deduct amortization of premiums on securities.

3. *Trading account interest.* Include interest from securities carried in a dealer trading account or accounts that are held principally for resale to customers.

4. *Other interest income.* Include interest on short-term investments (Federal funds sold and securities purchased under agree-

ments to resell) and interest on bank deposits.

5. *Lease financing.*

6. *Total interest income.*

INTEREST EXPENSE

7. *Interest on deposits.* Include interest on all deposits. State separately on the income statement or in a note interest on deposits detailed in the same categories as those specified for deposits at § 210.9-02-11 (a) and (e).

8. *Interest on short term borrowings.* Include interest on borrowed funds including Federal funds purchased, securities sold under agreements to repurchase, commercial paper and other short-term borrowings.

9. *Interest on long-term debt.* Include interest on bonds, capital notes, debentures, mortgages on bank premises, capitalized leases and similar debt.

10. *Total interest expense.*

11. *Net interest income.*

12. *Provision for loan losses.*

13. *Net interest income after provision for loan losses.*

14. *Other income.* State separately any of the following items of income which exceeds 1 percent of revenue or any other item of income which exceeds 1 percent of revenue.[5] The remaining other income may be shown in one amount.

(a) Commissions and fees from fiduciary activities.

(b) Fees for other services to customers.

(c) Commissions, fees and markups on securities underwriting and other securities activities.

(d) Profit or loss on transactions in securities in dealer trading account.

(e) Equity in earnings of unconsolidated subsidiaries and 50 percent or less owned persons.

(f) Gains or losses on disposition of investments in securities of subsidiaries and 50 percent or less owned persons.

15. *Other expenses.* (a) State separately any of the following expenses which exceeds 1 percent of revenue or any other expense which exceeds 1 percent of revenue. The remaining expenses may be shown in one amount.

(1) Salaries and employee benefits.

(2) Net occupancy expense of premises.

(3) Net cost of operation of other real estate.

(4) Minority interest in income of consolidated subsidiaries.

(b) Report in one amount the net expense of occupancy of premises used in the ordinary course of business reduced by income from premises leased to others.

(c) Report in one amount the net expense of operation of other real estate reduced by rental or other related income. Include provisions for real estate losses resulting from revaluations, of assets subsequent to acquisition, if any, and gains or losses on disposition of assets.

16. *Income or loss before income tax expense, securities gains or losses (and appropriate items below).*

17. *Income tax expense.* (See § 210.3-16(o).)

18. *Income before securities gains or losses.*

19. *Investment securities gains or losses, less applicable tax.*

State in a note the method followed in determining the cost of investments sold, e.g., "average cost," "first-in, first-out," or "identified certificate." Related income taxes shall be shown parenthetically. Gains or losses on the person's own equity securities shall not be included under this caption.

20. *Income or loss before extraordinary items.*

21. *Extraordinary items, less applicable tax.* State separately (a) extrordinary items of the person and (b) equity in extraordinary items of (1) unconsolidated subsidiaries and (2) 50 percent or less owned persons for which the equity in earnings was reported under caption 14. Indicate the nature of any material items and disclose parenthetically or otherwise the tax applicable to each.

22. *Cumulative effects of changes in accounting principles.* State separately (a) changes of the person and (b) equity in changes of (1) unconsolidated subsidiaries and (2) 50 percent or less owned persons for which the equity in earnings was reported under caption 14. Indicate the nature of any material items and disclose parenthetically or otherwise the tax applicable to each.

23. *Net income or loss.* (See § 210.9-02-20.)

24. *Earnings per share date.* Refer to the pertinent requirements in the appropriate filing form.

§ 210.9-04. Foreign activities.

(a) *General requirement.* (1) Separate disclosure concerning foreign activities (banking, bank related and nonbanking) as specified in paragaraphs (c), (d), (e), (f), (g), and (h) below shall be made if (i) assets, or (ii) revenue, or (iii) income (loss) before income tax expense, or (iv) net income (loss), each as associated with foreign activities, exceeded 10 percent of the corresponding amount in the related financial statements.

(2) If disclosure is required to be made under (1) above there shall be presented separately in a note for each significant geographic areas and in the aggregate for all other geographic area not deemed significant (i) total identifiable assets (net of valuation allowances), (ii) total revenue, (iii) income (loss) before income tax and (iv) net income (loss).

(b) *Definitions.* As used in this article the following terms shall have the meanings indicated:

(1) *Foreign activities.* The term "foreign activities" includes loans and other revenue producing assets and transactions in which the debtor or customer, whether an affiliated or unaffiliated person, is domiciled outside the United States.

(2) *Revenue.* The term "revenue" includes the total of amounts reported at §§ 210.9-03-6 and 14.

(3) *Significant geographic area.* A "significant geographic area" is one whose assets, revenue or income or net income exceed 10 percent of the comparable amount as reported in the related financial statements.

(c) *Loans.* State separately each of the following categories of loans which exceeds 10 percent of total loans related to foreign activities (1) governments and official institutions, (2) banks and other financial institutions, (3) commercial and industrial, and (4) all other loans.

(d) *Allowance for loan losses.* For each period for which an income statement is filed, furnish in a note a statement of changes in the allowance for loan losses applicable to loans related to foreign activities showing balances at beginning and end of the period, provision charged to income, recoveries of amounts charged off and losses charged to the allowance.

(e) *Balances and deposits in banks located outside the United States.* Show separately (1) interest bearing deposits and balances, and (2) all other balances.

(f) *Deposit liabilities.* State separately deposits of (1) banks in foreign countries (including balances of foreign branches of other United States banks), (2) deposits of foreign governments and official institutions, (3) other foreign demand deposits, and (4) other foreign time and savings deposits.

(g) *Other borrowings.* State separately (1) short-term borrowings and (2) bonds, mortgages and similar debt related to foreign activities corresponding to the amounts reported on the balance sheet at §§ 210.9-02-12 and 15.

(h) *Revenue and income or loss.* For each period for which an income statement is filed state the amount of revenue, expenses, and income (loss) before taxes and net income (loss) associated with foreign activities. Information may be presented in the form of the income statement in § 210.9-03. State in a note the method of pricing money transfers in adjusting for funds generated or used and the nature of significant estimates and assumptions made in allocating revenue and expenses to foreign activities.

§ 210.9-05. What schedules are to be filed.

(a) Except as expressly provided otherwise in the applicable form—

(1) The schedules specified below in this section as schedules III, IV, V, and VI shall be filed as of the dates of the most recent audited balance sheet and any subsequent unaudited balance sheeet being filed for each person or group, provided that any such schedule (other than schedule V) may be omitted if both of the following conditions exist:

(i) The financial statements are being filed as part of an annual or other periodic report; and (ii) the information that would be shown in the respective columns of such schedule would reflect no changes in any issue of securities of the registrant or any significant subsidiary in excess of 5 percent of the outstanding securities of such issue as shown in the most recently filed annual report containing the schedule.

(2) Schedule V, capital shares, may also be omitted if the above two conditions exist and any information required by column G of the schedule is shown in the related balance sheet or in a note thereto.

(3) The other schedules specified below in the rule as schedules I and II shall be filed for each period for which an income statement is required to be filed for each person or group.

(b) If the information required by any schedule (including the notes thereto) may be shown in the related financial statement or in a note thereto without making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

(c) The schedules shall be examined by the independent accountant if the related financial statements are so examined.

(d) The schedules prescribed by §§ 210.12-04, 05 and 11 shall be filed in support of subcaptions 9(c) and 14(b) of each balance sheet and shall be designated schedules VII, VIII and IX, respectively. These schedules shall be filed for each period for which an income statement is required to be filed. These schedules may be omitted if (1) nei-

[5] For the purpose of the tests of materiality under §§ 210.9-03-14 and 15, the term "revenue" includes the total of amounts reported at §§ 210.9-03-6 and 14.

ther the amount required to be reported in a note under subcaption 9(c) in the related balance sheet nor the amount required to be reported in a note under subcaption 14(b) in such balance sheet exceeds 5 percent of stockholders' equity as shown by the related balance sheet at either the beginning or end of the period, or (2) there have been no material changes in the information required to be filed from that last previously reported.

Schedule I. Amounts receivable from certain persons. The schedule prescribed by § 210.12-03 shall be filed with respect to indebtedness of more than $500,000 or 2½ percent of stockholders' equity, whichever is less, which is owed or, at any time during the period for which related income statements are required to be filed, was owed by each person (including those referred to below) related to the reporting person or any of its principal subsidiaries as director, executive officer,[6] or principal holder of equity securities. Indebtedness to be reported for a director, officer or principal holder of equity securities shall include the aggregate of indebtedness owed by such person and indebtedness owed by any of the following which are related to such person: (1) any corporation, venture or organization of which any of the foregoing persons is a general partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which any of the foregoing persons has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity and (3) any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person. Indebtedness to be reported shall include amounts owed to the parent company or any consolidated subsidiary. It shall not be necessary to disclose amounts related to installment loans as defined in § 210.9-05-5(c)(3) made in the ordinary course of business that (i) were made on substantially the same terms, including interest rates and collateral, as those prevailing at the same time for comparable transactions with other persons, and (ii) did not involve more than normal risk of collectability or present other unfavorable features.

Schedule II. Valuation and qualifying accounts and reserves. The schedule prescribed by § 210.12-13 shall be filed in support of valuation and qualifying accounts and reserves included in each balance sheet excluding the allowances for loan losses and real estate losses.

Schedule III. Bonds, mortgages, and similar debit. The schedule prescribed by § 210.12-10 shall be filed in support of caption 15 of a balance sheet.

Schedule IV. Guarantees of securities of other issuers. The schedule prescribed by § 210.12-12 shall be filed in support of caption 15 of a balance sheet.

Schedule V. Capital shares. The schedule prescribed by § 210.12-14 shall be filed in support of caption 19 of a balance sheet.

Schedule VI. Other securities. If there are any classes of securities not included in schedules III, IV, and V, set forth in this schedule information concerning such securities corresponding to that required for the securities included in such schedules. Information need not be set forth, however, as to notes, drafts, bills of exchange, or bankers' acceptances having a maturity at the time of issuance of not exceeding one year

§ 210.12-01 [Amended]

4. In § 210.12-01 the last listed section number "§ 210.9-04" is changed to "§ 210.9-05."

§ 210.12-02 [Amended]

5. Footnote 2(b) to the table in § 210.12-02 is deleted, and footnote 2(a) is redesignated as footnote 2.

§ 210.12.02 Marketable securities—Other security investments.

* * * * *

2(b) [Deleted]

These amendments are adopted pursuant to authority in sections 6, 7, 8, 10, and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78l, 78m, 78o(d), 78w] of the Securities Exchange Act of 1934; sections 5(b), 14, and 20(a) [15 U.S.C. 79e, 79n, 79t] of the Public Utility Holding Company Act of 1935; and sections 8, 30, 31(c) and 38(a) [15 U.S.C. 80a-8, 80a-30(c), 80a-37(a)] of the Investment Company Act of 1940. Pursuant to section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these amendments on competition and is not aware of any burden that they would impose.

By the Commission.

Dated: September 7, 1978.

GEORGE A FITZSIMMONS,
Secretary.

[FR Doc. 78-25887 Filed 9-13-78; 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-4479]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

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 National Flood Insurance Program (NFIP), administered by the Federal Insurance Administration, enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (24 CFR Part 1909 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administration has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since publication of a flood insurance map. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that

[6] See footnote 1 for definitions of "principal subsidiaries", "executive officer" and "relative."

notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of suspended communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Hazard area identified	Date [1]
Alabama	Cullman	Hanceville, town of	010059-B	Mar. 12, 1974, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Apr. 12, 1974 Dec. 19, 1975	Sept. 15, 1978.
California	Sacramento	Sacramento, city of	060266-B	Mar. 17, 1972, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Jan. 10, 1975 Dec. 27, 1977	Do.
Colorado	Adams	Northgleen, city of	080257-A	Jan. 22, 1975, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Aug. 22, 1975	Do.
Florida	Orange	Belle Isle, city of	120181-B	July 3, 1975, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	July 19, 1974 Jan. 30, 1976	Do.
Do	Palm Beach	Lake Park, town of	120212-B	Aug. 20, 1973, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Nov. 23, 1973 Jan. 30, 1976	Do.
Georgia	Clarke	Athens, city of	130040-B	Dec. 5, 1973, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Apr. 12, 1974 Feb. 13, 1976	Do.
Do	Fulton	College Park, city of	130086-B	Oct. 22, 1971, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	May 31, 1974 Sept. 12, 1975	Do.
Do	Floyd	Rome, city of	130081-B	Dec. 19, 1973, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	May 17, 1974 Jan. 30, 1976	Do.
Idaho	Bannock	Inkom, city of	160010-B	July 16, 1975, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Sept. 13, 1974 Dec. 19, 1975	Do.
Illinois	Cook	Franklin Park, village of	170094-B	Apr. 11, 1973, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Nov. 2, 1973 Mar. 19, 1976	Do.
Do	....do	Schiller Park, village of	170159-B	May 4, 1973, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Nov. 9, 1973 Apr. 9, 1976	Do.
Do	....do	Wheeling, village of	170173-B	Dec. 15, 1972, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Aug. 27, 1976 Dec. 24, 1976	Do.
Kansas	Allen	Iola, city of	200003-B	Apr. 1, 1975, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Dec. 17, 1973 Mar. 7, 1975	Do.
Do	Harvey	Halstead, city of	200131-B	Apr. 3, 1975, emergency, Sept. 1, 1978, regular, Sept. 15, 1978, suspended.	June 7, 1974 Jan. 23, 1976	Do.
Louisiana	St. Mary	Franklin, city of	220195-B	Apr. 23, 1973, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Mar. 22, 1974 Aug. 6, 1976	Do.
Maine	Piscataquis	Abbot, town of	230406-A	Apr. 21, 1976, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Feb. 14, 1975	Do.
Massachusetts	Middlesex	Boxborough, town of	250184-B	Apr. 11, 1975, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Sept. 20, 1974 Dec. 17, 1976	Do.
Do	Hampden	East Longmeadow, town of	250138-B	Mar. 3, 1975, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	June 14, 1974 Aug. 20, 1976	Do.
Michigan	Wayne	Southgate, city of	260242-B	May 14, 1973, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Apr. 12, 1974 Apr. 18, 1975	Do.
Minnesota	Anoka	Circle Pines, city of	270009-A	Apr. 15, 1974, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	July 30, 1976	Do.
Do	Ramsey	North St. Paul, city of	270382-B	May 9, 1974, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Mar. 29, 1974 Oct. 8, 1976	Do.
Missouri	Jackson	Blue Springs, city of	290169-B	Oct. 18, 1974, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	June 28, 1974 May 21, 1976	Do.
Do	....do	Raytown, city of	290176-B	Feb. 27, 1975, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Dec. 21, 1973 Sept. 17, 1976	Do.
Do	St. Charles	Unincorporated areas	290315-A	Aug. 6, 1971, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Sept. 15, 1978	Do.
Do	St. Louis	....do	290327-A	Sept. 3, 1971, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	....do	Do.
North Carolina	Rowan	Granite Quarry, town of	370212-B	May 1, 1975, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Mar. 8, 1974 Apr. 2, 1976	Do.
North Dakota	Ward	Burlington, city of	380141-A	Jan. 30, 1975, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Apr. 16, 1976	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Hazard area identified	Date [1]
New Jersey	Burlington	Moorestown, township of	340105-A	Feb. 11, 1972, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Mar. 16, 1973	Do.
Do	Essex	West Orange, town of	340197-A	Nov. 12, 1971, emergency, May 2, 1977, regular, Sept. 15, 1978, suspended.	June 21, 1974	Do.
New York	Rockland	Spring Valley, village of	365344-B	Oct. 29, 1971, emergency, Aug. 31, 1973, regular, Sept. 15, 1978, suspended.	Aug. 31, 1973	Do.
Do	Monroe	Wheatland, town of	360438-B	Mar. 30, 1973, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Feb. 22, 1974 Oct. 15, 1976	Do.
Oregon	Clatsop	Cannon Beach, city of	410029-B	Mar. 6, 1974, emergency, Sept. 1, 1978, regular, Sept. 15, 1978, suspended.	June 21, 1974 Nov. 28, 1975	Do.
Pennsylvania	Carbon	Palmerton, borough of	420253-A	Mar. 29, 1974, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Sept. 15, 1978	Do.
Rhode Island	Kent	Conventry, town of	440004-A	Nov. 21, 1973, emergency, Sept. 1, 1978, regular, Sept. 15, 1978, suspended.	Sept. 1, 1978	Do.
Vermont	Lamoille	Morristown, town of	500064-B	Aug. 20, 1974, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	May 31, 1974 Apr. 22, 1977	Do.
Virginia	Rockingham	Grottoes, town of	510138-B	June 17, 1975, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	June 28, 1974 Apr. 30, 1976	Do.
Do	Giles	Narrows, town of	510068-B	Dec. 6, 1973, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Feb. 1, 1974 Feb. 27, 1976	Do.
Do	Powhatan	Uncorporated areas	510117-A	Feb. 5, 1975, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Sept. 13, 1974	Do.
Wisconsin	Lafayette	....do	550223-A	Mar. 10, 1972, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Dec. 27, 1974	Do.
Do	Manitowac	....do	550236-A	July 18, 1973, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Feb. 7, 1975	Do.
Do	Waukesha	Menomonee Falls, village of	550483-B	Nov. 12, 1973, emergency, Sept. 15, 1978, regular, Sept. 15, 1978, suspended.	Sept. 13, 1974 Aug. 27, 1976	Do.
Do	Kenosha	Silver Lake, village of	550210-B	Mar. 20, 1974, emergency, Sept. 1, 1978, regular, Sept. 15, 1978, suspended.	Dec. 28, 1973 July 30, 1976	Do.

[1] Data certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 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 29, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24791 Filed 9-13-78; 8:45 am]

[4210-01]

[Docket No. FI-4480]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

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 National Flood Insurance Program (NFIP), administered by the Federal Insurance Administration, enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administration has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood

Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Hazard area identified	Date [1]
Alabama	Pickens	Carrollton, town of	010181-B	Aug. 15, 1978, suspension withdrawn.	Aug. 23, 1974	Aug. 15, 1978.
Do	Autauga	Prattville, city of	010002-B	do	May 3, 1974	Do.
					Jan. 2, 1976	
Connecticut	Fairfield	Fairfield, town of	090007-B	do	Aug. 2, 1974	Do.
Delaware	Sussex	Henlopen Acres, town of	100053-B	do	Sept. 6, 1974	Do.
					Jan. 2, 1976	
Florida	Orange	Unincorporated areas	120179-A	do	Jan. 30, 1976	Do.
					Apr. 15, 1977	
Do	Volusia	Ormon Beach, city of	125136-A	do	Sept. 7, 1973	Do.
Do	St. Johns	St. Augustine, city of	125145-B	do	Oct. 11, 1972	Do.
Do	Martin	Stuart, city of	120165-C	do	May 24, 1974	Do.
					Feb. 13, 1976	
Indiana	Noble	Unincorporated areas	180183-A	do	Aug. 15, 1978	Do.
Do	St. Joseph	do	180224-A	do	Dec. 27, 1974	Do.
Do	Washington	Salem, city of	180279-B	do	Nov. 23, 1973	Do.
					May 28, 1976	
Kansas	Wilson	Neodesha, city of	200359-B	do	Jan. 9, 1974	Do.
					Aug. 29, 1975	
Kentucky	Harlan	Unincorporated areas	210098-A	do	Nov. 29, 1974	Do.
Do	Jefferson	Shively, city of	210124-B	do	May 17, 1974	Do.
					Aug. 27, 1976	
Massachusetts	Bristol	Berkley, town of	250050-B	do	July 26, 1974	Do.
					Oct. 1, 1976	
Minnesota	Goodhue	Unincorporated areas	270140-A	do	Aug. 15, 1978	Do.
North Carlina	Mecklenburg	Charlotte, city of	370159-A	do	June 28, 1974	Do.
New Hampshire	Hillsborough	Hudson, town of	330092-B	do	Mar. 8, 1974	Do.
					Oct. 1, 1976	
New Jersey	Camden	Cherry Hills, township of	340129-A	do	Feb. 21, 1975	Do.
Do	Monmouth	Marlboro, township of	340310-A	do	Dec. 28, 1973	Do.
Do	Somerset	North Plainfield, city of	345307-A	do	Aug. 20, 1971	Do.
Do	Union	Roselle, borough of	340472-A	do	Apr. 22, 1977	Do.
New York	Livingston	Avon, town of	360380-C	do	May 24, 1974	Do.
					June 4, 1976	
Do	Jefferson	Ellisburg, town of	360334-B	do	Apr. 5, 1974	Do.
					Feb. 6, 1976	
Do	Monroe	Parma, town of	360425-B	do	Nov. 9, 1973	Do.
					Apr. 16, 1976	
Do	do	Spencerport, village of	360433-B	do	Feb. 1, 1974	Do.
					June 18, 1976	
Ohio	Fayette	Washington, city of	390166-B	do	Nov. 23, 1974	Do.
Pennsylvania	Allegheny	Baldwin, borough of	420007-A	do	Dec. 17, 1976	Do.
Do	Bucks	Durham, township of	420186-B	do	Apr. 13, 1973	Do.
					May 21, 1976	
Do	Mifflin	Granville, township of	421134-B	do	Aug. 30, 1974	Do.
					Sept. 26, 1975	
Do	Montgomery	Hatfield, borough of	420698-A	do	July 30, 1976	Do.
Do	Mifflin	Lewistown, borough of	420687-B	do	July 20, 1973	Do.
					Oct. 10, 1975	
Do	Lawrence	New Castle, city of	420568-C	do	June 21, 1974	Do.
					Dec. 26, 1975	
Do	Chester	North Coventry, township of.	420283-A	do	Nov. 30, 1973	Do.
Do	Bucks	Wrightstown, township of	421045-B	do	May 31, 1974	Do.
					July 30, 1976	
South Carolina	Horry	Surfside Beach, town of	450111-B	do	June 14, 1974	Do.
					June 25, 1976	
Tennessee	Loudon	Unincorporated areas	470107-A	do	Aug. 15, 1978	Do.
Virginia	Mecklenburg	do	510189-A	do	Feb. 7, 1975	Do.
Do	Prince William	Quantico, town of	510232-B	do	Nov. 1, 1974	Do.
					May 21, 1976	
West Virginia	Mason	Leon, town of	540113-B	do	Sept. 6, 1974	Do.
					July 16, 1976	
Wisconsin	Fond du Lac	Fond du Lac, city of	550136-A	do	Feb. 8, 1970	Do.
Wyoming	Natrona	Unincorporated areas	560036-A	do	Aug. 15, 1978	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Arkansas	Lawrence	Powhatan, city of	Aug. 17, 1978, emergency		050572-new
New Hampshire	Strafford	Rollinsford, town of	Aug. 18, 1978, emergency	Jan. 3, 1975 and Feb. 28, 1978.	330190-A
North Dakota	Mountrail	Parshall, city of	do	Nov. 29, 1974	380073
Pennsylvania	Juniata	Beale, township of	do	Dec. 6, 1974	421738
Texas	Walker	Unincorporated areas	do	July 19, 1977	481042-A
Indiana	Huntington	do	Aug. 21, 1978, emergency	Mar. 3, 1978	180438
Connecticut	New London	Ledyard, town of	Aug. 22, 1978, emergency	May 27, 1977	090157-A

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 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 29, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-24790 Filed 9-13-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 78-061]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Wading River, N.J.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Burlington County Board of Chosen Freeholders, the Coast Guard is changing the regulations governing the County Road 542 drawbridge across the Wading River, mile 5.0, New Jersey. This change is being made because of a decrease in requests for opening the draw. This action will relieve the bridge owner of the burden of having a person constantly available to open the draw.

EFFECTIVE DATE: This amendment is effective on October 16, 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 May 25, 1978, the Coast Guard published a proposed rule (43 FR 22411) concerning this amendment. The Commander, 3d Coast Guard District also published these proposals as a public notice dated June 15, 1978. Interested persons were given until June 27, 1978, and July 17, 1978, respectively, 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

One comment which had no objection to the proposal was received.

In consideration of the foregoing, part 117 of title 33 of the Code of Federal Regulations is amended by adding a new subparagraph (9) to § 117.225(f) to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(9) Wading River, Burlington County Road 542, N.J. the draw shall open on signal if at least 24 hours' notice is given.

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

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

Dated: September 5, 1978.

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

[FR Doc. 78-25898 Filed 9-13-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 966-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, takes no action on changes to the Ventura County Air Pollution Control District (APCD) portion of the California State implementation plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: October 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105, Attn: Wayne A. Blackard, 415-556-7882.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8809) EPA published a notice of proposed rulemaking for revisions to the Ventura County APCD's rules and regulations submitted on October 13, 1977, by the California Air Resources Board for inclusion in the California SIP.

The change contained in the above submittal that is acted upon by this notice is a new rule concerning continuous emissions monitoring.

The notice of proposed rulemaking for this submittal was published on March 3, 1978 (43 FR 8809). No comments were received during the comment period.

Under section 110 of the Clean Air Act, as amended, and 40 CFR part 51, the Administrator is required to approve or disapprove regulations submitted as SIP revisions. It is the purpose of this notice to approve rule 105 and incorporate it into the California SIP and take no action on rule 71 as discussed below.

Rule 105, Continuous Emissions Monitoring, submitted on October 13, 1977, is a new rule adopted to implement the continuous monitoring program in accordance with the requirements of 40 CFR 51.19(e). This rule is approved for Ventura County APCD. However, it should be noted that the rule does not satisfy all the requirements specified under § 51.19(e) and the plan is disapproved in part under 40 CFR 52.234.

No action is being taken on Rule 71, Transfer of Gasoline Into Vehicle Fuel Tanks, since it has been superseded by the June 22, 1978, submittal and the corresponding rule will be acted on in a separate FEDERAL REGISTER notice.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110, 301(a), Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)).)

Dated: September 8, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220 is amended by adding paragraph (c)(41)(iv) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *
(41) * * *
(iv) Ventura County APCD.
(A) New rule 105.

* * * * *

2. Section 52.234 is amended by adding paragraph (e)(6) as follows:

§ 52.234 Source surveillance.

* * * * *

(e) * * *
(6) Metropolitan Los Angeles Intrastate AQCR:
(i) Ventura County APCD.

* * * * *

[FR Doc. 78-25858 Filed 9-13-78; 8:45 am]

[6560-01]

[FRL 966-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Merced County Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove changes to the Merced County Air Pollution Control District (APCD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: October 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105, Attention: Wayne A. Blackard, 415-556-7882.

SUPPLEMENTARY INFORMATION: On April 7, 1978, EPA published a notice of proposed rulemaking for revisions to the Merced County APCD's rules and regulations submitted on November 4, 1977, by the California Air Resources Board for inclusion in the California SIP.

The State also submitted regulations concerning new source performance standards and national emission standards for hazardous air pollutants; however, no action is being taken at this time as these rules will be acted upon in separate FEDERAL REGISTER notices.

The changes contained in the above submittal that are acted upon by this notice include the following:

(a) A wording change made to the rule concerning the transfer of gasoline into stationary storage containers,

(b) Amendments to the rule concerning transfer of gasoline into vehicle fuel tanks.

The notice of proposed rulemaking for this submittal was published on April 7, 1978 (43 FR 14692). No comments were received during the comment period.

Under section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove regulations submitted as SIP revisions. It is the purpose of this notice to approve and disapprove the following rules.

The revision to rule 411(b) is approved and incorporated into the California SIP.

Rule 411.1, Gasoline Transfer Into Vehicle Fuel Tanks, is disapproved because it relaxes the control of emissions and no analysis has been submitted to demonstate that this relaxation will not interfere with the attainment and maintenance of the national ambient air quality standards. Rule 411.1, Gasoline Transfer Into Vehicle Fuel Tanks, previously approved in the August 2, 1976, submittal is retained.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110, 301(a) of the Clean Air Act as amended (42 U.S.C. §§ 7410 and 7601(a)).)

Dated: September 8, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of part 52 of chapter I, title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220 is amended by adding paragraph (c)(42)(v) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *
(42) * * *
(v) Merced County APCD.
(A) Amended rules 411(b) and 411.1.

* * * * *

2. Section 52.269 is amended by adding paragraph (b)(1)(iv) as follows:

§ 52.269 Control strategy: photochemical oxidants (hydrocarbons) and carbon monoxide.

* * * * *

(b) * * *
(1) * * *
(iv) Merced County APCD.
(A) Rule 411.1, submitted on November 4, 1977, is disapproved. Rule 411.1, submitted on August 2, 1976, remains in effect.

* * * * *

[FR Doc. 78-25859 Filed 9-13-78; 8:45 am]

[6560-01]

[FRL 966-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Kern County Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve the changes to the Kern County Air Pollution Control District (APCD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: October 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105, Attention: Wayne A. Blackard, 415-556-7882.

SUPPLEMENTARY INFORMATION: On April 7, 1978, EPA published a notice of proposed rulemaking for revisions to the Kern County APCD's rules and regulations submitted on October 13, 1977, and November 4, 1977, November 10, 1976, by the California Air Resources Board for inclusion in the California SIP.

The changes contained in the above submittals that are being acted upon by this notice include the following:

(a) Section number change in reference to the health and safety code,

(b) Establishment of sources and pollutants to be monitored and requirements for submission data,

(c) Amendments to the rules concerning transfer of gasoline into vehicle fuel tanks.

The notice of proposed rulemaking for this submittal was published on April 7, 1978 (43 FR 14692). No comments were received during the public comment period.

Under section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapproved regulations submitted as SIP revisions.

It is the purpose of this notice to approve all of the revisions and to incorporate the rules into the California SIP. These rules have met all the EPA requirements.

Rule 108, Stack Monitoring, is approved since it partially satisfies the requirements of 40 CFR 51.19(e). However, since the rule does not satisfy all the requirements, the plan is disapproved in part under 40 CFR 52.234.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Sec. 110, 301(a), Clean Air Act as amended (42 U.S.C. §§ 7410 and 7601(a)).)

Dated: September 8, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of part 52 of chapter I, title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(35)(xiii)(B), (c)(41)(v), and (c)(42)(vi) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *
(35) * * *
(xiii) * * *
(B) Rule 504.

* * * * *

(41) * * *
(v) Kern County APCD.
(A) Rule 108.

* * * * *

(42) * * *
(vi) Kern County APCD.
(A) Rule 412.1

* * * * *

2. Section 52.234 is amended by adding paragraph (e)(2)(iv) as follows:

§ 52.234 Source surveillance.

* * * * *

(e) * * *
(2) * * *
(iv) Kern County APCD.

* * * * *

[FR DOC. 78-25860 Filed 9-13-78; 8:45 am]

[6560-01]

[FRL 966-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Sierra County Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on revisions to the Sierra County Air Pollution Control District (APCD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations, and to correct certain deficiencies in the SIP.

DATES: Final rulemaking actions taken in this notice will be effective on October 16, 1978. Comments on rule 213 may be submitted up to November 13, 1978. See supplementary information section for details.

ADDRESS: Comments on rule 213 should be addressed to: Regional Administrator, Attn.: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105, Attn.: Wayne A. Blackard, telephone: 415-556-7882.

SUPPLEMENTARY INFORMATION: On September 16, 1977 and December 9, 1977, EPA published a notice of pro-

posed rulemaking (42 FR 46555) and a further notice of proposed rulemaking (42 FR 62163) for revisions to the rules of the Sierra County APCD submitted to EPA by the California Air Resources Board (ARB) on June 6, 1977 for inclusion in the California SIP.

The changes contained in the June 6, 1977 submittal that are acted on in this notice include the following:

(a) Some definitions are amended.

(b) The list of exceptions to the visible emission control rule is amended.

(c) New rules are added to control pathological incineration, abrasive blasting and equipment malfunction conditions.

(d) The pollutant coverage of the rule for controlling particulate emissions based on process weight rates is changed.

(e) Some rules for controlling open outdoor fires including agricultural burning are amended.

(f) A new rule is adopted to implement the continuous monitoring program.

(g) Several administrative and procedural changes are made in the procedures before the hearing board.

(h) Minor wording changes, that do not affect the degree of control, are made to a number of rules.

(i) The sections of the California Health and Safety Code referred to in the rules are renumbered to conform to the recodification of the Code.

(j) A number of rules are renumbered.

(k) The "severability" rule is deleted.

A list of the rules considered in this notice was published as part of the September 16, 1977 notice of proposed rulemaking and the December 9, 1977 further notice of proposed rulemaking. The proposed rulemaking provided 30 days for public comments. No comments have been received.

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the submitted rules as SIP revisions. It is the purpose of this notice to approve all the revisions contained in the June 6, 1977, submittal, and incorporate them into the California SIP, with the exception of those rules not being acted upon and those rules being disapproved as discussed below.

No action is being taken on Rule 203 (D and G), Exceptions; Rule 304, Exceptions to Rule 303; and Rule 307, Exceptions to Rule 306, as these rules will be addressed in a future FEDERAL REGISTER notice.

Also, no action is being taken on Rule 205, Nuisance, because the rule is not specifically directed at the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and thus is not appropriate for inclusion in the SIP.

Rule 211, Process Weight Per Hour, revises an analogous rule under the same rule number and title, previously approved in the January 10, 1975, submittal, by narrowing the pollutant coverage from the more inclusive "dust and fumes" to the less inclusive "dust". Since no control strategy analysis has been submitted by the APCD to demonstrate that this relaxation in control will not interfere with the attainment and maintenance of the NAAQS, EPA is disapproving rule 211 in the June 6, 1977, submittal and retaining the analogous rule in the January 10, 1975, submittal for Federal enforcement purposes.

No action is being taken on Rule 213, Storage of Petroleum Products, because EPA is now in the process of reevaluating the appropriateness of applying the vapor recovery programs specified in 40 CFR 52.255 and 40 CFR 52.256 to the districts within the area presently known as the Mountain Counties Air Basin. Preliminary information supplied by the Mountain Counties Air Basin Control Council indicates that existing ambient air quality standard excursions for oxidant in the Mountain Counties Air Basin are due to transport from the Sacramento Valley and the San Joaquin Valley rather than to the emissions of hydrocarbons within the area. Thus, EPA, by this notice, is inviting public comments on this thesis for the purpose of promulgating final approval or disapproval of rule 213. Comments should be sent to the EPA Region IX Office at the address given above. Comments received on or before November 13, 1978, will be considered, and made available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit. In addition, copies of the proposed rule and the preliminary analysis are available for public inspection during normal business hours at the EPA Region IX Office and at the following locations:

Sierra County Air Pollution Control District, County Courthouse, Downieville, Calif. 95936.

California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814.

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

Rule 302(C), Exceptions to Rule 301, allows the open burning of unsalable wood waste from property being developed for commercial or residential use, subject to requirements imposed by Rule 319, Open Burning of Wood Waste on Property Where Grown. Without any showing that this relaxation will not cause any interference with the attainment and maintenance of the NAAQS, this relaxation in control on open buring should not be allowed. Thus both rule 302(C) and rule 319 are disapproved.

Rule 322, Mechanized Burners, is disapproved because it exempts open outdoor fires in mechanized burners from "no-burn day" requirements. Although a visible emission limitation of Ringlemann No. 1 is set, there is no demonstration that this new rule will not interfere with the attainment and maintenance of the NAAQS.

Rule 404, Upset Conditions, Breakdown or Scheduled Maintenance, is disapproved because it permits the automatic exemption of sources from applicable emission limitations during equipment malfunction and scheduled maintenance, and therefore could render such limitations unenforceable.

Rule 409, Public Records, revises an analogous rule under the same rule number and title, previously approved in the January 10, 1975, submittal, with some minor wording changes that do not affect the degree of control. The rule is approved because it partially satisfies the requirements of 40 CFR 51.10(e). However, since the rule does not provide for the correlation of emission data with applicable emission limitations as required by § 51.10(e), paragraph (b)(4) of the federally promulgated regulation in 40 CFR 52.224, General requirements, is retained and shall remain in effect for the district.

Rule 507, Provision of Sampling and Testing Facilities, is a new rule adopted to implement the continuous monitoring program in accordance with the requirements of 40 CFR 51.19(e). The rule is now approved; however, since the rule does not satisfy all the requirements specified in 40 CFR Part 51, Appendix P, the plan will be disapproved in part under 40 CFR Part 52.

Regulation VI revisions (which include rules 600 to 617) are approved as part of a procedure for the granting of variances. Each variance, however, must satisfy the requirements of Section 110 of the Clean Air Act and 40 CFR Part 51 in order to be approved by EPA as a revision to the SIP.

The deletion of Rule 203(j), Exceptions, is approved because the rule permitted automatic exemption of sources from the visible emission limitations during equipment breakdown, and therefore rendered such limitations potentially unenforceable.

Rule 619, Order of Abatement, previously approved in the January 10, 1975, submittal, was mistakenly listed as a deletion in the September 16, 1977, Notice of Proposed Rulemaking. Actually, the rule is replaced by Rule 610(G), Notice of Public Hearing, in the June 6, 1977, submittal and the replacement is approved.

The deletion of Rule 620, Severability, previously approved in the January 10, 1975, submittal, is approved be-

cause the omission of this rule will not cause any relaxation in the control regulations.

Certification has been received from the ARB that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)).)

Dated: September 8, 1978.

DOUGLAS M. COSTLE,
Administrator.

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

Subpart F—California

1. Section 52.220, paragraph (c)(39)(viii) is added as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(39) * * *

(viii) Sierra County APCD.

(A) New or amended rules 102(B), 102(E), 102(S), 102(II), 102(SS), 203 (with the exception of (D) and (G)), 206(B), 207, 208, 211, 215, 216, 301, 302, 303, 308, 319, 320, 321, 322, 324, 402, 404, 407, 409, 507, 514, 516, 600 to 617.

(B) Previously approved and now deleted (without replacement) rules 203(j) and 620.

* * * * *

2. Section 52.224, paragraph (a)(2)(ii)(B) is added as follows:

§ 52.224 General requirements.

(a) * * *

(2) * * *

(ii) * * *

(B) Sierra County APCD.

* * * * *

3. Section 52.234, paragraph (e)(3) is added as follows:

§ 52.234 Source surveillance.

* * * * *

(e) * * *

(3) Sacramento Valley Intrastate AQCR:

(i) Sierra County APCD.

* * * * *

4. Section 52.271, paragraph (a)(2)(viii)(B) is added as follows:

§ 52.271 Malfunction regulations.

(a) * * *

(2) * * *

(viii) * * *

(B) Rule 404, Upset Conditions, Breakdown or Scheduled Maintenance, submitted on June 6, 1977.

* * * * *

5. Section 52.273, paragraph (a)(1)(v) is added as follows:

§ 52.273 Open burning.

(a) * * *

(1) * * *

(v) Sierra County APCD.

(A) Rule 302(C), Exceptions to Rule 301; Rule 319, Open Burning of Wood Waste on Property Where Grown; and Rule 322, Mechanized Burners, Submitted on June 6, 1977.

* * * * *

6. Section 52.275, paragraph (b)(2)(iii) is added as follows:

§ 52.275 Particulate matter control.

(a) * * *

(b) * * *

(2) * * *

(iii) Sierra County APCD.

(A) Rule 211, Process Weight Per Hour, submitted on June 6, 1977, is disapproved; and the analogous Rule 211, Process Weight Per Hour, previously approved in the January 10, 1975, submittal is retained and shall remain in effect for Federal enforcement purposes.

* * * * *

[FR Doc. 78-25861 Filed 9-13-78; 8:45 am]

[6560-01]

[FRL 952-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Glenn County Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, take no action on changes to the Glenn County Air Pollution Control District (APCD) portion of the California State implementation plan (SIP) submitted by the Governor's designee. In addition, a portion of a rule which is now part of the applicable SIP is being disapproved. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: October 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105, Attn: Wayne A. Blackard, 415-556-7288.

SUPPLEMENTARY INFORMATION: On May 15, 1978 EPA published a notice of proposed rulemaking for revisions to the Glenn County APCD's rules and regulations submitted on November 4, 1977, by the California Air Resources Board for inclusion in the California SIP. In addition, EPA proposed to disapprove a portion of a rule which is now part of the applicable SIP.

The changes contained in this submittal and being acted upon by this notice include the following: The deletion of an exemption which allowed the burning of garbage and administrative and procedural changes in fee requirements.

Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove regulations submitted as SIP revisions.

Rules concerning new source review have been revised; however, no action is being taken at this time and these rules will be acted upon in a separate FEDERAL REGISTER notice.

A list of the rules being considered by this action was published as part of the notice of proposed rulemaking and can be found in 43 FR 20823 (May 15, 1978). Comments were received from the Glenn County APCD during the 60-day public comment period. No other comments were received.

The APCD commented on the proposed disapproval of section 77(e), Exceptions. The APCD commented that enforcement of section 77(e) is not necessary while agreeing that the rule is vague. They commented that the rule cannot be precise or definite because to be specific would require a volume on agricultural practices within the county and that operations dealing with the growing of crops, raising of fowls or animals are not precise. EPA proposed to disapprove this exemption because the terms "agricultural operations" and "other equipment" are undefined. The lack of definition for these terms renders Rule 76, Visible Emissions potentially unenforceable. Section 77(e) could be interpreted to exempt stationary sources (e.g., alfalfa dehydration, fertilizer plants) to which rule 76 is now intended to apply, and must therefore be disapproved. Thus, while enforcement of section 77(e), an exception rule, may not be necessary, enforcement of rule 76, a prohibitions rule, is necessary for the attainment and maintenance of

the national ambient air quality standards.

It is the purpose of this final rulemaking notice to approve all the changes contained in the November 4, 1977, submittal and incorporate them into the California SIP with the exception of those rules not being acted upon and section 77(e) as discussed below.

Section 77(e), Exceptions, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 is disapproved. Paragraph (e) exempts "the use of other equipment in agricultural operations" from the visible emissions rule. Because the term "other equipment" is not defined, the rule is vague and unenforceable and could be interpreted to exempt stationary sources to which the regulations now apply.

Section 78, Nuisance and section 79, Exception are not appropriate for inclusion in the SIP because they are not specifically directed at the attainment and maintenance of the national ambient air quality standards. Therefore, EPA is taking no action on these rules.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110 and 301(a), Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)).)

Dated: September 8, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraph (c)(42)(viii) is added as follows:

§ 52.220 Identification of plan.

* * * * *

(c)* * *

* * * * *

(42) * * *

(viii) Glenn County APCD.

(A) New or amended rules 82, 152, and 154.

* * * * *

2. Section 52.236, paragraph (b)(2)(v) is added as follows:

§ 52.236 Rules and regulations.

* * * * *

(b) * * *

(2) * * *

(v) Glenn County APCD.

(A) Section 77(e), Exceptions submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

* * * * *

[FR Doc. 78-25863 Filed 9-13-78; 8:45 am]

[6560-01]

[FRL 966-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Plumas County Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on revisions to the Plumas County Air Pollution Control District (APCD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations, and to correct certain deficiencies in the SIP.

DATES: Final rulemaking actions taken in this notice will be effective on October 16, 1978. Comments on rule 213 may be submitted up to November 13, 1978. See SUPPLEMENTARY INFORMATION section for details.

ADDRESS: Comments on rule 213 should be sent to: Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105, Attention: Wayne A. Blackard, telephone 415-556-7882.

SUPPLEMENTARY INFORMATION: On September 16, 1977 and December 9, 1977, EPA published a notice of proposed rulemaking (42 FR 46557) and a further notice of proposed rulemaking (42 FR 62163) for revisions to the rules of the Plumas County APCD submitted to EPA by the California Air Resources Board (ARB) on June 6, 1977, for inclusion in the California SIP.

The changes contained in the June 6, 1977, submittal that are being acted on in this notice include the following:

(a) Some definitions are amended.

(b) The list of exceptions to the visible emission control rule is amended.

(c) New rules are added to control pathological incineration, abrasive blasting and equipment malfunction conditions.

(d) The pollutant coverage of the rule controlling particulate emissions based on process weight rates is changed.

(e) Several rules controlling open outdoor fires including agricultural burning are amended.

(f) A new rule is adopted to implement the continuous monitoring program.

(g) New rules are adopted to set the permit fees.

(h) Some administrative and procedural changes are made in the procedures before the hearing board.

(i) Minor wording changes, that do not affect the degree of control, are made to a number of rules.

(j) The sections of the California Health and Safety Code referred to in the rules are renumbered to conform to the recodification of the Code.

(k) The language in the California Health and Safety Code is incorporated into a number of rules.

(l) A number of rules are renumbered.

A list of the rules considered in this notice was published as part of the September 16, 1977 notice of proposed rulemaking and the December 9, 1977 further notice of proposed rulemaking. The proposed rulemaking provided 30 days for public comments. No comments have been received.

Under section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapproved the submitted rules as SIP revisions. It is the purpose of this notice to approve all the revisions contained in the June 6, 1977 submittal, and incorporate them into the California SIP, with the exception of those rules not being acted upon and those rules being disapproved as discussed below.

No action is being taken on rule 203 (D and G), Exceptions, and rule 601, Permit Fees, as the rules will be addressed in a future FEDERAL REGISTER notice.

Also, no action is being taken on rule 205, Nuisance, because the rule is not specifically directed at the attainment and maintenance of the national ambient air quality standards (NAAQS) and thus is not appropriate for inclusion in the SIP.

Rule 211, Process Weight Per Hour, revises an analogous rule under the same rule number and title, previously approved in the January 10, 1975 submittal, by narrowing the pollutant coverage from the more inclusive "particulate matter" to the less inclusive "dust." Since no control strategy anal-

ysis has been submitted by the APCD to demonstrate that this relaxation in control will not interfere with the attainment and maintenance of the NAAQS, EPA is disapproving rule 211 in the June 6, 1977 submittal and retaining the analogous rule in the January 10, 1975 submittal for Federal enforcement purposes.

No action is being taken on rule 213, Storage of Petroleum Products, because EPA is now in the process of reevaluating the appropriateness of applying the vapor recovery programs specified in 40 CFR 52.255 and 40 CFR 52.256 to the districts within the area presently known as the Mountain Counties Air Basin. Preliminary information supplied by the Mountain Counties Air Basin Control Council indicates that existing ambient air quality standard excursions for oxidant in the Mountain Counties Air Basin are due to transport from the Sacramento Valley and the San Joaquin Valley rather than to the emissions of hydrocarbons within the area. Thus, EPA, by this notice, is inviting public comments on this thesis for the purpose of promulgating final approval or disapproval of rule 213. Comments should be sent to the EPA Region IX Office at the address given above. Comments received on or before November 13, 1978, will be considered, and made available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit. In addition, copies of the proposed rule and the preliminary analysis are available for public inspection during normal business hours at the EPA Region IX Office and at the following locations:

Plumas County Air Pollution Control District, County Courthouse, Quincy, Calif., 95971.
California Air Resources Board, 1709 11th Street, Sacramento, Calif., 95814.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460

Rule 302(C) Exceptions to rule 301, allows the open burning of unsalable wood waste from property being developed for commercial or residential use, subject to requirements imposed by rule 319, Open Burning of Wood Waste on Property Where Grown. Without any showing that this additional category of open burning will not cause any interference with the attainment and maintenance of the NAAQS, this relaxation in control on open burning should not be allowed. Thus both rule 302(C) and rule 319 are disapproved.

Rule 304, Exceptions to Rule 303, is disapproved because it exempts open burning of agricultural waste at altitudes above 3,000 feet mean sea level (m.s.l.) and agricultural burning in areas above 6,000 feet (m.s.l.) from permit requirements without an adequate control strategy analysis demonstrating that these exemptions will not interfere with the attainment and maintenance of the NAAQS.

Rule 307, Exceptions to Rule 306, is disapproved because it grants five exceptions to the general rule that specifies no burning on days designated by the ARB as "no-burn days." The most significant exception is set forth in 307(A)(1) which permits the air pollution control officer to grant a special burning permit upon a showing of threatened economic loss. Economic factors are an impermissible basis upon which to condition the granting of a variance from emission limitations absent a showing that all other requirements of section 110 of the Clean Air Act as well as the NAAQS will be met. In addition, 307(A)(2) exempts the burning of empty pesticide sacks and containers; 307(B) exempts range burning between January and May; 307(C) exempts open burning of agricultural waste at altitudes above 3,000 feet (m.s.l.); and 307(D) exempts open burning at altitudes over 6,000 feet (m.s.l.) from the "no-burn day" requirements. All are disapproved because no analysis has been submitted by the District to demonstrate that these exemptions will not interfere with the attainment and maintenance of the NAAQS. 307(E) is also disapproved because it specifies the procedures for the issuing of burning permits for the above mentioned categories of open burning.

Rule 332, Mechanized Burners, is disapproved because it exempts open outdoor fires in mechanized burners from "no-burn day" requirements. Although a visible emission limitation of Ringlemann No. 1 is set, there is no demonstration that this new rule will not interfere with the attainment and maintenance of the NAAQS.

Rule 404, Upset Conditions, Breakdown, or Schedule Maintenance, is disapproved because it permits the automatic exemption of sources from applicable emission limitations during equipment malfunction and scheduled maintenance, and therefore could render the emission limitations unenforceable.

Rule 409, Public Records, is a new rule adopted to provide public availability of emission data furnished by source owners or operators. The rule is approved because it partially satisfies the requirements of 40 CFR 51.10(e). However, since the rule does not provide for the correlation of emission data with applicable emission limitations as required by § 51.10(e), paragraph (b)(4) of the federally promulgated regulation in 40 CFR 52.224, General requirements, is retained and shall remain in effect for the District.

Rule 507, Provision of Sampling and Testing Facilities, is a new rule adopted to implement the continuous monitoring program in accordance with the requirements of 40 CFR 51.19(e). The rule is now approved; however, since the rule does not satisfy all the requirements specified in 40 CFR Part 51, Appendix P, the plan will be disapproved in part under 40 CFR Part 52.

Regulation VII revisions (which include rules 700, 703, and 710) are approved as part of a procedure for the granting of variances. Each variance, however, must satisfy the requirements of section 110 of the Clean Air Act and 40 CFR Part 51 in order to be approved by EPA as a revision to the SIP.

Certification has been received from the ARB that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110, 301(a), Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)).)

Dated: September 8, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of part 52 of chapter I, title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraph (c)(39)(ix) is added as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *
(39) * * *
(ix) Plumas County APCD.
(A) New or amended rules 102(B), 102(E), 102(S), 102(II), 102(SS), 203 (with the exception of (D) and (G)), 206(B), 207, 208, 211, 215, 216, 301, 302, 303, 304, 307, 308, 319, 320, 321, 322, 324, 402, 404, 407, 409, 507, 514, 602 to 605, 700, 703, and 710.

* * * * *

2. Section 52.224, paragraph (a)(2)(ii)(C) is added as follows:

§ 52.224 General requirements.

(a) * * *
(2) * * *
(ii) * * *
(C) Plumas County APCD.

* * * * *

3. Section 52.234, paragraph (e)(3)(ii) is added as follows:

§ 52.234 Source surveillance.

* * * * *

(e) * * *
(3) * * *

(ii) Plumas County APCD.

* * * * *

4. Section 52.271, paragraph (a)(2)(ii)(B) is added as follows:

§ 52.271 Malfunction regulations.

(a) * * *
(2) * * *
(ii) * * *
(B) Rule 404, Upset Conditions, Breakdown, or Scheduled Maintenance, submitted on June 6, 1977.

* * * * *

5. Section 52.273, paragraph (a)(1)(iii)(B) is added as follows:

§ 52.273 Open burning

(a) * * *
(1) * * *
(iii) * * *
(B) Rule 302(C), Exceptions to Rule 301; Rule 304, Exceptions to Rule 303; Rule 307, Exceptions to Rule 306; Rule 319, Open burning of Wood Waste on Property Where Grown; and Rule 322, Mechanized Burners, submitted on June 6, 1977.

* * * * *

6. Section 52.275, paragraph (b)(2)(iv) is added as follows:

§ 52.275 Particulate matter control.

(a) * * *
(b) * * *
(2) * * *
(iv) Plumas County APCD.
(A) Rule 211, Process Weight Per Hour, submitted on June 6, 1977 is disapproved; and the analogous Rule 211, Process Weight Per Hour, previously approved in the January 10, 1975 submittal is retained and shall remain in effect for Federal enforcement purposes.

* * * * *

[FR Doc. 78-25864 Filed 9-13-78; 8:45 am]

[6560-01]

[FRL 966-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Nevada County Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on revisions to the Nevada County Air Pollution Control District (APCD) portion of the California State implementation plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations, and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: October 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air & Hazardous Materials Division, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105, Attn: Wayne A. Blackard, telephone, 415-556-7882.

SUPPLEMENTARY INFORMATION: On September 16, 1977, EPA published a notice of proposed rulemaking (42 FR 46556) for revisions to the rules of the Nevada County APCD submitted to EPA by the California Air Resources Board (ARB) on June 6, 1977 for inclusion in the SIP.

The changes contained in the June 6, 1977 submittal that are being acted on in this notice include the following:

(a) Some definitions are amended.

(b) The list of exceptions to the visible emission control rule is amended.

(c) New rules are added to control pathological incineration and abrasive blasting.

(d) The emission standards for particulate matter are modified.

(e) Some rules for controlling open outdoor fires including agricultural burning are amended.

(f) Two new rules are adopted to implement the source surveillance programs related to source inspection and continuous monitoring, and one new rule is adopted to provide penalties for violations.

(g) Several administrative and procedural changes are made in the procedures before the hearing board.

(h) Minor wording changes, that do not affect the degree of control, are made to a number of rules.

(i) The sections of the California Health and Safety Code referred to in the rules are renumbered to conform to the recodification of the Code.

(j) A number of rules are renumbered.

A list of the rules considered in this notice was published as part of the September 16, 1977, notice of proposed rulemaking. The proposed rulemaking provided 30 days for public comments. No comments have been received.

Under section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the submitted rules as SIP revisions. It is the purpose of this notice to approve all the revisions contained in the June 6, 1977, submittal, and incorporate them into the California SIP, with the exception of those rules not being acted upon and those rules being disapproved as discussed below.

No action is being taken on Rule 203(d), *Exceptions*, as the rule will be addressed in a future FEDERAL REGISTER notice.

Also, no action is being taken on Rule 205, *Nuisance*, because the rule is not specifically directed at the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and thus is not appropriate for inclusion in the SIP.

Rule 304, *Exceptions to Rule 303*, is disapproved because it exempts open burning of agricultural waste at altitudes above 3,000 feet mean sea level (msl) and agricultural burning in areas above 6,000 feet (msl) from permit requirements without an adequate control strategy analysis demonstrating non-interference with the attainment and maintenance of the NAAQS.

Rule 319, *Open Burning of Wood Waste on Property Where Grown*, sets the standard procedures for carrying out open burning of unsalable wood waste from property being developed for commercial or residential use. Without any showing that this additional category of open burning will not interfere with the attainment and maintenance of the NAAQS, this relaxation in control on open burning should not be allowed. Therefore, rule 319 is disapproved.

Rule 409, *Public Records*, is a new rule adopted to provide public availability of emission data furnished by source owners or operators. The rule is approved because it partially satisfies the requirements of 40 CFR 51.10(e). However, since the rule does not provide for the correlation of emission data with applicable emission limitations as required by § 51.10(e), paragraph (b)(4) of the federally promulgated regulation in 40 CFR 52.224, *General requirements*, is retained and shall remain in effect for the district.

Rule 507, *Provision of Sampling and Testing Facilities*, is a new rule adopted to implement the continuous monitoring program in accordance with the requirements of 40 CFR 51.19(e). The rule is now approved; however, since the rule does not satisfy all the requirements specified in 40 CFR part 51 appendix P, the plan will be disapproved in part under 40 CFR part 52.

Regulation VII revisions (which include rules 700, 703, 704, 710, and 711) are approved as part of a procedure for the granting of variances. Each variance, however, must satisfy the requirements of section 110 of the Clean Air Act and 40 CFR part 51 in order to be approved by EPA as a revision to the SIP.

Certification has been received from the ARB that the public hearing re-

quirements of 40 CFR 51.4 have been satisfied.

(Secs. 110, 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)).)

Dated: September 8, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of part 52 of chapter I, title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraph (c)(39)(x) is added as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *
(39) * * *
(x) Nevada County APCD.
(A) New or amended rules 102(B), 102(E), 102(S), 102(H), 102(SS), 103, 104, 203(e and i), 206(B), 207, 216, 304, 319, 320, 321, 402, 407, 409, 507, 514, 700, 703(E and I), 704, 710 and 711(A).

* * * * *

2. Section 52.224, paragraph (a)(2)(ii)(D) is added as follows:

§ 52.224 General requirements.

(a) * * *
(2) * * *
(ii) * * *
(D) Nevada County APCD.

* * * * *

3. Section 52.234, paragraph (e)(3)(iii) is added as follows:

§ 52.234 Source surveillance.

* * * * *

(e) * * *
(3) * * *
(iii) Nevada County APCD.

* * * * *

4. Section 52.273, paragraph (a)(1)(ii)(B) is added as follows:

§ 52.273 Open burning.

(a) * * *
(1) * * *
(ii) * * *
(B) Rule 304, *Exceptions to Rule 303,* and Rule 319, *Open Burning of Wood Waste on Property Where Grown,* submitted on June 6, 1977.

* * * * *

[FR. Doc.78-25865 Filed 9-13-78; 8:45 am]

[6730-01]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER A—GENERAL PROVISIONS

[General Order No. 16, Amdt. 25; Docket No. 78-12]

PART 502—RULES OF PRACTICE AND PROCEDURE

Simplification of the Rules Governing Special Docket Applications for Permission To Refund or Waive Portions of Freight Charges in the Foreign Commerce; Correction

AGENCY: Federal Maritime Commission.

ACTION: Correction of final rules.

SUMMARY: In the final rules published August 29, 1978 (43 FR 38578 at 38582) the Zip Code Reference in § 502.92(c) should read "20573".

SUPPLEMENTARY INFORMATION: None.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-25815 Filed 9-13-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 342]

PART 1008—PROCEDURES GOVERNING THE PROCESSING, INVESTIGATION, AND DISPOSITION OF OVERCHARGE, DUPLICATE PAYMENT, OR OVERCOLLECTION CLAIMS

Procedures Governing the Processing, Investigation, and Disposition of Overcharge, Duplicate Payment, or Overcollection Claims

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: These regulations provide uniform procedures for the efficient processing, investigation, and timely disposition of overcharge, duplicate payment, and overcollection claims by motor common carriers and freight forwarders. They are issued in response to the many complaints received by the Commission concerning extended delays in the disposition of such claims and based upon the comments submitted in this proceeding.

EFFECTIVE DATE: October 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, 202-275-7693 or Harvey Gobetz, 202-275-7656.

SUPPLEMENTARY INFORMATION: This proceeding was instituted by a notice of proposed rulemaking, published in the FEDERAL REGISTER on October 7, 1977 (42 FR 54579), to consider the propriety of the practices of motor common carriers and freight forwarders in the processing and disposition of claims of overcharge, duplicate payment, and overcollection for the transportation of household goods, and to determine if new rules are necessary to govern the processing of such claims in a more expeditious manner.

As indicated in the notice, this Commission has received and continues to receive numerous complaints from shippers, receivers, and their representatives respecting the practices of motor carriers and freight forwarders in the processing of overcharge, duplicate payment, and overcollection claims. Essentially, the complaints involve either a failure by motor carriers and freight forwarders to acknowledge such claims, or extended delays in their processing and disposition.

In response to the notice over 150 initial and reply statements have been received. It is evident, that many of the parties recognize the need for uniform procedures to foster prompt and equitable handling of claims. The need for a practical, efficient, and workable method of dealing fairly with all concerned parties in processing such claims, and of protecting the public interest in the entire transportation process, is, in essence, the underlying purpose for which this proceeding was commenced.

The proposed regulations as revised and adopted require written acknowledgment of all claims, a strict time limitation for their disposition, and a flexible documentation rule which should substantially improve carrier practices and alleviate the vast majority of complaints concerning recovery or overpayments by shippers. The regulations also provide uniform procedures for the disposition of unidentified payments, overcharges, duplicate payments, and overcollections not supported by claims.

The timelag between overpayment and refund should be reduced substantially by carriers' adherence to these regulations.

A mandatory interest requirement has not been required at this time because we are not persuaded that it would result in any greater compliance

with the rules. However, should the Commission's monitoring of the carriers' compliance with these regulations indicate the need for an interest requirement, this matter will be reopened for further consideration.

Complete copies of the decision in this proceeding can be obtained from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Accordingly, chapter X of title 49 of the Code of Federal Regulations is amended by adding a new part 1008 as follows:

Sec.
1008.1 Applicability.
1008.2 Definitions.
1008.3 Filing and processing claims.
1008.4 Documentation of claims.
1008.5 Investigation of claims.
1008.6 Claim records.
1008.7 Acknowledgment of claims.
1008.8 Disposition of claims.
1008.9 Disposition of unidentified payments, overcharges, duplicate payments, and overcollections not supported by claims.

AUTHORITY: Secs. 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559) and secs. 204(a)(6), 204a, 208(a), 216(b), 217(b), 404(a), 405(c), 406a, 410(e), and 417(a) of the Interstate Commerce Act.

§ 1008.1 Applicability.

The regulations set forth in this part govern the processing of claims for overcharge, duplicate payment, or overcollection for the transportation of property in interstate or foreign commerce by motor common carriers and freight forwarders subject to part II or IV of the Interstate Commerce Act.

§ 1008.2 Definitions.

(a) "Carrier" means a motor common carrier or freight forwarder subject to part II or IV or the Interstate Commerce Act.

(b) "Overcharge" means an overcharge as defined in sections 204a(6) and 406a(6) of the Interstate Commerce Act. It also includes duplicate payments as defined in paragraph (c) of this section and overcollections as defined in paragraph (d) of this section when a dispute exists between the parties concerning such charges.

(c) "Duplicate payment" means two or more payments for transporting the same shipment. Where one or more payment is not in the exact amount of the applicable tariff rates and charges, refunds shall be made on the basis of the excess amount over the applicable tariff rates and charges.

(d) "Overcollection" means the receipt by a household goods carrier of a payment in excess of the transportation and/or accessorial charges applicable to a particular shipment of household goods, as defined in part 1056 of this chapter, under tariffs lawfully on file with this Commission.

(e) "Unidentified payment" means a payment which a carrier has received for the performance of transportation services but which the carrier is unable to match with its open accounts receivable or otherwise identify as being due.

(f) "Claimant" means any shipper or receiver, or its authorized agent, filing a request with a carrier for the refund of an overcharge, duplicate payment, or overcollection.

§ 1008.3 Filing and processing claims.

(a) A claim for overcharge, duplicate payment, or overcollection shall not be paid unless filed in writing with the carrier that collected the transportation charges. The collecting carrier shall be the carrier to process all such claims. When a claim is filed with another carrier that participated in the transportation, that carrier shall transmit the claim to the collecting carrier within 15 days after receipt of the claim. If the collecting carrier is unable to dispose of the claim for any reason, the claim may be filed with or transferred to any participating carrier for final disposition.

(b) A single claim may include more than one shipment provided the claim on each shipment involves (1) the same tariff issue or authority or circumstances, (2) single line service by the same carrier, or (3) service by the same interline carriers.

§ 1008.4 Documentation of claims.

(a) Claims for overcharge, duplicate payment, or overcollection shall be accompanied by sufficient information to allow the carriers to conduct an investigation and pay or decline the claim within the time limitations set forth in § 1008.8. Claims shall include the name of the claimant, its file number, if any, and the amount of the refund sought to be recovered, if known.

(b) Claims for overcharge shall be accompanied by the original freight bill. Additional information may include, but is not limited to, the following:

(1) The rate, classification, or commodity description or weight claimed to have been applicable.

(2) Complete tariff authority for the rate, classification, or commodity description claimed.

(3) Freight bill payment information.

(4) Other documents or data which is believed by claimant to substantiate the basis for its claim.

(c) Claims for duplicate payment and overcollection shall be accompanied by the original freight bill(s) for which charges were paid and by freight bill payment information.

(d) Regardless of the provisions of paragraphs (a), (b), and (c) of this section, the failure to provide sufficient information and documentation to allow a carrier to conduct an investigation and pay or decline the claim within the allowable time limitation shall not constitute grounds for disallowance of the claim. Rather, the carrier shall comply with § 1008.5(c) to obtain the additional information required.

(e) A carrier may accept copies instead of the original documents required to be submitted in this section where the carrier is furnished with an agreement entered into by the claimant which indemnifies the carrier for subsequent duplicate claims which might be filed and supported by the original documents .

§ 1008.5 Investigation of claims.

(a) Upon receipt of a claim, whether written or otherwise, the processing carrier shall promptly initiate an investigation and establish a file, as required by § 1008.6.

(b) If a carrier discovers an overcharge, duplicate payment, or overcollection which has not been the subject of a claim, it shall promptly initiate an investigation and comply with the provisions in § 1008.9.

(c) In the event the carrier processing the claim requires information or documents in addition to that submitted with the claim, the carrier shall promptly notify the claimant and request the information required. This includes notifying the claimant that a written claim must be filed before the carrier becomes subject to the time limits for settling such a claim under § 1008.8.

§ 1008.6 Claim records.

At the time a claim is received the carrier shall create a separate file and assign it a successive claim file number and note that the number on all documents filed in support of the claim and all records and correspondence with respect to the claim, including the written acknowledgment of receipt required under § 1008.7. If pertinent to the disposition of the claim, the carrier shall also note that number on the shipping order and delivery receipt, if any, covering the shipment involved.

§ 1008.7 Acknowledgment of claims.

Upon receipt of a written claim, the carrier shall acknowledge its receipt in writing to the claimant within 30 days

after the date of receipt except where the carrier shall have paid or declined in writing within that period. The carrier shall include the date of receipt in its written acknowledgment and shall also enter this date on the face of the written claim which shall be placed in the file for that claim.

§ 1008.8 Disposition of claims.

The processing carrier shall pay, decline to pay, or settle each written claim within 60 days after its receipt by that carrier, except where the claimant and the carrier agree in writing to a specific extension based upon extenuating circumstances. If the carrier declines to pay a claim or makes settlement in an amount different from that sought, the carrier shall notify the claimant, in writing, of the reason(s) for its action, citing tariff authority or other pertinent information developed as a result of its investigation.

§ 1008.9 Disposition of unidentified payments, overcharges, duplicate payments, and overcollections not supported by claims.

(a) Carriers shall establish procedures for identifying and properly applying all unidentified payments. If a carrier does not have sufficient information with which properly to apply such a payment, the carrier shall notify the payor of the unidentified payment within 60 days of receipt of the payment and request information which will enable it to identify the payment. If the carrier does not receive the information requested within 90 days from the date of the notice, the carrier may treat the unidentified payment as a payment in fact of freight charges owing to it. Following the 90-day period, the regular claims procedure under this part shall be applicable.

(b) When a carrier which participated in a transportation movement, but did not collect the transportation charges, finds that an overpayment has been made, that carrier shall immediately notify the collecting carrier. When the collecting carrier discovers or is notified by such a participating carrier that an overcharge, duplicate payment, or overcollection exists for any transportation charge which has not been the subject of a claim, the carrier shall create a file as if a claim had been submitted and shall record in the file the date it discovered or was notified of the overpayment. The carrier that collected the charges shall then refund the amount of the overpayment to the person who paid the transportation charges or to the person that made duplicate payment within 30 days from the date of such discovery or notification.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-25956 Filed 9-13-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ENTRY AND USE

Closing the Charles M. Russell National Wildlife Refuge and the UL Bend National Wildlife Refuge, Montana, to the unauthorized operation of aircraft at low altitudes

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the unauthorized operation of aircraft at low altitudes over the Charles M. Russell National Wildlife Refuge and the UL Bend National Wildlife Refuge is incompatible with the objectives for which the areas were established.

DATES: Year around (October 1, 1978, through September 30, 1979).

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Charles M. Russell National Wildlife Refuge, P.O. Box 110, Lewistown, Mont. 59457, telephone 406-538-8707.

SUPPLEMENTARY INFORMATION:

§ 26.34 Special regulations.

The unauthorized operation of all aircraft below 1,000 feet above the ground of the landing or aircraft on the Charles M. Russell National Wildlife Refuge and the UL Bend National Wildlife Refuge is prohibited. The boundaries of these areas are delineated on maps available at the refuge headquarters, Lewistown, Mont., and from the office of the area manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Mont. 59101.

The provisions of this special regulation supplement the regulations which are set forth in Title 50, Code of Federal Regulations, Part 27.34. The public is invited to offer suggestions and comments at any time.

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.

LARRY L. CALVERT,
Refuge Manager, Charles M. Russell National Wildlife Refuge, Lewistown, Mont.

OCTOBER 1, 1978.

[FR Doc. 78-25902 Filed 9-13-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Lake Zahl National Wildlife Refuge, North Dakota, to the Public Hunting of Ring-Necked Pheasants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening of pheasant hunting on Lake Zahl 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: November 20, 1978, through December 10, 1978.

FOR FURTHER INFORMATION CONTACT:

John Venegoni, Project Leader, Des Lacs National Wildlife Refuge, Kenmare, N. Dak. 58746, 701-385-4046.

SUPPLEMENTARY INFORMATION:

§ 32.22 Special regulations; upland game, for individual wildlife refuge areas.

The public hunting of ring-necked pheasant will be permitted on Lake Zahl National Wildlife Refuge. The open area consists of the refuge portion owned in fee title and includes 3,296 acres located in northern Williams County. Hunting shall be in accordance with all applicable State regulations covering ring-necked pheasant hunting, subject to the following conditions:

(1) No motorized vehicles will be allowed within the boundaries of the refuge.

(2) Pheasant hunting is permitted from November 20 through December 10, 1978.

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, and are effective through December 10, 1978.

NOTE.—The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

Dated: September 6, 1978.

JOHN VENEGONI,
Project Leader, Des Lacs National Wildlife Refuge Complex, Kenmare, N. Dak.

[FR Doc. 78-25833 Filed 9-13-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Lostwood National Wildlife Refuge, North Dakota, to Use of Guns for the Public Taking of Deer

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening of deer hunting on Lostwood 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: November 17, 1978 through November 26, 1978.

FOR FURTHER INFORMATION CONTACT:

John Venegoni, Project Leader, Des Lacs National Wildlife Refuge, Kenmare, N. Dak. 58746, 701-385-4046.

SUPPLEMENTARY INFORMATION:

§32.32 Special regulations, big game for individual wildlife refuge areas.

The use of guns for the taking of deer will be permitted on Lostwood National Wildlife Refuge except within a 1½ mile square area surrounding the refuge headquarters buildings which is posted "Closed to Hunting." The area open to hunting, comprising 25,300 acres is delineated on a map available at the refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, N. Dak. 58501. Hunting shall be in accordance with all applicable State regulations and the following special conditions.

(1) Only those hunters with special refuge permits will be permitted to take deer from November 17 through November 19, 1978. From November 20 through November 26, no special refuge permit is required. All hunters possesing appropriate state hunting permits will be permitted to take the type of deer specified on their state permit.

(2) Vehicle travel is restricted to public roads and the refuge entrance road to refuge headquarters. All other roads and trails are closed to vehicles.

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, and are effective through November 26, 1978.

NOTE.—The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

Dated: September 6, 1978.

JOHN VENEGONI,
Project leader Des Lacs National Wildlife Refuge Complex, Kenmare, N. Dak.

[FR Doc. 78-25834 Filed 9-13-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Agassiz National Wildlife Refuge, Minn., to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Agassiz 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: November 4, 1978, to November 19, 1978, and November 24, 1978, to November 26, 1978, all dates inclusive from sunrise to sunset.

FOR FURTHER INFORMATION CONTACT:

Joseph Kotok, Refuge Manager, Agassiz National Wildlife Refuge, Middle River, Minn. 56737, 218-449-4115, or Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of white-tailed deer is permitted on the Agassiz National Wildlife Refuge, Minn. in all areas except those designated by closed area signs.

The open area comprised approximately 57,600 acres and is delineated on a map available at the refuge headquarters. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 26, 1978.

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.

JOSEPH KOTOK,
Refuge Manager.

SEPTEMBER 8, 1978.

[FR Doc. 78-25901 Filed 9-13-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Des Lacs National Wildlife Refuge, North Dakota, to use of Guns for the Public Taking of Deer

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening of deer hunting on Des Lacs 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: November 17, 1978, through November 26, 1978.

FOR FURTHER INFORMATION CONTACT:

John Venegoni, Project Leader, Des Lacs National Wildlife Refuge, Kenmare, N. Dak. 58746, 701-385-4046.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

The use of guns for the public taking of deer will be permitted on Des Lacs National Wildlife Refuge except within a 1,000 acre area surrounding the town of Kenmare which is posted as "Closed Area." The area open to hunting, comprising 17,740 acres, is delineated on a map available at the refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, N. Dak. 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following conditions.

(1) Only those hunters with special refuge permits will be permitted to take deer from November 17 through

November 19, 1978. From November 20 through November 26, no special refuge permit is required. All hunters possessing appropriate State hunting permits will be permitted to take the type of deer specified on their State permit.

(2) Vehicle travel is restricted to public roads and the refuge entrance road to refuge headquarters. All other roads and trails are closed to vehicles.

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, and are effective through November 26, 1978.

NOTE.—The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

Dated: September 8, 1978.

JOHN VENEGONI,
Project Leader, Des Lacs National Wildlife Refuge Complex.

[FR Doc. 78-25900 Filed 9-13-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

Opening of Lake Ilo National Wildlife Refuge, North Dakota, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Lake Ilo 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: December 15, 1978 through March 25, 1979.

FOR FURTHER INFORMATION CONTACT:

John Venegoni, Project Leader, Des Lacs NWR Complex, Kenmare, N. Dak. 58746, 701-385-4046.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Lake Ilo National Wildlife Refuge, North Dakota, only on the areas designated by signs as being open to fishing. These areas comprising 1050 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Post Office Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Fishing shall be limited to daylight hours only. The provisions of this special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in title 50 Code of Federal Regulations, part 33, and are effective through March 25, 1979. The public is invited to offer suggestions and comments at any time.

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.

Dated: September 6, 1978.

JOHN VENEGONI,
Project Leader, Lake Ilo National Wildlife Refuge, Dunn Center, North Dakota 58626.

[FR Doc. 78-25832 Filed 9-13-78; 8:45 am]

[3510-22]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 285—ATLANTIC TUNA FISHERIES

Bluefin Tuna Regulations; Closure Notice

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final rulemaking

SUMMARY: This document provides notices to those fishing for giant Alantic bluefin tuna with gear other than purse seines in the area north and east of a line drawn from a point on the southern coast of Massachusetts extending due south through Gay Head Light, Mass. into the Atlantic Ocean, that the season will close because the annal quota for that area has been caught.

EFFECTIVE DATE: September 10, 1978, at 2400 hours, e.d.t.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, Regional Director, Northeast Region, 14 Elm Street, Gloucester, Mass. 01930, telephone, 617-281-3600.

SUPPLEMENTARY INFORMATION: Pursuant to the Atlantic Tunas Convention Act of 1975, 16 U.S.C. Secs. 971-971h, final regulations implementing the recommendations of the International Commission for the Conservation of Atlantic Tunas were published in the FEDERAL REGISTER on June 21, 1978 (43 FR 26581). 50 CFR 285.13(b)(1)(i) provides that no more than 2,075 of the total annual quota of 2,250 giant Atlantic bluefin tuna allocated to those fishing with gear other than purse seines may be taken north and east of a line drawn from a point on the southern coast of Massachusetts extending due south through Gay Head Light, Mass. into the Atlantic Ocean.

The Assistant Administrator for Fisheries has determined that the annual quota of 2,075 giant Atlantic bluefin tuna allocated to be taken by fishing with gear other than purse seines in the above described area has been caught.

The Assistant Administrator has determined further that if this fishery were to continue, future levels of giant Atlantic bluefin tuna stocks could be adversely affected. Consequently, in accordance with 5 U.S.C. 553(d), it is found for good cause that the 30-day effective rule period is impractical and contrary to the public interest.

Therefore, pursuant to 50 CFR 285.12 and 285.13(d), notice is hereby given that the fishing season for giant Atlantic bluefin tuna with gear other than purse seines in the above described area will close on September 10, 1978, at 2400 hours, e.d.t.

Issued at Washington, D.C., and dated September 7, 1978.

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

[FR Doc. 78-25862 Filed 9-13-78; 8:45 am]

[6820-24]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

APPENDIX—TEMPORARY REGULATIONS

[FPR Temp. Req. 47]

Major System Acquisitions for Automatic Data Processing (ADP) and Telecommunications

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This FPR temporary regulation provides interim policies and procedures applicable to the acquisition of major ADP and telecommunications systems under the requirements of Office of Management and Budget (OMB) Circular A-109. The provisions are required to implement the reform principles of A-109 with respect to the acquisition of major ADP and telecommunication systems by executive branch agencies. The intent of the temporary regulation is to clarify the relationship between OMB Circular No. A-109, the FPR, and the Federal Property Management Regulations for these major system acquisitions.

DATES: Effective date: This regulation is effective October 16, 1978, but may be observed earlier. Expiration date: This regulation will continue in effect until canceled. Comments due on or before: December 13, 1978.

ADDRESS: Comments should be addressed to: Director, FPR Staff (FV); General Services Administration; Washington, D.C. 20406.

FOR FURTHER INFORMATION CONTACT:

Philip G. Read, Director of Federal Procurement Regulations, 703-557-8947.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

In 41 CFR Chapter 1, the following temporary regulation is added to the appendix at the end of the chapter to read as follows:

[Federal Procurement Regs.; Temporary Reg. 47]

To: Heads of Federal agencies.

Subject: Major system acquisitions for automatic data processing (ADP) and telecommunications.

1. *Purpose.* This FPR temporary regulation clarifies the relationship between Office of Management and Budget (OMB) Circular No. A-109, Major System Acquisitions, the Federal Procurement Regulations (FPR), and the Federal Property Management Regulations (FPMR) governing major ADP/telecommunications system procurements. The temporary regulation also provides interim policies and procedures concerning such acquisitions.

2. *Effective date.* This regulation is effective October 16, 1978, but may be observed earlier.

3. *Expiration date.* This regulation will continue in effect until canceled.

4. *Background.* a. The Commission on Government Procurement studied the Government's major system acquisition practices and recommended basic changes to promote economy, efficiency, and effectiveness in the management of the major system acquisition process. OMB Circular A-109, which implements these recommendations, was issued April 5, 1976. This OMB Circular establishes specific policy and procedural requirements for implementation by executive branch agencies. Basically, the Circular provides for:

(1) Top level management attention to the determination of agency mission needs and goals;

(2) An integrated systematic approach for establishing mission needs, and for budgeting, contracting, and managing programs;

(3) Improved opportunities for innovative private sector contributions to national needs; and

(4) Early communication with the Congress and OMB in the acquisition process by relating major system acquisitions to agency mission needs and goals. OMB Circular A-10 relating to budget estimates establishes requirements that should be followed in the communication to the Congress. OMB Circular A-11 relating to ADP and telecommunication requirements establishes requirements that should be followed in the preparation and submission of budget estimates to OMB.

b. The decision whether ADP and/or telecommunications major systems are required is the responsibility of the using agency. Under OMB Circular A-109 the using agency head establishes dollar thresholds for the determination of which agency programs are to be considered major system acquisitions for that agency.

c. The fact that the acquistions of major systems are made in accordance with OMB Circular A-109 does not alleviate the need for compliance with the applicable provisions of the FPR and/or the FPMR. Accordingly, this temporary regulation describes the responsibilities of the using agency after the agency's decision is made to acquire under the A-109 policies. In addition, this temporary regulation describes the responsibilities of the General Services Administration (GSA) when GSA procures the major ADP or telecommunication system for the using agency or delegates the authority to the using agency to conduct the procurement.

d. In August 1976, the Office of Federal Procurement Policy (OFPP) published pamphlet No. 1, titled "Major System Acquisitions, A Discussion of the Application of OMB Circular No. A-109." an OFPP pamphet setting forth the application of A-109 policies to the acquisition of major ADP and telecommunications systems is being developed by GSA and OFPP. The new pamphlet will supplement the provisions of this temporary regulation.

5. *Policy.* The major system acquisition procedures described in OMB Circular A-109 are designed to maximize competition and encourage innovative solutions to agency mission needs. Accordingly, major ADP and/or telecommunications systems shall be acquired in accordance with this regulation, other applicable provisions of the FPR and/or FPMR, the OFPP pamphlet and agency A-109 implementing procedures to meet agency mission requirements.

6. *Agency action.*—a. *Using agency responsibilities prior to the contracting phases of the acquisition.* (1) The using agency shall perform an analysis of mission needs. However, the advice and assistance of GSA may be requested in performing the analysis, particularly in regard to contemporary experience which may be applicable to the agency need. Requests for assistance should be addressed to General Services Administration, Agency Services Division (CDS), Washington, D.C. 20405.

(2) The agency shall advise GSA upon agency head approval of the mission need statement (Key Decision I) and of the assignment of the program manager when major ADT/telecommunications equipment or services (systems) are to be acquired in accordance with A-109.

(3) The agency is responsible for the development of the system acquisition strategy and plan. However, since this plan will become the blueprint for the procurement, it should be developed in coordination with GSA. Participation by GSA may be arranged by contacting the Agency Service Division.

(4) The agency program manager shall forward the approved major system procurement request to GSA (CDS). The request shall include applicable data required in the agency procurement request (APR) as required by FPR § 1-4.1104 or the GSA Form 2068, Request for ADP Service, as required by FPMR § 101-36.203-2. In addition, the request should include:

(a) The user mission need statement, approved in accordance with applicable directives (Key Decision I—Approval of Need);

(b) The name and telephone number of the designated program manager togerher with the approved charter outlining the manager's responsibilities, authority, and accountability; and

(c) The system acquisition strategy and plan, approved by the program manager.

b. *GSA responsibilities prior to the contracting phases of the acquisition.* (1) GSA will advise the agency, as requested, in their mission analysis efforts to the maximum practicable extent.

(2) GSA will participate, in an advisory role to the using agency program manager, in the development of the

system acquisition strategy and plan, upon request.

(3) Based on the major system procurement request, GSA will:

(a) Delegate authority to the using agency to conduct the procurement;

(b) Delegate authority to the using agency to conduct the procurement action subject to GSA participation to the extent specified in the delegation; or

(c) Conduct the procurement on behalf of the using agency.

c. *Contracting under A-109 procedures.* When A-109 policies are applicable, normally only one solicitation at the beginning of the exploration of alternative system design concepts will be used. The scope and basis for selection of the solicitation may, however, vary depending on the complexity of the mission need and the acquisition strategy. For example, in complex situations the solicitation may request proposals which describe the contractor's capabilities, understanding of the mission need, approach to developing a system design concept to meet the need, and identify the personnel which would be assigned to the contract; or in less complex situations the solicitation may request proposals which define the contractor's recommended system design concept. In either situation, the evaluation of proposals will result in the selection of two or more contractors to develop or further define recommended system design concepts. When evaluation of the contracted efforts shows sufficient definition of concepts, program manager recommendations will go forward for using agency head Key Decision II—Approval of concepts for Demonstration, or Key Decision III—Approval of Full Implementation. If a demonstration of concept phase is approved, two or more of the remaining contractors in the competition will be selected to verify their concepts and design. Evaluation and selection of the final contractor will be based on this phase. However, it does not necessarily follow that the system contractor would be responsible for all aspects of the full implementation. For example, the Government could acquire ADPE and software in accordance with the system contractor's performance specifications and furnish it to the contractor for incorporation into his system implementation. The using agency head Key Decision IV—Approval for Production, will apply in the case where a multiple quantity of systems are required to meet the agency need.

d. *Using agency responsibilities when GSA delegates contracting action to the using agency.* When the agency is acting under a delegation of procurement authority pursuant to paragraphs 6b(3) (a) or (b) of this temporary regulation, the agency shall conduct the procurement in compliance with applicable procurement policies, regulations, and, in particular, the specific terms of the delegation.

e. *Using agency responsibilities when GSA procures for the using agency.* (1) When GSA elects to conduct the procurement under paragraph 6b(3) (c) of this temporary regulation, the procurement is a joint endeavor. Agency responsibilities shall be as set forth in FPR § 1-4.1105-1, as modified and supplemented in this subparagraph 6e.

(2) The agency shall submit its determination and findings to support the authorization to procure by negotiation.

(3) With reference to paragraph (b) of § 1-4.1105-1, the technical portion of the solicitation document should cover the statement of work, the functional specification addressing the mission need statement, limitations and constraints, environment, facilities, and work force, urgency and priorities, transitioning, changes, growth potential, and other requirements that must be met by the offerors. Other information that the offerors need in order to properly construct their proposal shall be provided. The solicitation should outline the overall acquisition strategy, the specific evaluation criteria for the initial contracting phase, and criteria for follow-on phases. If the initial contracts will be for system design concepts, the technical, judgmental, and total cost criteria to be used in the evaluation of alternative system design concepts should be provided to assist offerors in preparing for the subsequent phases of the acquisition.

(4) The agency shall provide for the necessary personnel for evaluation of the concept designs and demonstration contracts and for the selection of alternatives for further consideration.

(5) The agency shall provide copies of agency head approvals (Key Decisions).

f. *GSA responsibilities when GSA procures for the using agency.* (1) When conducting the procurement, GSA's responsibilities will be as set forth in FPR § 1-4.1105-2, as modified and supplemented in this subparagraph 6f.

(2) When evaluation criteria includes technical considerations (or points), GSA will insure that the evaluations criteria for selecting the successful offeror from the final acceptable alternatives will result in meeting the using agency's need at the lowest ultimate overall cost, price and other factors considered.

7. *Effect on other issuances.* Notwithstanding any limitations of applicability of the FPR or the FPMR, the provisions referenced in this temporary regulation apply to all ADP and telecommunications major system acquisitions by executive branch agencies subject to the provisions of OMB Circular No. A-109.

8. *Solicitation of comments.* Notwithstanding the provisions of this temporary regulation, the views of agencies and other interested parties are invited regarding the policy and procedures that should be adopted in the future. All comments received on or before December 13, 1978, will be considered.

JAY SOLOMON,
Administrator
General Services.

SEPTEMBER 12, 1978.

[FR Doc. 78-26158 Filed 9-13-78; 11:41 am]

proposed rules

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

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1940]

[FmHA Instruction 1940-M]

FLOOD PLAIN MANAGEMENT

Proposed Addition of Subpart

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration proposes to add a new subpart to its regulations to provide for flood plain management. This action is being taken to implement an Executive order. The intended effect of this action is to insure that flood plains are properly managed and that construction is not undertaken or the flood plain changed unless there are no other practicable alternatives.

DATES: Comments must be received on or before November 13, 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 inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Cecil W. Rose, 202-447-3394.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration proposes to amend its regulations by issuing a new Subpart M, "Flood Plain Management," in Part 1940, Chapter XVIII, Title 7 of the Code of Federal Regulations. This subpart will provide regulations for compliance with the Executive Order 11988 regarding all programs and activities administered by Farmers Home Administration. Therefore, as proposed, part 1940, subpart M reads as follows:

Subpart M—Flood Plain Management

Sec.

1940.601 Introduction.
1940.602 Policy.
1940.603 [Reserved]
1940.604 Definitions.
1940.605-1940.610 [Reserved]
1940.611 Flood plain identification.
1940.612 Actions to be taken if proposed action is located above base flood plain.
1940.613 Actions taken if project lies within the base flood plain.
1940.614 Facilities financed with Rural Housing (RH) or Rural Rental Housing (RRH) funds only.
1940.615 Floodproofing of low risk facilities within the flood plain.
1940.616-1940.620 [Reserved]
1940.621 Notices required after the evaulation of the flood plain.
1940.622 Flood plain evaluation as part of an Environmental Impact Statement (EIS).
1940.623 Floodproofing of the facility.
1940.624 Acquired property.
1940.625 Compliance with National Flood Insurance.
1940.626-1940.650 [Reserved]

AUTHORITY: E.O. 1198; 7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 Pub. L. 93-357; 88 State 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistance Secretary for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850.

Subpart M—Flood Plain Management

§ 1940.601 Introduction.

This subpart prescribes agency policies, procedures and guidelines for compliance with the President's Executive Order 11988 for all programs or activities administered by the Farmers Home Administration (FmHA). This Executive order requires that FmHA will determine whether to finance the development of a facility located in a flood plain or take other actions in a flood plain.

§ 1940.602 Policy.

(a) It is FmHA's policy to avoid, to the extent possible, the long and short term adverse impacts associated with the occupancy and modification of flood plains, and to avoid direct and indirect support of flood plain development unless there is no practicable alternative to the development.

(b) FmHA's policy is in basic conformance with a "unified national program for flood plain management," issued by the U.S. Water Resources Council. A copy will be available in each State office.

(c) FmHA will support policies to reduce risk of floods and minimize impacts of floods on human safety, health and welfare, and restore and preserve the natural and beneficial values served by flood plains by:

(1) Providing guidance, training, and assistance by the State Director to County Supervisors and District Directors as needed, so that they are capable of determining whether actions are to be taken within flood plains and if an affirmative decision is reached, the safeguards that will be required.

(2) Requiring compliance with existing laws, statutes, ordinances, etc., of Federal, State or local governments that provide standards for regulation or use of the flood plain in question.

(3) Carrying out its responsibilities for making loan and grants for all programs administered by FmHA.

(4) Managing and disposing of acquired property, lands, and facilities to comply with agency regulations.

§ 1940.603 [Reserved]

§ 1940.604 Definitions.

(a) *Action.* Action means any Federal activity including: (1) Acquiring, managing, and disposing of Federal lands and facilities; (2) providing federally undertaken, financed, or assisted construction and improvements, including guaranteed loans; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. Normal farming operations including extant or normal maintenance and repairs of existing facilities shall not be considered as an action.

(b) *Base flood.* The 100-year flood has a magnitude that may be equaled once every 100 years on the average. It may also be called the "100-year frequency flood" or the 1 percent chance flood.

(c) *Flood plains.* The lowland and relatively flat areas adjoining inland and coastal waters, including at a minimum, that area subject to a 1 percent or greater chance of flooding in any given year.

(d) *Flood hazard.* The risk to life or damage to property from overflows of a river or stream channel; extraordinary waves or tides occurring on lakes, estuarys, or ocean shores; flood flows in intermittent or normally dry streams; floods on tributary streams; floods caused by accumulated debris or ice in rivers; or other similar events.

(e) *Flood hazard zone.* The area inundated by the base flood.

(f) *Flood proofing.* The actions taken to eliminate or greatly curtail flood

damage to buildings, land, or structures for the base flood.

(g) *Flood evaluation.* The process of identifying such factors as flood area, depth of water, velocities, pressure, rates of rise, duration, seasonality, probability of occurrence, probable load of debris and pollutants, and assessing potential damage that may be caused by these factors.

(h) *Impedance of flow.* The obstruction of flow caused by the action proposed during a base flood which causes significant increase is ordinarily considered as 1 foot or more increase in depth or a velocity increase of one-half foot per second or greater.

(i) *Practicable.* Practicable means capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors, such as environment, cost, technology, etc.

§ 1940.605–1940.610 [Reserved]

§ 1940.611 Flood plain identification.

Before taking any action, FmHA will determine whether the project to be financed or the action to be taken will occur in a base flood plain area and whether or not flooding will significantly affect the utility of the facility or development. To identify a flood plain for a base flood the County Supervisor will:

(a) Review Federal Insurance Administration (FIA) maps, or more detailed maps of the area if available, from county or State agencies.

(b) In cases where FIA has identified an area as having special flood hazards but has not established the projected elevations of a 100-year flood, the State Director may accept the findings of other State or Federal agencies as well as reliable private firms to establish the 100-year flood level.

(c) Where the project to be financed has not been clearly delineated or there are strong indications that existing maps or surveys are incomplete or are in error, the applicant may provide the following information for FmHA consideration.

(1) Estimated elevations of the base flood level from the Corps of Engineers, Soil Conservation Service (SCS) or other governmental agencies at the location of the project.

(2) Initial and final contour elevations of the property to be developed, by SCS, a private consulting engineer, registered land surveyor, or other recognized qualified individual.

(d) When buildings are to be financed in the base flood area refer to part 1806 subpart B (FmHA instruction 426.2).

§ 1940.612 Actions to be taken if proposed action is located above base flood plain.

If, as a result of the study of maps, elevations, or contours it is determined that the proposed action to be financed or taken will rest entirely above the base flood plain, no further studies or flood plain identification is required. The County Supervisor will use either Form FmHA 440-46, "Environmental Impact Assessment," appraisal reports, or other means to document that the flood plain has been identified and the proposed action does not fall within the flood plain and proceed with the action.

§ 1940.613 Actions taken if project lies within the base flood plain.

(a) If the flood plain identification shows that the proposed action will be located in a flood plain, the County Supervisor will include in the loan or grant docket the following:

(1) Evaluation of the potential flood hazard.

(2) Evaluation of any practical alternatives consistent with the law and FmHA procedures that will allow locating the facility outside the flood plain.

(3) Evaluation of proposals for structures to be located within the base flood area with technical assistance from the local SCS office, private surveyors, or private engineers provided by the applicant to determine that the flood hazard will be minimal with the floodproofing proposed.

(4) Review proposals for subdivisions or large rural businesses or industries, schools, and the like to be constructed, rehabilitated, or floodproofed within the base flood area.

(5) Evaluate alternative sites within the flood plain and show that the site selected is subject to the least flood damage.

(6) Document the actions to be taken to floodproof the facility.

(7) The County Supervisor will provide supporting documentation and forward the information to the State Director.

(b) After the County Supervisor has determined that the proposed action will occur within a flood plain and has forwarded the above documentation to the State Director, the State Director shall:

(1) Determine whether a practicable alternative exists to locating the proposed action in the flood plain. Consideration shall be given to alternate sites, alternate actions, and the taking of no action. Consideration shall also be given to factors including but not limited to: Conservation, economics, natural and beneficial values served by flood plains, impact of floods on human safety, locational advantage, and the functional need for locating the proposed action in the flood plain.

(2) If the State Director determines that the only practicable alternative is locating the facility in the flood plain, consider the impact of the proposed action and modify the proposed action to minimize potential impact on the flood plain.

§ 1940.614 Facilities financed with Rural Housing (RH) or Rural Rental Housing (RRH) funds only.

(a) If the proposed action is to provide financial assistance to buy a dwelling or multi-unit housing facility:

(1) The first floor elevation of the habitable space of the dwelling or housing unit must be above the 100-year flood level, and

(2) The housing must be served by public utilities and facilities, such as sewer, gas, electrical, and water systems that are located and constructed to minimize or eliminate flood damage or have an onsite water supply system and waste disposal system constructed to avoid impairment of such systems including contamination of the water supply by the waste disposal system.

(b) If the proposed action is to provide financial assistance to build or provide substantial improvement, the requirements of paragraph (a)(1) of this section must be met. All construction must meet the requirements of the applicable Minimum Property Standards.

(c) If the financial assistance is to make minor repairs, the conditions of paragraphs (a) (1) and (2) of this section must be met or the building must have existed on the site prior to the date the area was identified as having special flood or mudslide hazards and, the loan approval official must determine that the dwelling is suitable as a residence.

(d) When applications for financial assistance are received in areas identified as having special flood or mudslide hazards, the loan approval official will consider the expected severity and frequency of floods and mudslides in determining whether any housing loans should be made in the area. The loan approval official should be sure, if loans are made, that the objectives of the loans can be accomplished and that the Government's financial interest will be adequately protected.

(e) In cases where the FmHA has financed dwellings in an area now identified as being in a special flood hazard area and the family wishes to sell the property to an applicant who seeks FmHA assistance to buy or assume the existing loan on the property, the following will apply:

(1) Members of our field staff must determine whether the house is structurally sound and should be retained in the programs; and

(2) Determine whether a 100-year flood would cause moderate or excessive damage to the property.

(f) In cases where the dwelling is not structurally sound or the occurrence of a 100-year flood would cause excessive damage to the property, a loan or transfer should not be processed for an eligible applicant. If, however, the house is structurally sound and the occurrence of a 100-year flood would cause only moderate damage to the property, an RH loan could be made to buy the dwelling or a transfer made to an eligible applicant provided the new applicant understands and agrees in writing that the dwelling is located in a special flood hazard area, that the first floor elevation of the dwelling is not above the 100-year flood level, and that National Flood Insurance must be maintained on the property until the FmHA indebtedness is paid in full.

§ 1940.615 Floodproofing of low risk facilities within the flood plain.

(a) Proposed facilities such as leveled land, terraces, and agricultural drainage facilities will be reviewed by the County Supervisor with assistance by the District Director to determine whether such facilities would be substantially damaged by the base flood.

(b) Facilities such as houses, rural businesses, machine storage sheds, milk barns, and the like will be floodproofed. Outlet drains are to be designed so that they can be used by auxiliary pumps during the base flood period whenever practical. Assistance in this regard may be requested from SCS or the State Director.

(c) Water facilities may be located in floodplains by installing such items as grout, pitless adapters, sanitary well seals, etc., so that water supplies can be operated without being polluted during reasonable periods of inundation.

(d) Septic tanks shall be designed with excess storage capacity and provided with adequate weight so they will not float out of the ground during periods of inundation. Septic tanks and absorption fields will not be used when the period of inundation exceeds 10 days under base flood conditions.

§§ 1940.616–1940.620 [Reserved]

§ 1940.621 Notices required after the evaluation of the floodplain.

(a) *Actions where there is no practicable alternative to locating in the floodplain.* If the State Director determines that there is no practicable alternative to locating the proposed action in a floodplain, the County Supervisor will inform the applicant to prepare a notice of proposed actions for projects which would involve an action in the floodplain. Such notice will be published in the local newspaper. This notice will explain why the action is being taken in the floodplain and provide a brief description of the proposal together with the economic justification and evaluation of the project. The notice will also show the address where the general public can review the facility plans during normal working hours.

(b) *On projects requiring compliance with OMB Circular A-95.* On all applicant projects requiring compliance with OMB Circular A-95, the applicant will include the following information along with the SF 424, "Federal Assistance," to the appropriate clearinghouse(s) for comment with a copy of the notice forwarded to the FmHA County Office.

(1) Floodplain map with project location indicated thereon.

(2) Reasons why facility is proposed to be located in the floodplain.

(3) Statement indicating whether action conforms to applicable State of local floodplain protection standards.

(4) List of alternatives considered.

(5) The clearinghouse(s) will be allowed 30 days for comment prior to FmHA taking any further action on the application. The applicant will provide the County Supervisor with written notice of any comments, or lack of comments, received from the clearinghouse(s) at the end of the specified period.

§ 1940.622 Floodplain evaluation as part of an environmental impact statement (EIS).

In those cases where it is determined through the environmental assessment that an EIS is required, a complete floodplain evaluation will be part of the EIS.

§ 1940.623 Floodproofing of the facility.

The State Director will determine whether the facilities to be constructed in the floodplain are floodproofed in a manner that the flood hazard is minimal, and whether the facility can reasonably be operated during the indundation period. The applicant will obtain and pay for any necessary engineering studies required by the State Director to support the determination.

§ 1940.624 Acquired property.

Disposition of inventory property which may be in floodplains will need to be conveyed by deeds containing the appropriate restrictions. Such cases will be referred to the National Office for for review and advice regarding necessary actions.

§ 1940.625 Compliance with National Flood Insurance.

The requirements of part 1806 subpart B (FmHA instruction 426.2) will be followed regarding flood insurance requirements.

§§ 1940.626–1940.650 [Reserved]

Dated: September 6, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-25716 Filed 9-13-78; 8:45 am]

[3410-07]

[7 CFR Part 1940]

[FmHA Instruction 1940-Q]

PROTECTION OF WETLANDS

Proposed Addition of Subpart

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration proposes to add a new subpart to its regulations to provide for the preservation of wetlands. This action is being taken to implement the provisions of an Executive order. The intended effect of the action is to assure the protection of wetlands by not providing assistance to applicants whose proposed construction would interfere with or destroy wetlands.

DATE: Comments must be received on or before November 13, 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 inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Cecil W. Rose, 202-447-3394.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration proposes to amend its regulations by issuing a new subpart Q, "Protection of Wetlands," in part 1940, chapter XVIII, title 7 of the Code of Federal Regulations. This subpart will provide regulations for compliance with Executive Order 11990 regarding all programs and activities administered by the Farmers Home Administration. Therefore, as proposed, part 1940, subpart Q reads as follows:

Subpart Q—Protection of Wetlands

Sec.

1940.801 Introduction.
1940.802 Policy.
1940.803 Definitions.
1940.804-1940.810 [Reserved]
1940.811 Determination whether area is a wetland.
1940.812 Decisionmaking process.
1940.813 Notices required after the evaluation of wetland.
1940.814 Acquired property.

1940.815-1940.850 [Reserved]

AUTHORITY: E.O. 11990; 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; Sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart Q—Protection of Wetlands

§ 1940.801 Introduction.

This subpart prescribes Farmers Home Administration (FmHA) policies, procedures, and guidelines for compliance with the President's Executive Order 11990 for all programs or activities administered by FmHA. This Executive order requires that FmHA (a) make decisions whether to finance the development or otherwise interfere with the wetland, and (b) assure that actions of the agency are directed toward protecting our wetlands.

§ 1940.802 Policy.

It is the general policy of the FmHA to avoid providing financial assistance for new construction located in wetlands unless the State Director finds: (a) that there is no practicable alternative to such new construction, and (b) that the proposed new construction includes all practicable measures to minimize harm to wetlands which may result from such use.

§ 1940.803 Definitions.

(a) *Wetland.* The term "wetland" means those areas that are inundated by surface or ground water with a frequency sufficient to support a prevalence of aquatic vegetation or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetland may include swamps, marshes, bogs, sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

(b) *New construction.* New construction shall consist of draining, dredging, channelizing, filling, diking, impounding, and related activities or part thereof together with the building facilities after the wetland has been drained or altered. Normal farming operations and maintenance of existing facilities are not considered to be new construction.

(c) *Practicable.* Practicable means capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors such as environment and cost of technology.

§§ 1940.804-1940.810 [Reserved]

§ 1940.811 Determination whether area is a wetland.

If an FmHA appraisal, U.S. Geological Service maps, local county maps, or other source material, indicate that the area to be developed is a wetland, the County Supervisor will document the facts and submit them to the State Director for review before new construction is to take place on wetlands and a final determination is made. The State Director will determine whether to proceed with the new construction before funds are allocated or other commitments have been made. If the County Supervisor, upon inspection of the area where new construction is to be commenced, is unable to determine whether the area is a wetland, he/she should contact the local Soil Conservation Service (SCS) office and seek assistance. The local SCS representative may determine that an area is a wetland in those questionable areas if the predominate species of grasses or vegetation are of the variety usually supported on soil which is seasonally wet.

§ 1940.812 Decisionmaking process.

(a) The State Director will determine whether there is a practicable alternative to locating the new construction on wetlands.

(b) In carrying out these activities the State Director shall consider factors relevant to a proposal's effect on the survival and quality of the wetlands. Among these factors are:

(1) Public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards; and sediment and erosion;

(2) Maintenance of natural systems, including conservation and long-term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources; and

(3) Other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.

(c) If there appears to be no practicable alternative to locating the new construction on wetlands, the State Director will determine that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. In making this determination, economic, environmental, and other pertinent factors may be taken into account.

§ 1940.813 Notices required after the evaluation of wetland.

(a) *Projects involving new construction.* If it has been determined that the project will constitute new construction and will have an impact on a wetland, the County Supervisor will inform the applicant to prepare a notice of proposed actions for projects which impact on the wetland. Such notice will be published in the local newspaper. This notice will explain why the action is being taken in the wetland and will provide a brief description of the proposal together with the economic justification and evaluation of the project. The notice will also show the address of the location where the general public can review plans during normal working hours.

(b) *Projects requiring compliance with OMB Circular A-95.* On all projects requiring compliance with OMB Circular A-95, the applicant will include the following information along with the SF 424, "Federal Assistance," to the appropriate clearinghouse(s) for comment with a copy of notice forwarded to the FmHA County Office.

(1) Wetland map with project location indicated thereon.

(2) Reasons why facility is proposed to be located in the wetland.

(3) Statement indicating whether action conforms to applicable State or local wetland protection standards.

(4) List of alternatives considered.

(5) The clearinghouse(s) will be allowed 30 days for comment prior to FmHA taking any further action on the application. The applicant will provide the County Supervisor with written notice of any comments, or lack of comments, received from the clearinghouse(s) at end of period specified.

(c) *Wetland evaluation as part of an Environmental Impact Statement (EIS).* In those cases where it is determined through the environmental assessment that an EIS is required, a complete wetland evaluation will be part of the EIS.

§ 1940.814 Acquired property.

Disposition of inventory property which may be located in wetlands will need to be conveyed by deeds containing the appropriate restrictions. Such cases will be referred to the National Office for necessary actions.

§§ 1940.815-1940.850 [Reserved]

Dated: September 6, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-25715 Filed 9-13-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 78-NE-16]

TRANSITION AREA

Proposed Designation of the State of New Hampshire as a 1,200-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to designate the entire State of New Hampshire as a 1,200-foot transition area. This action would consolidate all existing 1,200-foot transition areas in the State and converts a small segment of remaining uncontrolled airspace in the State (about 200 square miles) to controlled airspace, to be defined as the "State of New Hampshire Transition Area."

DATE: Comments must be received on or before October 4, 1978.

ADDRESS: Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 78-NE-16, 12 New England Executive Park, Burlington, Mass. 01803.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 78-NE-16, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before October 4, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in 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 the Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington D.C. 20591, or by calling 202-426-8085. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would establish the State of New Hampshire Transition Area. Presently, about 98 percent of the airspace in New Hampshire is designated as transition area, all contiguous. This proposal would consolidate all the existing transition areas which are now listed in Part 71 of the Federal Aviation Regulations under numerous geographic names into a single 1,200-foot transition area. It would also require that a small segment of uncontrolled airspace, about 200 square miles, be converted to controlled airspace. This amendment will simplify charting and reduce the possibility of pilot confusion in distinguishing the boundaries of designated controlled airspace.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71. 181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181) as follows:

1. By designating a new transition area to read:

State of New Hampshire Transition Area

"That airspace extending upward from 1,200-feet above the surface within the territorial boundaries of the State of New Hampshire, including offshore airspace beginning at latitude 42°56'00" N., longitude 70°34'00" W.; to latitude 42°56'00" N., longitude 70°25'00" W.; to latitude 42°43'15" N., longitude 70°25'00" W., to latitude 42°41'20" N., longitude 70°30'00" W.; to latitude 42°52'00" N., longitude 70°45'00" W., then via state territorial boundaries to point of beginning."

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

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 Burlington, Mass., on August 22, 1978.

ROBERT E. WHITTINGTON,
Director, New England Region.

[FR Doc. 78-25696 Filed 9-13-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 451]

ADVERTISING FOR OVER-THE-COUNTER ANTACIDS

Final Notice Concerning Proposed Trade Regulation Rule; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document makes corrections to the Federal Trade Commission's notice which established the dates for oral hearings to be held on FTC's proposed trade regulation on advertising for over-the-counter antacid prodcts. These corrections are to FR Doc. 78-24602 which appeared at page 38851 in the issue for Thursday, August 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Joel Brewer, 202-724-1530.

The changes are as follows:

1. On page 38851 in the first column under the paragraph captioned SUMMARY, and in the seventh line therein, change the word "product" to "products".

2. On page 38851 in the third column and in paragraph 4. therein, change the deadline for filing statements or outlines from November 3, 1978 to November 10, 1978.

3. On page 38852 in the second column and in paragraph 10. therein, change the word "They" to "Then" in the eighteenth line so that the sentence reads, "Then you may summarize the statement in your testimony, and the entire statement will be introduced into the record as an exhibit."

4. On page 38852 in the third column, third paragraph of SECTION E, and in the first sentence change the symbol (g) to (j) so that the sentence reads, "Accordingly, in the following questions, the term 'warning' refers to the FDA antacid labeling requirements set forth in (a) to (j) below:".

5. On page 38853 in the second column and in paragraph 4. therein, in the final sentence of the paragraph, insert the word "a" before the word "general" so that the sentence reads, "Can criteria be developed to deter-

mine what elements a general disclosure must contain in order to induce consumers to familiarize themselves with the warnings on particular antacid products?".

6. On page 38853 in the third column and in the first line therein, insert the word "a" before the word "specific".

Dated: September 7, 1978.

JAMES P. GREENAN,
Presiding Officer.

[FR Doc. 78-25854 Filed 9-13-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 239]

[Release Nos. 33-5974, IC-10395; File No. S7-754]

SHORT FORM FOR THE REGISTRATION OF SECURITIES

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendments to a form.

SUMMARY: The Commission is proposing amendments which would revise the short form for the registration of securities in order to further expand its usage for primary offerings by subsidiaries of certain issuers. Presently, an issuer with no publicly held voting stock may use the form for primary offerings of securities if it meets certain requirements and is a majority owned subsidiary whose parent guarantees the securities as to principal and interest. The proposed amendments would eliminate the guarantee requirement under certain circumstances and also allow the use of the form for the registration of equity securities by certain subsidiary issuers under conditions designed to assure adequate dissemination of current information about the issuer.

DATE: Comments should be submitted on or before October 31, 1978. Issuers desiring to take advantage of the proposed amendments may do so immediately, provided they comply with all applicable provisions of the new form.

ADDRESS: Comments should refer to file S7-754 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Steven J. Paggioli, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-376-8090.

SUPPLEMENTARY INFORMATION: On April 11, 1978, the Commission in Securities Act Release No. 5923 (43 FR 16672) announced the adoption of amendments to form S-16 (17 CFR 239.27), a form for registration of certain securities under the Securities Act of 1933 ("Securities Act") (15 U.S.C. 77a et seq., as amended by Pub. L. 94-29 (June 4, 1975)). Form S-16 is a registration form which is comparatively simpler and shorter than other available forms for the registration of securities under the Securities Act.

The amendments adopted in release 33-5923 broadened the types of transactions for which form S-16 may be used in that for the first time the form was made available for primary offerings by issuers under certain specified conditions. One of these conditions requires issuers or their parents to meet a $50 million market capitalization standard based on computation by reference to voting stock held by nonaffiliates. In adopting this requirement, the Commission noted that several commentators had criticized the relation of the $50 million amount to issuers' voting stock. These commentators noted that many companies with no publicly held voting stock may be more seasoned than some companies with publicly held voting stock. Accordingly, the Commission determined to permit the use of form S-16 by issuers with no publicly held voting stock when the issuer is a majority owned subsidiary and its parent meets the $50 million voting stock market capitalization requirements and guarantees the securities as to principal and interest. However, at that time the Commission also directed the staff to consider what conditions for the availability of form S-16 would be appropriate for other issuers with no publicly held voting securities. The amendments proposed today generally would expand the class of subsidiary issuers eligible to use the form for primary offerings to include those whose parents do not guarantee their securities as to principal and interest and also allow the use of the form for the registration of equity securities of such issuers.

In addition to the general requirements for the use of the form and the market capitalization requirement of the parent, the proposed criteria for subsidiaries include (1) The existence of outstanding debt or equity securities held by nonaffiliates, with an aggregate principal amount or market value of at least $250 million, the offer or sale of which has been registered pursuant to the provisions of section 6 of the Securities Act of 1933, (2) compliance with certain specified earnings to fixed charges ratios (varying according to industry) for the most recent fiscal period reported, (3) the existence of at least 2,500 security holders who receive annual reports from the issuer containing certified financial statements.

This release contains a general discussion of the background and purpose of the proposed amendments and a brief description thereof. Attention is directed to the text of the proposed amendments for a more complete understanding.

BACKGROUND AND PURPOSE

The adoption in release 33-5923 of the amendments making form S-16 available for primary offerings reflects in part the recommendation of the Advisory Committee on Corporate Disclosure ("Advisory Committee") that form S-16 be available for the registration of securities to be offered directly to the public by a "small top tier of companies * * * which usually provide high quality corporate communication documents, including 1934 act reports, * * * whose corporate information is widely disseminated * * * [and] which are widely followed by debt and equity analysts." [1] This is also consonant with the position set forth in the Commission's original concept release [2] on the amendments ultimately adopted in release 33-5923 that the category of issuers should be limited to those which, in addition to meeting the existing standards set forth in form S-7, are of sufficient size and have an established reporting history that would justify the use of an abbreviated prospectus.

As noted infra, one of the major conditions ultimately adopted in furtherance of identifying a category of such issuers was the requirement that an issuer have outstanding voting stock held by nonaffiliates with an aggregate market value of at least $50 million. This standard was considered appropriate in that in addition to wide dissemination of information about such companies in the marketplace, they would also be the subject of significant scrutiny by securities analysts.[3]

The relation of this requirement to the issuer's voting stock, however, was criticized by several commentators on the proposed amendments who noted

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[1] Report of the Advisory Committee on Corporate Disclosure to the Securities and Exchange Commission ("Report"), House Committee on Interstate and Foreign Commerce, 95th Cong., 1st sess., Committee Print 95-29 at 433-34.

[2] Securities Act Release No. 5792, Dec. 20, 1976, 41 FR 56331.

[3] See report at A-51. This requirement had its origin in a report by the Financial Analysts Federation to the Advisory Committee indicating that New York City based brokerage firms and institutions generally will follow companies of this size.

that many companies with no publicly held voting stock may be better established than those with such stock. In response to these comments, the amendments as adopted permit the use of form S-16 by issuers with no publicly held voting stock when the issuer is a majority owned subsidiary and its parent meets the $50 million market capitalization requirement and guarantees the securities as to principal and interest.

Since the date these amendments were adopted, further comments have been received to the effect that several subsidiary issuers, such as finance companies and utility companies, are among the largest and best established business concerns and frequently finance externally. In view of their previous issuances of securities and reporting history, substantial public information is available regarding these issuers. Further, it has been suggested that the parent companies of these issuers generally do not guarantee securities issued by their subsidiaries, and in view of the quality of these issuers there is no need for such a guarantee. Accordingly, these commentators believe that such issuers should have access to form S-16 for primary offerings without requiring a guarantee by their parent companies. In addition, it has been suggested that the form also should be available for the issuance of nonvoting equity securities by these issuers.

In light of these concerns, the Commission is proposing amendments to form that would allow its use under certain circumstances by issuers with no publicly held voting securities without requiring a parent guarantee. The proposed criteria discussed below are intended to assure that the subsidiary issuers which will be able to use the form for primary offerings in the absence of a parent guarantee will satisfy similar standards of information dissemination and significant interest by securities professionals.

Two Hundred and Fifty Million Dollars Aggregate Principal Amount or Market Value of Outstanding Securities

In addition to the requirement that the issuer satisfy the rules for the use of form S-7[4] and that its parent meet the $50 million voting stock market capitalization requirements, the first proposed amendment would require the issuer to have outstanding debt or equity securities held by nonaffiliates, with an aggregate principal amount or market value of at least $250 million, the offer or sale of which has been registered pursuant to the provisions of section 6 of the Securities Act of 1933.

This proposed requirement is similar in concept to the $50 million market capitalization requirement adopted with respect to voting stock and is intended to serve the same function as that requirement, i.e., assuring a category of issuers about which significant information is available, disseminated, and analyzed. With respect to those subsidiary issuers with substantial debt and nonvoting equity securities outstanding, the $250 million standard has been suggested and is proposed as a means of assuring the same type of significant interest within the investment community and the wide dissemination of adequate current information on issuers that is attendant to that interest.

The requirement that the debt or preferred stock used to meet the $250 million condition have been registered pursuant to the provisions of the Securities Act is likewise further intended to provide additional assurance that information regarding the issuer has been disseminated, in view of the nature of the disclosure required by the registration provisions of that Act and the reporting obligations that attach.

Coverage Ratios

An additional proposed requirement relates to the issuer's ratio of earnings to fixed charges. Specifically, the issuer's earnings for the last fiscal year or 12-month period reported in the registration statement, after all operating and income deductions except fixed charges and taxes based on income or profits after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons, must be at least: (a) 1.25 times fixed charges for finance companies; (b) 3 times fixed charges for utilities; and (c) 6 times fixed charges for any other issuers. The ratios are to be adjusted to give effect to: (1) The issuance of the securities being registered; (2) any issuance, retirement, or redemption of securities during or after such period; or (3) any issuance, retirement, or redemption of securities after, or presently proposed for the year after, such period.

The earnings to fixed charges ratio criterion is also designed to assure that the form be available only to a category of issuers whose earnings exceed fixed charges by a generally accepted multiple amount for the particular industry in which the issuer is engaged. The selected ratios are based on one of the conditions for use of form S-9, a now rescinded form for registration of certain debt securities.[5] In rescinding the form, the Commission noted that one of the factors contributing to the form's infrequent use may have been the effect of increased interest rates on the ability of many registrants to meet the minimum fixed charges coverage standards. Although the proposed format for coverage ratios is based on form S-9 and contains the same ratios for utilities and general industrial issuers, the Commission feels that these ratios may be appropriate for an initial period of experimentation. Comment is specifically invited, however, as to the appropriateness of the ratios selected for each industry, and any other conditions that would include the category of issuers described above. Comment is also requested with regard to whether a definition of "finance company" is necessary and with regard to any other appropriate standards for classifying companies within an industry or other appropriate industry groups in which special conditions would warrant different ratios.[6]

Distribution of Annual Reports With Certified Financial Statements

As noted above, one of the major arguments in favor of making form S-16 available for primary offerings by high quality issuers is the accessibility to investors and shareholders of adequate current information about these issuers. An important source of that information is the annual and periodic reporting obligation of the Exchange Act; companies must be subject to those requirements and current in filing such reports in order to use forms S-7 and S-16. Although subsidiary issuers intended to be covered by the proposed amendments published today must also be subject to Exchange Act reporting requirements, those reports and other disclosure doc-

[4] Generally, an issuer may use form S-16 if it meets the conditions for use of form S-7, which require an issuer (a) to have a class of securities registered under sec. 12 or be subject to the reporting requirements of sec. 15(d) of the Exchange Act; (b) to have been subject to the requirements of sec. 12 or 15(d) and to have filed all applicable reports for 36 calendar months prior to filing the registration statement and have timely filed all required reports for the past 12 calendar months; (c) to have had no default in payments on preferred stock, indebtedness for borrowed money or long-term leases during the past 36 months; and (d) to have had consolidated net income of at least $250,000 for 3 of the last 4 fiscal years, including the most recent fiscal year. See 17 CFR 239.26.

[5] Form S-9 was a registration form available for registration of nonconvertible, fixed-interest debt securities of an issuer required to file reports pursuant to sec. 13 or 15(d) of the Exchange Act; that form required certain earnings to fixed charges ratios as a condition to its use. Form S-9 was rescinded on Dec. 30, 1976, in view of the minimal number of registrations that had been filed on the form in recent years. Securities Act Release No. 5791, 41 FR 56306, Dec. 20, 1976.

[6] See also Accounting Series Release No. 119, June 16, 1971, 36 FR 11918, and Accounting Series Release No. 122, Aug. 10, 1971, 36 FR 15527, with regard to computation of earnings to fixed charges ratios.

uments regarding issuers with no publicly held voting securities may not be widely distributed. This may be particularly so with reference to issuers of debt securities. For example, a recent survey of corporations having over $4 billion in debt outstanding and over 30,000 bondholders indicated that only 28 percent of their bondholders received annual reports and only 20 percent received interim reports.[7]

In view of the possible difference in degree and frequency of disclosure by those issuers with no publicly held voting securities, the Commission is proposing the additional requirement that the issuer have at least 2,500 security holders who were furnished an annual report containing certified financial statements for its most recent fiscal year. The requirement is also intended to assure the existence of complete and current information on the issuer and sufficient market interest in its securities.

REQUEST FOR COMMENT

All interested persons are invited to submit their views and comments on the amendments proposed herein. All comments should be received no later than October 31, 1978. Issuers desiring to take advantage of the proposed amendments may do so immediately, provided they comply with all applicable provisions of the new form.[8]

PROPOSED AMENDMENTS

The text of the proposed amendments is set forth below:

Form S-16 (17 CFR 239.27) is proposed to be amended to read as follows:

§ 239.27 Form S-16, for registration under the Securities Act of 1933 of securities of certain issuers offered pursuant to certain types of transactions.

(No change in facing page.)

GENERAL INSTRUCTIONS

A. Rule as to use of form S-16: Form S-16 may be used for registration under the Securities Act of 1933 of securities offered in the transactions specified below, if the issuer meets the requirements for the use of form S-7 (17 CFR 239.26) at the time of filing the registration statement:

1. Transactions involving certain primary offerings. Debt or equity securities offered for cash by or on behalf of the issuer provided the following conditions are met:

(a) The issuer meets the conditions listed in (i), (ii), or (iii) below. The aggregate market value of the issuer's or its parent's outstanding stock shall be computed by reference to the price at which the stock was sold, or the average of the bid and asked prices of such stock, as of a specified date within 60 days prior to the date of filing. (See the definition of affiliate in rule 405.)

(i) The aggregate market value of the voting stock held by nonaffiliates of the issuer is $50 million or more; or

(ii) The aggregate market value of the voting stock of the issuer's parent held by nonaffiliates is $50 million or more, the issuer is a majority owned subsidiary and its parent has fully guaranteed the securities as to principal and interest; or

(iii) The aggregate market value of the voting stock of the issuer's parent held by nonaffiliates is $50 million or more, the issuer is a majority owned subsidiary; and

(A) The issuer has outstanding securities held by nonaffiliates, with an aggregate principal amount or market value (computed in accordance with instruction A(1)(a) above) of at least $250 million, the offer or sale of which has been registered pursuant to the provisions of section 6 of the Securities Act of 1933;

(B) For the last fiscal year or 12-month period reported in the registration statement the earnings of the issuer after all operating and income deductions except fixed charges and taxes based on income or profits after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons have been at least: (a) 1.25 times its fixed charges in the case of finance companies, (b) 3 times its fixed charges in the case of utilities, or (c) 6 times its fixed charges in the case of any other issuer for such period, adjusted to give effect to: (1) The issuance of securities being registered; (2) any issuance, retirement, or redemption of securities during or after such period; and (3) any issuance, retirement, or redemption of securities after, or presently proposed for the year after, such period; and

(C) The issuer has at least 2,500 security holders to whom the issuer, for its most recent fiscal year, has furnished an annual report containing certified financial statements.

(No other change in form S-16.)

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906; sec. 8, 68 Stat. 658; sec. 1, 79 Stat. 1051; 15 U.S.C. 77f, 77g, 77j, 77s(a).)

STATUTORY AUTHORITY

The foregoing action is taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10, and 19(a) thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 7, 1978.

[FR Doc. 78-25888 Filed 9-13-78; 8:45 am]

[7] The survey is referred to in the report of the Fixed Income Analysts Society to the Advisory Committee. See report at A-65-66.

[8] Rule 401 under the Securities Act, 17 CFR 230.401, provides that any registration statement shall be deemed to be filed on the proper form unless objection is made by the Commission prior to the effective date.

[4110-07]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 416]

[Reg. No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Medical and Social Services Which Are Not Income

AGENCY: Social Security Administration, HEW.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The proposed amendments concern the treatment under the Supplemental Security Income (SSI) program of various types of assistance furnished for the purpose of providing medical care and services and social services. The amendments are a result of continued questions from interested sources concerning the treatment of cash payments by social services programs, and the treatment of food, clothing, or shelter provided incident to social services or incident to medical care and services other than during a medical confinement. The proposed amendments are intended to promote better understanding of what assistance provided in cash or in kind under any medical care or services or social services program is excluded as income under the SSI program.

DATES: Comments must be received on or before November 13, 1978.

ADDRESSES: Prior to final adoption of these proposed amendments to the regulations, consideration will be given to any data, views, or arguments which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Md. 21203.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 5131, 330 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Mr. Henry D. Lerner, Legal Assistant, Office of Policy and Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-7336.

SUPPLEMENTARY INFORMATION: Under existing regulations, income for SSI purposes is defined as including "* * * the receipt by an individual of any property or service which he can apply, either directly or by sale or conversion, to meeting his basic needs for food, clothing, and shelter." Therefore, services of a strictly social nature provided by any private or governmental agency are excluded from this definition of income. Third party payments for medical care and services, including those for support and maintenance provided during a medical confinement, regardless of source, are also excluded from the definition of income. Further, although not now explicit in regulations, present policy excludes from the concept of "income" any public or private agency cash payment to an individual as reimbursement for, or restricted to the future purchase of, approved medical or social services which are not food, clothing, or shelter.

Medical care and services and social services are not included as "income" for SSI purposes because they are not intended to meet on a continuing basis the individual's basic need for food, shelter, and clothing, toward which the SSI program is primarily directed. Moreover, inclusion of these items as income would be inconsistent with the basic pattern of the Social Security Act, where SSI benefits are provided under title XVI, while medicaid is provided under title XIX, and social services are provided under title XX. Nevertheless, questions have arisen in situations where medical or social services, provided under a public or private program, have included food, shelter, or clothing, or cash or other items convertible into food, shelter, or clothing. The proposed regulations clarify how the rules apply in these situations.

There are governmental medical care and services and social services programs under other authority than the Social Security Act that provide food, clothing, and shelter and other assistance as an integral or essential part of the medical care and services and social services (e.g., vocational rehabilitation, developmental disabilities). Where the SSI program reduces its payments to take into account assistance of this type furnished under other governmental programs, SSI is, in effect, nullifying or frustrating achievement of those other programs' purposes. Consistent with the intent underlying these medical care and services and social services programs, SSI policy is being modified so as to exclude from the definition of income cash or food, clothing, or shelter furnished for the purpose of providing medical care and services or social services under any governmental program.

The proposed amendments reflect an essential distinction made by the Congress between title XVI of the Social Security Act and other Federal programs designed to meet needs other than those met by SSI. SSI payments are provided in recognition of basic needs. The expenditure of public funds under other governmental programs is assumed to be consistent with the purpose and requirements of these other programs and their legislative authorizations.

This rationale cannot be extended to embrace nongovernmental programs under the exclusion. Bills that would have created an income exclusion for assistance provided by private nonprofit organizations have been introduced into the Congress and voted down on three separate occasions. Only one exclusion along these lines has been enacted, and it is limited to the provision of in-kind support and maintenance to certain residents of private nonprofit institutions.

The following examples show medical and social services situations.

Example 1: In State A, the State vocational rehabilitation agency agrees to provide required training to a disabled SSI recipient at a State university. The State agency pays for his tuition and since the recipient must temporarily live apart from his family while taking the required training, the State agency provides a cash living allowance while he is away. Under the existing regulations, the value of the living allowance would be considered as income, and the SSI payment would be reduced. Under the proposed regulations, none of the assistance from the State vocational rehabilitation agency would be counted as income with no consequent reduction in the recipient's SSI benefit.

Example 2: Religious Charities, Inc., a nonprofit social service organization, provides Mr. Smith, who had been recently released from the hospital, with cash to pay for temporary homemaker services. Mr. Smith must give the receipt for the service to his caseworker before he can receive the following week's payment. Under the existing regulations, this payment is considered income. Under the proposed regulations, payments of this sort would not be considered income and would not be counted against Mr. Smith's SSI benefit.

Example 3: Mr. Morris, an alcoholic, was given room and board for over a month by the Salvation Hall Halfway House until he could be accommodated at a local clinic for treatment. Under both the existing and the proposed regulations, this assistance would be considered income.

The proposed amendments are to be issued under the authority contained in sections 1102, 1612, and 1631(d) of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1468 and 1475; 42 U.S.C. 1302, 1382a and 1383(d).

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: July 25, 1978.

DON WORTMAN,
Acting Commissioner of Social Security.

Approved: September 6, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by revising § 416.1109 to read as follows:

§ 416.1109 Medical and social services.

(a) *Medical services.* The term "income" does not include the value of:

(1) Room and board furnished during a medical confinement;

(2) Any assistance provided in cash or in kind under any Federal, State or local governmental program, the purpose of which is to provide medical care or medical services (including those related to vocational rehabilitation) or both;

(3) Any in-kind assistance (other than food, clothing, or shelter) provided under a nongovernmental program, the purpose of which is to provide medical care or medical services or both;

(4) Any cash provided by any nongovernmental medical care and services program as reimbursement for services (not to include food, clothing, or shelter) already purchased by the individual and approved by the services program, or as a payment restricted to the future purchase of a service (not to include food, clothing, or shelter) approved by the medical care and services program.

(b) *Social services.* The term "income" does not include the value of:

(1) Any assistance provided in cash or in kind under any Federal, State or local governmental program, the purpose of which is to provide social services (including those related to vocational rehabilitation);

(2) Any in-kind assistance (other than food, clothing, or shelter) provided under a nongovernmental program, the purpose of which is to provide social services.

(3) Any cash provided by any nongovernmental social services program as reimbursement for services (not to include food, clothing, or shelter) already purchased by the individual and approved by the services program, or as a payment restricted to future purchase of a service (not to include food, clothing, or shelter) approved by the services program.

[FR Doc. 78-25868 Filed 9-13-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 183]

[CGD 76-082]

VENTILATION OF BOATS

Proposed Minimum Safety Standards; Correction

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule; correction.

SUMMARY: In FR Doc. 78-25014 appearing at page 32606 in the FEDERAL REGISTER of July 27, 1978, 33 CFR 183.601(a)(2) on page 32608 is corrected to read as follows:

§ 183.601 Applicability.

(a) * * *

(2) Are built after July 31, 1979, except that a manufacturer may elect to comply with this subpart at any time after July 31, 1978 and prior to August 1, 1979.

* * * * *

EFFECTIVE DATE: September 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Lars E. Granholm, Office of Boating Safety (G-BBT), U.S. Coast Guard, Room 4314, Department of Transportation, Trans Point Building, 2100 V Street SW., Washington, D.C. 20590, 202-426-4027.

Dated: September 7, 1978.

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

[FR Doc. 78-25953 Filed 9-13-78; 8:45 am]

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 177]

GUARANTEED STUDENT LOAN PROGRAM

Extension of Period for Public Comment on Supplemental Proposed Rulemaking

AGENCY: Office of Education, HEW.

ACTION: Extension of comment period for public comment on supplemental proposed rulemaking.

SUMMARY: On July 19, 1978, the Office of Education published a notice of supplemental proposed rulemaking for the guaranteed student loan program (43 FR 31104). This proposed rule concerned refund policies of insitutions participating in the guaranteed student loan program (GSLP), and amended the previously published notice of proposed rulemaking for the GSLP which was published on April 5, 1978 (43 FR 14376). Comments on the supplemental notice of July 19 were to be received on or before September 5, 1978. However, due to unavoidable delays encountered by the Office of Education in obtaining and mailing reprints of the July 19 proposed regulations, some members of the public who are interested in the GSLP may not have adequate opportunity to submit their comments by September 5. Therefore, notice is hereby given that the Commissioner of Education will accept public comments on the July 19 supplemental proposed rulemaking which are received on or before October 5, 1978, rather than the previously announced date of September 5, 1978.

DATE: Comments now due by October 5, 1978.

ADDRESS: Comments must be addressed to Miss Patricia Hopson, Guaranteed Student Loan Branch, DPPD, Bureau of Student Financial Assistance, Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. Comments will be available for public inspection at the GSA Building, 7th and D Streets SW., Room 4642, between 9 a.m. and 3:30 p.m., Monday through Friday, except on Federal holidays. (20 U.S.C. 1071 to 1087-4.)

FOR FUTHER INFORMATION CONTACT:

Mr. David C. Bayer, 202-245-9717.

(Catalog of Federal Domestic Assistance No. 13.460, guaranteed student loan program.)

Dated: September 10, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 78-25979 Filed 9-13-78; 8:45 am]

[4910-59]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75-16; Notice 22]

AIR BRAKE SYSTEMS

Parking and Emergency Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Proposal.

SUMMARY: This notice proposes amendment of the air brake standard to broaden and simplify the parking and emergency brake performance requirements, and to temporarily extend exclusions for heavy hauler and auto transporter vehicles from aspects of the standard that are the subject of judicial review. The proposal responds to manufacturers petitions and recommendations, and to the agency's experience with implementation of the air brake standard since January 1975. The modifications are intended to improve the means by which a vehicle manufacturer is able to comply with the standard, and the exclusions would preserve the status quo for affected vehicles regarding those portions of the standard subject to judicial review.

DATES: Comments must be received on or before October 23, 1978. Proposed effective Date: Date of publication of the final rule in the FEDERAL REGISTER.

ADDRESSES: Comments should refer to the docket number and be submitted to: Room 5108, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Duane Perrin, Office of Crash Avoidance, National Highway Traffic Safety Administration, Washington, D.C. 20590 202-426-2153.

SUPPLEMENTARY INFORMATION: Standard No. 121 (49 CFR 571.121) regulates the braking system performance of air-braked trucks, buses, and trailers. The standard has been in effect for trailers since January 1, 1975, and for trucks and buses since March 1, 1975. The standard contains requirements for service brake systems, emergency brake systems, and parking brake systems.

Based on more than 3 years' experience with the standard on the part of manufacturers, users, the agency, and other interested parties, it is judged that some modifications of the performance requirements may be justified. Quite apart from the more controversial aspects of the standard, some of which are still subject to judicial challenge, manufacturer and user experience indicates that some emergency and parking brake performance requirements could be more broadly stated to allow new design options that offer an equivalent level of safety to existing designs.

EMERGENCY AND PARKING BRAKES

In December 1975, the NHTSA issued a notice of proposed rulemaking (40 FR 56920; December 5, 1975) that would have resulted in a major restructuring of several portions of the standard, including the parking and emergency braking requirements for trailers. Since that time, several petitions relating to this subject have been received. This notice is based on analysis of those petitions as well as the comments received in response to the

December 1975 proposal. The intent of this proposal is to allow manufacturers more latitude in their engineering choices, while maintaining a safety performance level equivalent to that currently required. All parking and emergency brake systems meeting the current requirements of Standard No. 121 would also meet these proposed requirements.

The existing parking brake requirements set forth in S5.6 of the standard require minimum performance levels, application by an energy source that is not affected by loss of service brake pressure, maintenance of the brakes in the applied postion by mechanical means, and certain parking brake control requirements in the case of trucks and buses. The "separate energy source" requirement is intended to provide parking brake capability at all times. The "holding by mechanical means" requirement insures that the gradual leaking away of air pressure or other fluid pressure over time would not permit a parked vehicle to become a "rollaway" hazard.

The agency has granted two petitions of the Truck Trailer Manufacturers Association (TTMA) to modify the minimum parking brake performance levels. The TTMA asked that the existing specification to provide certain retardation forces on an axle-by-axle basis (S 5.6.1(a)) be changed to specify the same total retardation forces, but to permit their calculation on the basis of all the axles on the vehicle considered together. This would permit a somewhat closer calculation of the necessary retardation forces, without as much "overdesign" of each axle to allow for manufacturing tolerances in order that the performance of no axle fell below the minimum. The agency intended that the retardation forces be adequate for the vehicle in its entirely, and tentatively adopts the TTMA rationale. Accordingly S 5.6.1's specification would be modified to specify calculations on a "whole vehicle" basis.

The TTMA also petitioned to eliminate the parking brake test of an unloaded vehicle, arguing that testing of the loaded vehicle would be adequate as the test of the system at its greatest strain. The agency decided that the argument had some merit and granted the petition.

However, upon further consideration of the issue, the agency concludes that the unloaded test is a realistic test of a condition under which vehicles are parked. The requirement precludes the possibility of a manufacturer placing parking brakes only on a lightly loaded axle that would allow the vehicle to roll in the unloaded condition.

Manufacturers have apparently not encountered problems in meeting this requirement in the 3 years since the effective date of the standard. Therefore, the agency declines to propose this TTMA recommendation.

Trailer manufacturers have generally used compressed springs to provide the "separate energy source" and "holding by mechanical means" required by S 5.6.3 of the existing standard. This is a traditional means to ensure that, upon sudden loss of service brake air pressure in operation or gradual leaking away of service brake air pressure when parked, the spring brake can actuate to stop the moving vehicle or hold the parked vehicle. While spring brakes are commonly used on trucks and trailers, buses often use a "double diaphragm" air-applied system, along with a mechanical gripping device, that together meet the requirements of S 5.6.3.

A potential problem has arisen with the near universal installation of spring brakes on trailers. Because these vehicles do not have air compressors to generate their own air supplies independently of a towing vehicle, the automatic application of the spring brakes when air pressure is lost can be troublesome. For example, in applications such as logging and agricultural harvesting, regular towing of the air-braked trailer off road by a vehicle without an air compressor makes difficult the release of the spring brakes that applied automatically when the trailer was disconnected from the highway tractor. Alternatively, on the highway, any air-braked trailer which suffers a supply line rupture will be stopped by automatic application of the spring brakes, and without pressure in the supply line, the spring brakes cannot be released. In both situations, a solution is to "cage" (manually compress) the springs, but this can lead to an unsafe situation on the highway if the springs are not subsequently uncaged. Specifically, the caged springs mean there is no parking brake capability, and in current trailers, this means there also is no emergency braking capability. Bureau of Motor Carrier Safety (BMCS) and NHTSA monitoring of this situation has not uncovered significant caging, but the agency is concerned about the potential problem.

In the case of certain bulk agricultural commodity trailers, the agency has provided an alternative means to meet the standard (42 33293, June 30, 1977) because of the greater potential for operation with caged spring brakes. These trailers may meet the standard's requirements or, at the option of the manufacturer, the breakaway protection requirements of the BMCS (49 CFR 393.43). A petition by R. E. Thomas Erectors, asking for a similar option in the case of logging trailers because of their similar operation, has been granted. In addition, it is proposed that the same option be extended to straddle-type agricultural commodity trailers and heavy hauler trailers, for the same reason. The proposed provision makes clear that, while excluded from Standard 121's parking brake requirements, the trailers would still be required to have an emergency brake system.

It has also become apparent that the present wording of S5.6.3. may prevent the use of several innovations in parking brake design. One device is comparable to the mechanical gripping device used with the "double diaphragm" system earlier described, but it is also intended and could be used with at least some single diaphragm systems. Another innovation is a design that provides for emergency application of air pressure through the service brake system of the trailer, and uses the spring brakes only as a backup system for extended parking or in case of a service system failure such as a ruptured brake chamber diaphragm. This system is considered to be simpler than existing systems and might thereby reduce the possibility of system failure.

One impediment to these systems has been the current requirement of S5.2.1.1 for an isolated source of air pressure to permit release of the parking brakes. This reservoir has been required to allow for the prevention of the problem of spring-brake lockup on the highway without a means of release. Some early FMVSS 121 towing vehicle brake system designs were able to utilize this reservoir for modulation of trailer brakes through the supply line in case of failure of the trailer service brake system. However, more recent towing vehicle brake designs generally use a split braking system instead, and the isolated reservoir is largely unused. In the December 1975 proposal earlier noted, the agency responded to a California Highway Patrol petition to increase the utility of this reservoir by requiring the provision of a manual parking brake release on the trailer so that a driver could quickly actuate the isolated air supply and move the vehicle. This action would be comparable to the simple action of releasing the air applied "breakaway" capability that had been in common use prior to Standard No. 121. The vast majority of commenters objected to this requirement, however, because of concern over added complexity and cost to the system, and the fear of unintended actuation of the release control on parked trailers.

The agency has tentatively determined that the use of an air-applied emergency brake with a backup spring brake or other mechanical means of holding should not be discouraged. Pe-

titions from the Berg Mfg. Co., Fruehauf Corp., and the Bendix Corp. requesting deletion or rewording of S5.2.1.1 have all been granted. While it is noted that the requirement of S5.2.1.1 does not prohibit production of an air-applied system, the agency understands that the economic incentive to offering such a system depends in large part on being able to produce a system with one less reservoir. Air-applied systems offer the important advantage that, even if the parking brakes are caged, an emergency braking capability is still available on the highway. The agency considers this important because of the potential for the caging of spring brakes. In addition, an air-applied system will offer antilock control of emergency braking if the trailer is antilock-equipped and the antilock system is powered during emergency braking.

The agency has proposed the "separate energy source" requirement in different terminology to encourage alternatives to the use of spring brakes, while still insuring a back-up capability independent of the service brake system and a "holding" capability by mechanical means.

Another impediment to new innovations is the requirement, in the case of trailers, that emergency braking must be accomplished by automatic application of the parking brake system. Greater flexibility of design would be afforded if alternative means of emergency brake application were also allowed. Therefore, this proposal would also reword the emergency brake requirement to clarify that it is distinct from the parking brake requirement, although the same hardware could be used to accomplish both functions. Definitions of service, emergency, and parking brake systems are proposed, to clarify that each system has a distinct function, although some components may be common to two or more systems.

Vehicle Exclusions

Auto transporters and heavy hauler trailers have been excluded from Standard No. 121 until January 1, 1979, due to the distinctive construction or use of these vehicles that makes compliance with certain aspects of the standard more difficult. The Truck Trailer Manufacturers Association (TTMA) has petitioned for permanent exclusion of heavy hauler trailers from the standard for these and related reasons.

The agency's analysis of available componentry and of the engineering issues involved in compliance of these vehicles with the standard indicates that the only remaining difficulties with compliance might be satisfaction of the "no lockup" and parking brake requirements. For example, less room for the installation of components could interfere with compliance with the parking brake requirement on these vehicles.

A separate but critical consideration is that the road tests (including "no lockup" requirements) of the standard remain subject to judicial review. Reengineering of presently excluded vehicles to meet these requirements might be for a temporary period only. In view of this uncertainty about long term requirements, it is proposed that auto transporters and heavy hauler trailers be temporarily excluded from the road test requirements.

Because reservoir volume requirements are closely related to the "no lockup" performance requirement, it is proposed that the two vehicle types also be temporarily excluded from S 5.1.2.1 and S 5.2.1.2. On this subject, it is noted that the TTMA has petitioned for a 50-percent reduction in reservoir requirements on trailers not equipped with antilock systems. The agency granted this petition because the volume requirements are based in part on the air release cycling of antilock systems. However, the agency would prefer a requirement that applies whether or not a vehicle is antilock-equipped, specifying a certain number of stops that must be made with the compressor turned off and any antilock cycling, without a drop in air pressure below a specified level. Such a requirement would encourage design of brake systems that use less air, especially those that are antilock-equipped. The NHTSA does not have sufficient test data to define what such performance levels should be, however, and no change in the current requirements can be proposed at this time. Comments are solicited on the advisability of NHTSA's suggested alternative, and on the number of stops and pressure levels that would meet the need for motor vehicle safety.

To the degree that this proposal does not grant the TTMA's heavy hauler petition, it is denied.

In accordance with Department of Transportation policy, it is hereby stated that the agency does not consider this amendment of standard No. 121 to have significant impact as defined in the Department's criteria for internal review. The proposed changes all permit greater manufacturing flexibility and do not impose any additional requirements. The implementation of some of the standards's requirements for heavy hauler trailers and auto transporters reflects the termination of an exclusion, not new agency action, and the controversial "no lockup" requirement is being excluded for an indefinite period.

In consideration of the foregoing, it is proposed that Standard No. 121 (49 CFR 571.121) be amended as follows:

1. Section S 4 (Definitions) would be amended by the addition of six new definitions to read:

"Agriculture commodity trailer" means a trailer that is designed to transport bulk agricultural commodities in off-road harvesting sites and to a processing plant or storage location, as evidenced by skeletal construction that accommodates harvest containers, a maximum length of 28 feet, and an arrangement of air control lines and reservoirs that minimizes damage in field operations.

"Emergency brake system" means the components of a motor vehicle that provide the primary means of stopping the vehicle in the event of a failure or loss of energy source in the service brake system. Some of these components may be common to the service or parking brake systems.

"Parking brake system" means the components of a motor vehicle that provide the primary means of preventing movement of the vehicle when stationary. Some of these components may be common to the service or emergency brake systems.

"Pulpwood trailer" means a trailer that is designed exclusively for harvesting logs or pulpwood and constructed with a skeletal frame with no means for attachment of a solid bed, body, or container, and with an arrangement of air control lines and reservoirs designed to minimize damage in off-road operations.

"Service brake system" means the components of a motor vehicle that provide the primary means of retarding, stopping and holding the vehicle, and any other vehicle that it is designed to tow. Some of these components may be common to the parking or emergency brake systems.

"Straddle trailer" means a trailer that is designed to transport bulk agricultural commodities from the harvesting location as evidenced by a framework that is driven over the cargo and hydraulic lifting arms that suspend the cargo for transit.

2. Section S5.1.2.1 would be amended by the addition of a sentence at the end of the text to read: "However, the reservoirs on the truck portion of an auto transporter need not meet this requirement."

3. Section S5.2.1.1 would be deleted and reserved.

4. Section S5.2.1.2 would be amended by the addition of a sentence at the end of the text to read: "However, the reservoirs on a heavy hauler trailer and on the trailer portion of an auto transporter need not meet this requirement."

5. The last sentence in the paragraph designated S5.3 would be replaced by a new sentence to read: "However, a heavy hauler trailer and the truck and trailer portions of an

auto transporter need not meet the requirements of S5.3."

6. Section S5.3.2.2 would be amended to read:

S5.3.2.2 When stopped in accordance with S5.3.2, a pulpwood trailer need not meet the requirements relating to wheel lockup, but must nevertheless meet the requirements of staying within the 12-foot lane.

7. Section S5.6 and its subsections would be amended to read:

S5.6 *Parking brake system.* Except for an agricultural commodity trailer, a heavy hauler trailer, a pulpwood trailer, a straddle trailer, or a trailer converter dolly, each vehicle shall be equipped with a parking brake system that, under the conditions of S6.1, meets the requirements of S5.6.1 through S5.6.5.

S5.6.1 *Parking brake system performance.* With no other vehicle braking systems applied, both when loaded to its GVWR and when at its unloaded weight plus 500 pounds (including driver and instrumentation), the parking brake system shall be capable of holding the vehicle stationary when racing uphill or downhill on a smooth, dry, portland cement concrete roadway with a 20-percent grade, or, at the option of the manufacturer, during a static drawbar pull in the forward or rearward direction, with drawbar force equal to—

(a) 0.14 times the vehicle's weight in the case of a truck tractor equipped with more than two axles; or

(b) 0.28 times the sum of the weights on all axles other than all front steerable axles in the case of any vehicle other than a truck tractor with more than two axles.

S5.6.2 *Application.* The parking brake system shall be capable of application with the forces specified in S5.6.1 with any single failure in any other brake system of a part designed to contain compressed air or brake fluid (except failure of a component of a brake chamber housing).

S5.6.3 *Holding.* The parking brake system shall maintain the retardation performance level specified in S5.6.1 in the event of complete loss of electric energy and fluid pressure, including air pressure, in the vehicle.

S5.6.4 *Release.* The parking brake system shall not be capable of release unless adequate energy is available to make immediate reapplication with sufficient retardation force to meet the requirements of S5.6.1.

S5.6.5 *Parking brake control—trucks and buses.* Each vehicle shall be equipped with a manual control, separate from the service brake control and operable by a person seated in the normal driving position, that controls application and release of the parking brake system of the vehicle and of any air-braked vehicle it is designed to tow. The control shall be identified in a manner that specifies the method of control operation.

8. Section S5.7 would be amended by replacing the last sentence with a sentence to read: "However, the truck portion of an auto transporter need not meet the road test requirements of S5.7.1."

9. Section S5.8 and its subsections would be amended to read:

S5.8 *Emergency brake system—trailers.* Each trailer shall be equipped with an emergency brake system which, under the conditions of S6.1, conforms to the requirements of S5.8.1 through S5.8.4.

S5.8.1 *Emergency brake system performance.* The retardation afforded by the trailer's emergency brake system shall be not less than that required for the parking brake system, as specified in S5.6.1.

S5.8.2 *Application.* With the trailer supply line initially pressurized to 90 psi, the brakes on the trailer shall automatically apply when the trailer supply line coupling is vented to the atmosphere. The emergency brake system shall be capable of application at any vehicle speed.

S5.8.3 *Holding.* After automatic application, the emergency brake system shall be capable of maintaining the application for not less than 15 minutes.

S5.8.4 *Release.* The emergency brake system shall be capable of release when the vehicle's supply line is pressurized to 90 psi.

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 lawyer principally responsible for the development of this proposal are Duane Perrin and Tad Herlihy, 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 49 CFR 501.8.)

Issued: September 6, 1978.

MICHAEL FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-25739 Filed 9-8-78; 4:13 pm]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1320, 1322]

[Ex Parte Nos. 73, MC-1]

REGULATIONS FOR PAYMENT OF RATES AND CHARGES AND PAYMENT OF RATES AND CHARGES OF MOTOR CARRIERS

Informal Conferences

AGENCY: Interstate Commerce Commission.

ACTION: Rescheduling of informal conference to discuss modification and improvement of credit regulations.

SUMMARY: An informal conference in these proceedings had originally been scheduled for September 25, 1978. (Notice of the conference was published in the FEDERAL REGISTER at volume 43, page 39404, on September 5, 1978.) The informal conference has been rescheduled for October 12, 1978.

DATE: The informal conference in these proceedings is rescheduled for October 12, 1978.

ADDRESS: The informal conference will begin at 9:30 a.m. at the Commission's offices at 12th Street and Constitution Avenue NW., Hearing Room F, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak or Harvey Gobetz, Interstate Commerce Commission, Washington, D.C. 20423, phone 202-275-7693.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-25955 Filed 9-13-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Sevice

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Propose Critical Habitat for the Colorado Squawfish

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The Service issues this proposed rulemaking which would determine critical habitat for the Colorado squawfish (*Ptychocheilus lucius*). This action is being taken because of the threatened modification of its remaining habitat. Destruction of habitat in the past has been and is presently the primary factor which jeopardizes the continued existence of the Colorado squawfish. This proposal would provide for Federal protection of the remaining habitat for this species. The proposed critical habitat is located in Colorado and Utah.

DATES: Comments from the public must be received by November 13, 1978. Comments from the Governors of the State involved with this action must be received by December 13, 1978.

ADDRESSES: Submit comment to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, suite 1100, 1612 K Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director, Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 202-343-4646 or Mr. Harvey Willoughby, Regional Director, Fish and Wildlife Service, 10597 West Sixth Street, Denver, Colo. 80215 303-234-2209.

SUPPLEMENTARY INFORMATION:

Background

In 1976, the U.S. Fish and Wildlife service requested the Colorado Squawfish Recovery Team to make recommendations for critical habitat for the squawfish under the provisions of section 7 of the Endangered Species Act of 1973. The team recommended that all areas where the fish is currently known to occur be determined to be critical habitat. The team presented its reasons for recommending the entire currently occupied areas as follows: (1) There has been a decline or elimination of the squawfish from the majority of its historic range, (2) there has been a continued alteration of much of the remaining habitat, and (3) there are ever increasing demands on the remaining habitat.

In compliance with the intent of the Endangered Species Act of 1973 and the Memorandum of Understanding on Interagency Cooperation in Nonemergency Critical Habitat Determinations Pursuant to section 7 of the Endangered Species Act of 1973, with the Bureau of Land Management and the Bureau of Reclamation, requests for comments on the recommended areas were sent to all concerned State and Federal agencies. All of these agencies have now responded to that request. They are:

Arizona Game and Fish Department, Phoenix Ariz.; Utah Division of Wildlife Resources, Salt Lake City, Utah; Colorado Division of Wildlife, Denver, Colo.; Bureau of Land Management, Colo.; Bureau of Land Management, Ariz.; Bureau of Land Management, Utah; Bureau of Reclamation, Boulder City, Nev.; Bureau of Reclamation, Salt Lake City, Utah; and U.S. Forest Service, Region 3, Albuquerque, N. Mex.

Copies of these comments are on file in the U.S. Fish and Wildlife Service's Regional Office in Albuquerque, N. Mex. The comments and objections generally fall into several, similar categories, including: (1) Criteria used to delineate the recommended areas; (2) how designating an area as critical habitat will affect proposed or ongoing projects in the areas and the watersheds above the areas; (3) conflicts over who has the authority to designate critical habitat and who must abide by the decision; (4) what part public participation will have and the final designation; and (5) questions about specific areas recommended by the recovery team.

After reviewing all of the comments and suggestions from the above agencies, the Service finds that only those from the U.S. Forest Service and Bureau of Reclamation contain data which are biologically relevant. The other comments are either not of a biological nature or have already been addressed in the April 22, 1975 and January 4, 1978 FEDERAL REGISTER discussion of critical habitat (40 FR 17764-17765 and 43 FR 870-876). In answer to the relevant biological questions, a recent letter from Dr. Paul B. Holden indicates Colorado squawfish have been recently collected from the Gunnison River and the Yampa River above Maybell. Colo. Reaches above these points, although historic range for the species, are not known to support Colorado squawfish at present, and therefore, can no longer be considered critical to survival of the species. Surveys within the past 5 years have failed to find Colorado squawfish in the Salt River above Roosevelt Dam or in the Grand Canyon portion of the Colorado River, both localities in Arizona. Thus, protection of these areas seems less critical for the continued survival of the species than those areas presently supporting populations and therefore, the former areas are not being proposed as critical habitat at this time.

Several professional fisheries organizations have recently passed resolutions supporting the designation of critical habitat for the Colorado squawfish and the work of the recovery team.

Important reports and publications which were utilized in preparing this proposal are as follows:

1. Baxter, G. T., and J. R. Simon. 1970. Wyoming Fishes. Wyoming Game, Fish Dep. Bull. 4. 168 pp.
2. Beckman, W. C. 1953. Guide to the Fishes of Colorado. Colorado Fish and Game Dep., Denver. 110 pp.
3. Colorado River Fishes Recovery Team. 1978. Colorado Squawfish Recovery Plan. Fish and Wildlife Service, Denver, Colo. 31 pp.
4. Colorado River Wildlife Council—Endemic Species Committees. 1977. Endemic Fishes of the Colorado River System. 15 pp.
5. Cross, J. N. 1975. Ecological Distribution of the Fishes of the Virgin River (Utah, Arizona, Nevada). M. S. Thesis, Univ. Nevada, Las Vegas. 187 pp.
6. Holden, P. B. 1973. Distribution, Abundance and Life History of the Fishes of the Upper Colorado River Basin. Ph. D. Dissertation, Utah State University, Logan. 59 pp.
7. Holden, P. B. 1977. Habitat Requirements of Juvenile Colorado River Squawfish. Fish and Wildlife Service, Biological Services Program Report, Fort Collins, Colo. 59 pp.
8. Holden, P. B., and C. B. Stalnaker. 1975. Distribution and Abundance of Mainstream Fishes of the Middle and Upper Colorado River Basins, 1967-73. Trans. Am. Fish. Soc. 104(2):217-231.
9. Holden, P. B., and C. B. Stalnaker. 1975. Distribution of Fishes in the Dolores and Yampa River Systems of the Upper Colorado Basin. Southwest. Natur. 19(4):403-412.
10. Holden, P. B., W. White, G. Somerville, D. Duff, R. Gervais, and S. Gloss. 1974. Threatened Fishes of Utah. Proc. Utah Acad. Sci., Arts, Lett., Proc. 51(Part 2):46-65.
11. Johnson, J. E. 1976 Status of Endangered and Threatened Fish Species in Colorado. U.S. Department of the Interior, Bur. Land Manage. Tech. Note. Form 1220-5. 21 pp. plus 2 appendices.
12. Joseph, T. W. and J. A. Sinning. 1977. An Evaluation of the Status, Life History, and Habitat Requirements of Endangered and Threatened Fishes of the Upper Colorado River System. Fish and Wildlife Service, Biological Services Program Report, Fort Collins, Colo. 183 pp.

13. Koster, W. J. 1957. Fishes of New Mexico. Univ. New Mexico Press, Albuquerque. 116 pp.
14. Koster, W. J. 1960. *Ptychocheilus lucius* (Cyprinidae) in the San Juan River, N.M. Southwest. Natur. 5(3):174-175.
15. LaRivers, I. 1962. Fishes and Fisheries of Nevada. Nevada States Fish Game Comm., State Printing Office, Carson City. 782 pp.
16. Miller, R. R. 1961. Man and the Changing Fish Fauna of the American Southwest. Michigan Acad. Sci., Arts, Lett. 46:365-404.
17. Miller, R.R. 1972. Threatened Freshwater Fishes of the United States. Trans. Am. Fish. Soc. 101(2):239-252.
18. Minckley, W. I. 1973. Fishes of Arizona. Arizona Game Fish Dep., Phoenix. 293 pp.
19. Pearson, W. D., R. H. Kramer, and D. R. Franklin. 1968. Macroinvertebrates in the Green River Below Flaming Gorge Dam, 1964-65 and 1967. Utah Acad. Sci., Arts, Lett., Proc. 45:148-167.
20. Seethaler, K. H., C. W. McAda, and R. S. Wyodski. 1977. Endangered and Threatened Fish in the Yampa and Green Rivers of Dinosaur National Monument. Utah Coop. Fish. Res. Unit, Utah State Univ., Logan. 22 pp.
21. Sigler, W. F., and R. R. Miller. 1963. Fishes of Utah. Utah State Dep. Fish Game, Salt Lake City. 203 pp.
22. Stalnaker, C. B., and P. B. Holden. 1973. Changes in the Native Fish Distribution in the Green River System, Utah-Colorado. Utah Acad. Sci., Arts, Lett., Proc. 51(Part 1):25-32.
23. Sublette, J. E. 1977. A Survey of the Fishes of the San Juan River basins, With Particular Reference to the Endangered Species. 95 pp.
24. Suttkus, R. D., G. Clemmer, C. Jones and R. Shoop. 1976. Survey of Fishes, Mammals and Herpetofauna of the Colorado River and Adjacent Riparian Areas of the Grand Canyon National Park. National Park Service report (contract number CX821060006. 21 pp. plus 8 Appendices.
25. Vanicek, D. C. 1967. Ecological Studies of Native Green River Fishes Below Flaming Gorge Dam, 1964-1966. Ph. D. Thesis. Utah State Univ., Logan. 124 pp.
26. Vanicek, C. D., and R. H. Kramer. 1969. Life History of the Colorado Squawfish, *Ptychocheilus lucius*, and the Colorado Chub, *Gila robusta*, in the Green River in Dinosaur National Monument, 1964-1966. Trans. Amer. Fish. Soc. 98(2):193-208.
27. Vanicek, C. D., R. H. Kramer, and D. R. Franklin. 1970. Distribution of Green River Fishes in Utah and Colorado Following Closure of Flaming Gorge Dam. Southwest. Natur. 14(3):297-315

Copies of the U.S. Fish and Wildlife Service reports refered to above are available from U. S. Fish and Wildlife Service Regional Office, 10597 West Sixth Street, Denver, Colo. 80215.

EFFECT OF THE RULEMAKING

The effects of this determination are involved primarily with section 7 of the act, which states:

"The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this act. All other Federal departments and agencies shall, in consulation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 7 of this act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species of result in the desturction or modification of habitat of such species which is determined by the Secretary, after consultation an appropriate with the affected States, to be Critical."

A definition of the term "critical habitat" was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of January 4, 1978 (43 FR 870-876) and is reprinted below:

"Critical habitat" means any air, land or water area (exclusive of those existing manmade structures or settlements which are not necessary to the survival and recovery of a listed species) and constituent elements thereof, the loss of which would appreciable decrease the likelihood of the survival and recovery of a listed species or a distinct segment of its population. The constituent elements of critical habitat include, but are not limited to: physical structures and topography, biota, climate, human activity, and the quality and chemical content of land, water, and air. Critical habitat may represent any portion of the present habitat of a listed species and may include additional areas from reasonable population expansion."

As specified in the regulations for Interagency Cooperation as published in the January 4, 1978, FEDERAL REGISTER (43FR-870-876), the Director will consider the physiological, behavioral, ecological, and evolutionary requirements for survival and recovery of listed species in determining what areas or parts of habitat are critical. These requirements include, but are not limited to:

(1) Space for individual and population growth and for normal behavior;

(2) Food, water, air, minerals, or other nutritional or physiological requirements;

(3) Cover or shelter;

(4) Sites for breeding, reproduction, or rearing of offspring; and generally,

(5) Habitats that are protected from disturbances or are representative of the geographical distribution of listed species.

With respect to the Colorado squawfish, the portions of the rivers proposed as critical habitat satisfy all known criteria for the evolutionary, ecological, behavioral, and physiological requirements of the species. The stream areas proposed have backwater areas where there is little or no current and a firm silt bottom with shallow depths (1 to 2 feet) which are required by young-of-the-year Colorado squawfish. Juvenile Colorado squawfish inhabit similar backwater areas but are found in a wider range of depths (up to 3 feet). Juveniles also inhabit eddies 2 to 3 feet deep along the edge of backwater areas. These areas also support a good population of crustaceans and aquatic insects which are utilized as food by the squawfish.

The deeper runs and eddies in the proposed stream areas provide habitat for subadult and adult Colorado squawfish. These areas also support populations of aquatic insects and small fishes which are prey for subadult and adult Colorado squawfish. Deep backwater areas are used by adult Colorado squawfish during periods of high discharge. The portions of the rivers proposed are representative of the geographical distribution of this species. There may be many kinds of action which can be carried out within the critical habitat of a species which would not be expected to adversely affect that species.

This point has not been well understood by some persons. There has been widespread and erroneous belief that a critical habitat designation is something akin to establishment of a wilderness area or wildlife refuge, and automatically closes an area to most human uses. Actually, a critical habitat designation applies only to Federal agencies, and essentially is an official notification to those agencies that their responsibilities pursuant to section 7 of the act are applicable in a certain area.

A Critical Habitat designation must be based solely on biological factors. There may be questions of whether and how much habitat is critical, in accordance with the above interpretation, or how to best legally delineate this habitat, but any resultant designation must correspond with the best available biological data. It would not be in accordance with the law to involve other motives; for example, to enlarge a critical habitat delineation so as to cover additional habitat under section 7 provisions, or to reduce a delineation so that actions in the omitted area would not be subject to evaluation.

There may indeed by legitimate questions of whether, and to what extent, certain kinds of actions would adversely affect listed species. These questions, however, are not relevant to the biological basis of critical habitat delineations. Such questions should, and can more conveniently, be dealt with after critical habitat has been designated. In this respect the Service, in cooperation with other Federal agencies, has drawn up a set of regulations which, in part, establish consultation and assistance process for helping to evaluate the possible effects of actions on critical habitat. The regulations for Interagency Cooperation were published on January 4, 1978, in the FEDERAL REGISTER (43 FR 870-876) to assist Federal agencies in complying

with section 7 of the Endangered Species Act of 1973.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate as possible in delineating the critical habitat of the Colorado squawfish. The Director, therefore, desires to obtain the comments and suggestions of the public, other concerned governmental agencies, the scientific community, or any other interested party on these proposed rules.

Final promulgation of critical habitat regulations will take into consideration all comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal.

An envirionmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street NW., Washington, D.C. and may be examined during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary authors of the proposed rule are Dr. James D. Williams and Dr. James Johnson, Office of Endangered Species 202-343-7814.

REGULATION PROMULGATION

Accordingly, it is hereby proposed to amend Title 50, Chapter I, § 17.95(e) by adding critical habitat of the Colorado squawfish after the spotfin chub, as follows:

(e) *Fishes.* * * *

COLORADO SQUAWFISH (*Ptychocheilus lucius*)

Utah. San Juan, Wayne, Grand, Emery, Carbon, and Uintah Counties. Colorado River, main channel from backwaters of Powell Reservoir in San Juan County upstream to the Utah-Colorado State line in Grand County. Green River, main channel from its junction with the Colorado River in San Juan County upstream to the Utah-Colorado State line in Unitah County.

Colorado. Mesa and Moffat Counties. Colorado River, main channel from the Colorado-Utah State line upstream to the junction of Plateau Creek, all within Mesa County. Gunison River, main channel from its junction with the Colorado River upstream to the Colorado State Highway 141 crossing at Whitewater, Mesa County. Green River, from the Colorado-Utah State line upstream to the junction of the Yampa River. Yampa River from its junction with the Green River upstream to the junctions of Milk Creek, approximately 12 air miles southwest of Craig, Moffat County.

SQUAWFISH MAP OF ORIGINAL RANGE



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

Dated: September 7, 1978.

ROBERT S. COOK,
Acting Director,
Fish and Wildlife Service.

[FR Doc. 78-25732 Filed 9-13-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 611]

PACIFIC BILLFISH AND OCEANIC SHARKS

Foreign Fishing Regulations PMP and Supplementary Regulations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Withdrawal of notice of proposed rulemaking; advance notice of proposed plan amendment and proposed rulemaking.

SUMMARY: This notice is to withdraw a Preliminary Fishery Management Plan (PMP) for Billfish and Oceanic Sharks in the Pacific Ocean, which was published on July 21, 1978 (43 FR 31374), because of the public comments which have been received. This notice is also intended to provide advance notice to the public of prospective amendments which may be made to the PMP with corresponding changes in the proposed regulations.

EFFECTIVE DATE: The withdrawal is effective September 14, 1978. It is expected that the amended PMP and revised proposed regulations will be republished for public comment on or about October 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Gerald V. Howard, Director, Southwest Region, 300 Ferry Street, Terminal Island, Calif. 90731, telephone 213-548-2575.

SUPPLEMENTARY INFORMATION: NMFS received a number of comments on the PMP and proposed regulations. A large number of commentators opposed adoption of the PMP and implementing regulations because they felt (1) that the proposed management measures did not afford sufficient recognition to the socio-economic differences existing among the human populations of the State of Hawaii, American Samoa, and Guam; and (2) that the PMP should also include management measures for wahoo (ono) (*Acanthocybium solanderi*), and both dolphin (mahimahi) and little dolphin (little mahimahi) (*Coryphaena hippurus* and *C. equisetis*, respectively).

The Assistant Administrator for Fisheries has determined, consequently, that this PMP should be reconsidered. Therefore, NMFS is presently considering amendments to the plan which would (1) include both species of dolphin and wahoo, and (2) modify certain of the management measures relating to billfish, based on the unique socio-economic characteristics and needs of the particular human populations involved. Special consideration is being given to dividing the optimum yield and total allowable level of foreign fishing figures for various species of billfish by geographic area.

One major purpose of this advance notice is to invite comments concerning any of these or other possible amendments to the PMP.

NMFS will consider this information in developing amendments to the PMP, and will then resubmit the amended plan and proposed implementing regulations for an additional comment period of 30 days.

In consideration of the foregoing, the proposal published in the FEDERAL REGISTER (43 FR 31374) on July 21, 1978, and circulated as proposed regulations, is hereby withdrawn, and advance notice is hereby given of proposed amendment and rulemaking.

Signed at Washington, D.C., this 28th day of August 1978.

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

[FR Doc. 78-25870 Filed 9-13-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

TARGHEE NATIONAL FOREST GRAZING ADVISORY COMMITTEE

Meeting

The Targhee National Forest Grazing Advisory Committee will meet at 10 a.m., November 21, 1978, at the Forest Supervisor's Office, 420 North Bridge Street, St. Anthony, Idaho 83445. The purpose of this meeting is to secure recommendations for use of range betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify Bill Little, Targhee Supervisor's Office, telephone 208-624-3151. Written statements will be filed with the committee before or after the meeting.

The committee has established the following rule for public participation: Nonmembers are asked to withhold comments until the close of business.

PHILIP L. LEE,
Acting Forest Supervisor.

SEPTEMBER 5, 1978.

[FR Doc. 78-25891 Filed 9-13-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Order 78-9-29; Docket Nos. 32738, et al.]

EASTERN AIR LINES, INC., ET AL.

Roanoke-Pittsburgh Service Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of September 1978. Application of Eastern Air Lines, Inc., for temporary suspension authority, docket 32738. Applications of Allegheny Airlines, Inc., Piedmont Aviation, Inc., for certificate amendment, dockets 32587, 32739. Applications of Piedmont Aviation, Inc., Allegheny Airlines, Inc., for Roanoke-Pittsburgh exemption authority, dockets 32740, 32834. Roanoke-Pittsburgh service investigation, docket 33364.

By application filed May 24, 1978, Eastern Air Lines asked authority to suspend service at Roanoke for a period of 5 years.[1] In support of its application, Eastern asserts that, due to certain route limitations on its system, Roanoke has become an economically marginal point, with a continually declining proportion of the traffic using its service; that it would realize a financial improvement of as much as $141,000 a year, were the Board to grant its request; and that Piedmont Aviation stands ready to provide replacement service.

On May 24, 1978, Piedmont filed simultaneous applications for temporary exemption[2] and permanent certificate authority to provide Roanoke-Pittsburgh nonstop service. It maintains that, if the Board should grant its applications, it would fill the void resulting from Eastern's suspension by providing more service at lower fares.

By application filed June 9, 1978, Allegheny Airlines requests a temporary exemption to provide service between Roanoke and Pittsburgh.[3] It contends that it is the logical replacement for Eastern in this market because it will provide nonstop service and will also be able to provide service to a number of beyond points that are not on Piedmont's system. Earlier it had filed an application for permanent certificate authority to provide service between Pittsburgh and Charlotte via Roanoke and Raleigh/Durham.

No answers to Eastern's suspension application have been filed. Answers, generally in support of one or more of the exemption applications, have been filed by various civic parties.[4] Both Allegheny and Piedmont filed answers in opposition to the other's exemption request. Piedmont argues that Allegheny's application was filed with the intention of preventing Piedmont from serving Pittsburgh rather than from any interest Allegheny may have in the market; and that route structure considerations support its own selection. Allegheny replies that it has every incentive to serve the market effectively; that it would provide better service than Piedmont; and that route structure considerations support its selection.

We have decided to institute an investigation to determine the need for new nonstop authority between Roanoke and Pittsburgh and to decide whether Eastern's authority to serve Roanoke should be suspended, deleted, or otherwise amended. We are consolidating for hearing the applications in dockets 32738 (Eastern), 32587 (Allegheny), and 32739 (Piedmont).

As we have made clear in recent decisions (see, e.g., *Service to Oakland* Case, order 78-4-121), we believe that market forces are more likely than limitations on entry and selection of carriers by the Board 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 selections 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 par-

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[1] Eastern currently provides only one daily round trip at Roanoke, serving Miami and Greensboro to the south and Pittsburgh and Cleveland to the north.

[2] Piedmont proposes a pattern of two nonstop round trips between Roanoke and Pittsburgh, as follows: (1) Washington, D.C.-Roanoke-Pittsburgh, scheduled every day but Saturday with the return trip scheduled every day but Sunday, and (2) Richmond-Roanoke-Pittsburgh, scheduled every day but Sunday with the return trip scheduled every day but Saturday.

[3] Allegheny proposes a pattern of two nonstop round trips between Roanoke and Pittsburgh as follows: (1) Roanoke-Pittsburgh-Philadelphia-Albany and return scheduled every day but Sunday; (2) Roanoke-Pittsburgh-Cleveland-Toronto scheduled every day but Saturday; and (3) Detroit-Cleveland-Pittsburgh-Roanoke scheduled every day but Saturday.

[4] The Metropolitan Richmond Chamber of Commerce, the Commonwealth of Virginia, and the Pittsburgh Parties (the county of Allegheny and the Pittsburgh Airport Advisory Committee). The Metropolitan Richmond Chamber of Commerce answer was accompanied by a motion to file an unauthorized document. We will grant the motion. The Niagara Frontier Transportation Authority and the Buffalo Area Chamber of Commerce filed a petition for leave to intervene in the matter of Allegheny's application for certificate amendment.

ticularly 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 required exhibit material, eliminating duplication 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.[5] 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.

We have also decided to grant for a period of 5 years or until 90 days after the final decision in the investigation instituted here (1) Eastern's application for temporary suspension of service at Roanoke and (2) the concurrent applications of Allegheny and Piedmont for exemptions permitting them to provide service between Roanoke and Pittsburgh.

We see no reason to compel Eastern to continue to engage in economically marginal operations, particularly when two carriers stand ready to furnish replacement service, which may be superior to what Eastern currently provides, and there is no civic opposition to the latter's suspension. Under these circumstances, we find that grant of suspension is in the public interest.

We will also grant both exemption requests.

The schedules proposed by Allegheny and Piedmont would complement each other, and granting exemptions to both of them will result in substantial benefits to the traveling public in the primary and beyond markets. Roanoke and Pittsburgh are major hubs on the systems of Piedmont and Allegheny, respectively. Only one new station each would have to be established, at Roanoke (Allegheny) and at Pittsburgh (Piedmont). Thus, these carriers would be able to provide replacement service at nominal risk. Granting temporary authority to them to correspond with Eastern's suspension will permit a continuation of service at Roanoke. To require the carriers to seek certification for their temporary operations would be disproportionate to any economic benefits that they can expect to gain.

We find that enforcement of section 401 of the Act and the terms, conditions, and limitations of Allegheny's certificate for Route 97 and Piedmont's certificate for Route 87, to the extent that they would otherwise prevent them from providing the services authorized would be an undue burden on the carriers by reason of the limited extent of their operations and would not be in the public interest.[6]

Applications, amendments to applications, motions to consolidate, and petitions for reconsideration of this order shall be filed within 20 days of its date of service and replies shall be filed within 10 days later.

Accordingly,

1. We institute under section 204 of the Act the *Roanoke-Pittsburgh Service Investigation*, docket 33364, and we set it for hearing before an administrative law judge of the Board at a time and place to be determined later;

2. The investigation instituted in paragraph 1, above, shall consider the following issues:

a. Do the public convenience and necessity require the authorization of an air carrier or air carriers to engage in nonstop air transportation between Roanoke, Va., and Pittsburgh, Pa;

b. If the answer to (a), above, is affirmative, which air carrier(s) should be authorized and should the new or existing authority be subject to any terms, conditions, or limitations; and

c. Should Eastern's authority at Roanoke, a point on segment one of its Route 6, be suspended or deleted or otherwise amended;

3. Any authority awarded in this investigation shall be category II subsidy ineligible;

4. To the extent that they conform to the scope of this investigation, we consolidate into the proceeding instituted in paragraph 1, above, the applications of Eastern Air Lines, Inc., in docket 32738, Piedmont Aviation, Inc., in docket 32739, and Allegheny Airlines, Inc., in docket 32587;

5. We grant the motion for leave to file an unauthorized document of the Metropolitan Richmond Chamber of Commerce;

6. We grant the petition for leave to intervene filed by the Niagara Frontier Transportation Authority and the Buffalo Area Chamber of Commerce;

7. The following we make parties to the proceeding instituted by paragraph 1, above: Allegheny Airlines, Eastern Air Lines, Piedmont Aviation, Metropolitan Richmond Chamber of Commerce, Commonwealth of Virginia, the Niagara Frontier Transportation Authority, the Buffalo Area Chamber of Commerce, and the Pittsburgh Parties;

8. We suspend under section 401(j) of the Act the authority of Eastern Air Lines to serve Roanoke, Va., on Route 6 for a period of 5 years or until 90 days after final decision in docket 33364, whichever occurs first;

9. We exempt Allegheny Airlines and Piedmont Aviation from section 401 of the Act and the terms, conditions, and limitations of their certificates for Routes 97 and 87, respectively, to the extent necessary to permit them to provide air transportation between Roanoke, Va., and Pittsburgh, Pa., for a period of 5 years or until 90 days after the final decision in docket 33364, whichever occurs first;

10. Applications, amendments to applications, motions to consolidate, and petitions for reconsideration of this order shall be filed by September 26, 1978, and answers shall be filed by October 6, 1978;[7]

11. All carriers filing applications in this proceeding shall file environmental evaluations under § 312.12 of the Board's regulations within 30 days of the date of service of this order;[8]

12. The authority granted above shall be effective on the date of service of this order; and

[5] 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., subpt. K and PR-172, Apr. 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 subpt. 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.

[6] On review of the environmental evaluations submitted by Allegheny and Piedmont in their applications for exemptions and Eastern in its application for suspension, to which no answers were filed, we find that our decisions does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Act of 1969 or a major regulatory action under the Energy Policy and Conservation act of 1975.

[7] We delegate to the presiding administrative law judge the authority to consolidate by order any applications which conform to the scope of the proceeding.

[8] Allegheny and Piedmont filed environmental evaluations as part of their applications.

13. This order may be amended or revoked at the discretion of the Board without hearing.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[9]
Secretary.

[FR Doc. 78-25948 Filed 9-13-78; 8:45 am]

[6320-01]

[Order 78-8-182; Docket 33327]

FRONTIER AIRLINES, INC.

Amendment of Certificate of Public Convenience and Necessity for Route 73

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of August 1978.

By order 78-8-178, issued concurrently with this order, we have proposed to realign the route system of American Airlines in a manner which would, among other things, give American unrestricted authority in the Memphis-Omaha market, a minor market[1] where Frontier holds restricted authority. As discussed in orders 78-7-91, 78-4-109, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Frontier as well as American will give those carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Therefore, consistent with out tentative findings and conclusions set forth in order 78-8-178, and those in orders 78-7-91, 78-4-1-109, and 76-5-101, we tentatively find and conclude that the elimination of restrictions on Frontier's operations in the Memphis-Omaha market is required by the public convenience and necessity, and is consistent with our policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 10 days after objections are due.

Accordingly, *it is ordered that:*

1. All intrerested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Frontier's certificate for Route 73 so as to remove operating restrictions in the Memphis-Omaha market;

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendment and modification set forth here shall, no later than October 11, 1978, file with the Board and serve upon all persons listed in appendix I of order 78-8-178, a statement of objections together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than October 26, 1978;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board;[3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in appendix I of order 78-8-178.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[4]
Secretary.

[FR Doc. 78-25943 Filed 9-13-78; 8:45 am]

[6320-01]

[Order 78-9-31; Docket 32708]

HOUSTON-PHOENIX/TUCSON CASE

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of September, 1978.

By Order 78-5-109, May 19, 1978, the Board instituted this proceeding to determine whether the public convenience and necessity require the grant of new authority in the Houston-Phoenix/Tucson market. Western Air Lines has filed a petition for reconsideration asking us to clarify our intention that this proceeding consider the issue of additional service between Phoenix and Tucson. Hughes Airwest filed an answer; it does not oppose inclusion of Phoenix-Tucson service within the scope of this case, provided that any carrier authorized to serve Phoenix-Tucson as a result of this proceeding be required to serve Houston on all such flights. Airwest argues that, were we to include the issue of unrestricted Phoenix-Tucson rights, we would shift the focus of the proceeding from the primary Houston-Phoenix/Tucson market and raise the additional issue of the removal of long-haul restrictions on carriers currently operating between Phoenix and Tucson market.

We recognize that our instituting order was ambiguous on this point. We will therefore grant Western's petition and clarify the scope of this case to include the issue of nonstop authority between Houston, on the one hand, and the coterminal points of Phoenix and Tucson, on the other. The right to serve Phoenix and Tucson on the same flight and to carry local and through traffic between the two Arizona points will be in issue. Turnaround authority will not be in issue, as this would unduly delay and complicate the examination of the Houston-Phoenix/Tucson markets.

Accordingly,

1. We grant Western's petition;

2. The issues in this proceeding shall include:

(a) Whether the public convenience and necessity require that new nonstop service be granted between the terminal point Houston, Tex., and the coterminal points Phoenix and Tucson, Ariz.: *Provided,* That all flights serving both Phoenix and Tucson shall also serve Houston;

(b) If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to provide such service; and

(c) Whether any terms, conditions and/or limitations should be attached to any new authority which may be awarded; and

4. Applications within the expanded scope of this case, and motions to con-

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[9] All members concurred.

[1] Since this market generated 5,600 true O.&D. plus interline connecting passengers for the year ended Sept. 30, 1975, it meets the Board's definition of a minor market, i.e., one with less than 20 daily passengers.

[2] We further tentatively find and conclude that Frontier is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[3] All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideraton of this order will be entertained.

[4] All Members concurred.

solidate, shall be filed within 20 days of the date of service of this order, and answers shall be filed 10 days later.[1]

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board:[2]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-25935 Filed 9-13-78; 8:45 am]

[6320-01]

[Order 78-8-183; Docket 33328]

HUGHES AIR CORP., D.B.A. HUGHES AIRWEST

Amendment of Certificate of Public Convenience and Necessity for Route 76

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of August, 1978.

By Order 78-8-178, issued concurrently with this Order, we have proposed to realine the route system of American Airlines in a manner which would, among other things, give American unrestricted authority in the Palm Springs-Salt Lake City market, a minor market[1] where Hughes Airwest holds restricted authority. As discussed in Orders 78-7-91, 78-4-109 and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Hughes Airwest as well as American will give those carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Therefore, consistent with out tentative findings and conclusions set forth in Order 78-8-178, and those in Orders 78-7-91, 78-4-109 and 76-5-101, we tentatively find and conclude that the elimination of restrictions on Hughes Airwest operations in the Palm Springs-Salt Lake City market is required by the public convenience and necessity, and is consistent with our policy of removing restirctions which serve no useful purpose and which are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here whould not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 10 days after objections are due.

Accordingly, it is ordered That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Hughes Airwest certificate for Route 76 so as to remove operating restrictions in the Palm Springs-Salt Lake City market;

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendment and modification set forth here shall, no later than October 11, 1978, file with the Board and seve upon all persons listed in Appendix I of Order 78-8-178, a statement of objections together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than October 26, 1978;

3. If timely and properly supported objections are filed, full considerations will be accorded the matters or issues raised before further action is taken by the Board;[3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix I of Order 78-8-178.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:[4]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 25942 Filed 9-13-78; 8:45 am]

[6320-01]

[Order 78-8-184; Docket 33329]

NATIONAL AIRLINES, INC.

Amendment of Certificate of Public Convenience of Necessity for Routes 31 and 39

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of August 1978.

By Order 78-8-178, issued concurrently with this Order, we have proposed to realign the route system of American Airlines in a manner which would, among other things, give American unrestricted authority in the Houston-Providence market, a minor market[1] where National holds restricted authority. As discussed in Orders 78-7-91, 78-4-109 and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on National as well as American will give those carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-8-178, and those in Orders 78-7-91, 78-4-109 and 76-5-101, we tentatively find and conclude that the elimination of restrictions on National's operations in the Houston-Providence is required by the public convenience and necessity, and is consistent with our policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final.

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[1] There is no need for any applicants in Docket 32708 to file new applications. We delegate to the presiding administrative law judge the authority to consolidate by order any new applications which conform to the scope of this proceeding.

[2] All Members concurred.

[1] Since this market generated 2,350 true O. & D. plus interline connecting passengers for the year ended Sept. 30, 1975, it meets the Board's definition of a minor market; i.e., one with less than 20 daily passengers.

[2] We further tentatively find and conclude that Hughes Airwest is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[3] All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[4] All Members concurred.

[1] Since this market generated 4,940 true O&D plus interline connecting passengers for the year ended Sept. 30, 1975, it meets the Board's definition of a minor market, i.e., one with less than 20 daily passengers.

[2] We further tentatively find and conclude that National is a citizen of the United States within the meaning of the act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 10 days after objections are due.

Accordingly, *It is ordered*, That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending National's certificates for Routes 31 and 39 so as to remove operating resrtrictions in the Houston-Providence market;

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendment and modification set forth here shall, no later than October 11, 1978, file with the Board and serve upon all persons listed in Appendix I of Order 78-8-178, a statement of objections together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than October 26, 1978;

3. If timely and properly supported objections are filed, full consideraton will be accorded the matters or issues raised before further action is taken by the Board;[3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix I of Order 78-8-178.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-25941 Filed 9-13-78; 8:45 am]

[3]All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[4]All Members concurred.

[6320-01]

[Order 78-8-185; Docket 33330]

NORTH CENTRAL AIRLINES, INC.

Amendments of Certificate of Public Convenience and Necessity for Route 86

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of August, 1978.

By Order 78-8-178, issued concurrently with this Order, we have proposed to realign the route system of American Airlines in a manner which would, among other things, give American unrestricted authority in the Cincinnati-Omaha, Columbus-Omaha and Dayton-Omaha markets, minor markets,[1] where American holds unresticted authority. As discussed in Orders 78-7-91, 78-4-109 and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on North Central as well as American will give those carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-8-178, and those in Orders 78-7-91, 78-4-109 and 76-5-101, we tentatively find and conclude that the elimination of restrictions on North Central's operations in the Cincinnati-Omaha, Columbus-Omaha and Dayton-Omaha markets is required by the public convenience and necessity, and is consistent with our policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 10 days after objections are due.

Accordingly, *It is ordered*, That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending North Central's certificate for Route 86 so as to remove operating restrictions in the Cincinnati-Omaha, Columbus-Omaha and Dayton-Omaha markets;

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, no later than October 11, 1978, file with the Board and serve upon all persons listed in Appendix I of Order 78-8-178, a statement of objections together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than October 26, 1978;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board;[3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix I of Order 78-8-178.

This Order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:[4]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-25938 Filed 9-13-78; 8:45 am]

[1]Since these markets generated 5,710, 5,020 and 4,800 true O & D plus interline connecting passengers, respectively, for the year ended Sept. 30, 1975, they each meet the Board's definition of a minor market, i.e., one with less than 20 daily passengers.

[2]We further tentatively find and conclude that North Central is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[3]All motions of petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[4]All Members concurred.

[6320-01]

[Order 78-8-186; Docket 33331]

PIEDMONT AVIATION, INC.

Amendment of Certificate of Public Convenience and Necessity for Route 87

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C., on August 31, 1978.

By Order 78-8-178, issued concurrently with this order, we have proposed to realign the route system of American Airlines in a manner which would, among other things, give American unrestricted authority in the Charleston, W. Va.-Nashville market, a minor market[1] where Piedmont holds restricted authority. As discussed in Orders 78-07-91, 78-4-109, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Piedmont as well as American will give those carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-8-178, and those in Orders 78-7-91, 78-4-109, and 76-5-101, we tentatively find and conclude that the elimination of restrictions on Piedmont's operations in the Charleston, W. Va-Nashville market is required by the public convenience and necessity, and is consistent with our policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 10 days after objections are due.

Accordingly, *It is ordered*, That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Piedmont's certificate for Route 87 so as to remove operating restrictions in the Charleston, W. Va-Nashville market;

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendment and modification set forth here shall, no later than October 11, 1978, file with the Board and serve upon all persons listed in appendix I of Order 78-8-178, a statement of objections together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than October 26, 1978;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board;[3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in appendix I of Order 78-8-178.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-25939 Filed 9-13-78; 8:45 am]

[1] Since this market generated 2,310 true O&D plus interline connecting passengers, respectively, for the year ended Sept. 30, 1975, it meets the Board's definition of a minor market, i.e., one with less than 20 daily passengers.

[2] We further tentatively find and conclude that Piedmont is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[3] All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[4] All members concurred.

[6320-01]

[Order 78-9-25; Docket 22388]

REA EXPRESS, INC.

Interstate Air Freight Forwarding Operating Authority Application

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on September 7, 1978.

In Order 78-6-206, June 29, 1978, we directed all interested persons to show cause within 30 days why we should not dismiss the application of REA Express, Inc. for interstate air freight forwarder operating authority. The order stated that if no objections were filed, we would consider all further procedural steps waived and would issue an order making our tentative findings and conclusions final.

No objections to Order 78-6-206 have been filed. Accordingly, we conclude that the tentative findings and conclusions set forth in the order should be made final, and that the application of REA Express for interstate air freight forwarder operating authority should be dismissed.

Accordingly, 1. We make the tentative findings and conclusions set forth in Order 78-6-206 final; and

2. We dismiss the application of REA Express, Inc. for interstate air freight forwarder operating authority filed in Docket 22388.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-25934 Filed 9-13-78; 8:45 am]

[6320-01]

[Order 78-9-18; Docket 32920]

ST. LOUIS-DENVER-LAS VEGAS/RENO ROUTE INVESTIGATION

Order on Motions to Consolidate applications

Issued under delegated authority September 6, 1978.

Because of ambiguity in the instituting order (Order 78-6-191) concerning the markets in issue in the instant proceeding, Allegheny Airlines, Inc., Frontier Airlines, Inc., and Western Air Lines, Inc., did not make application for Las Vegas-Reno authority during the period allowed for filing of applications and amendments to applications. After the ambiguity was brought to its attention, the Board on August 17, 1978, issued Order 78-8-90 to clarify the authority in issue. The Board indicated that the scope of the instant proceeding includes Las Vegas-Reno authority but with the restriction that any flights serving this market must also serve either Denver or St. Louis.

Allegheny, Frontier, and Western have now filed amended applications for Las Vegas-Reno authority subject to long-haul restriction and have moved to consolidate these applications into this proceeding. No answers have been filed to the amended applications or the related motions to consolidate.

[1] All Members concurred.

The amended applications will be consolidated into Docket 32920 to the extent that they conform to the scope of the investigation instituted by Order 78-6-191, as clarified by Order 78-8-90. To the extent that the applications do not conform to that scope by route description or otherwise, they will be dismissed.

Western also filed a motion for leave to file its motion to consolidate as an otherwise unauthorized document on the assumption that this action was necessary in the circumstances. This motion will be granted.

Accordingly, pursuant to authority delegated to the presiding administrative law judge by Order 78-6-191, served June 28, 1978.

1. I grant Western's motion for leave to file an unauthorized document.

2. I grant the following motions:

a. Of Allegheny to consolidate its amended application in Docket 33047 into Docket 32920;

b. Of Frontier to consolidate its Amendment No. 1 to its application in Docket 33043 into Docket 32920; and

c. Of Western to consolidate Amendment No. 2 to its application in Docket 32458 into Docket 32920;

to the extent they conform to the scope of the investigation specified in Order 78-6-191, as clarified by Order 78-8-90.

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

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

This order will be published in the FEDERAL REGISTER.

By Joseph J. Saunders, Administrative Law Judge.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-25949 Filed 9-13-78; 8:45 am]

[6320-01]

[Order 78-8-187; Docket 33332]

TEXAS INTERNATIONAL AIRLINES, INC.

Amendment of Certificate of Public Convenience and Necessity for Route 82

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of August 1978.

By Order 78-8-178, issued concurrently with this Order, we have proposed to realign the route system of American Airlines in a manner which would, among other things, give American unrestricted authority in the El Paso-Salt Lake City market, a minor market [1] where Texas International holds restricted authority. As discussed in Orders 78-7-91, 78-4-109, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Texas International as well as American will give those carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-8-178, and those in Orders 78-7-91, 78-4-109, and 76-5-101, we tentatively find and conclude that the elimination of restrictions on American's operations in the El Paso-Salt Lake City markets is required by the public convenience and necessity, and is consistent with our policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 10 days after objections are due.

Accordingly, *it is ordered* that:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Texas International's certificate for Route 82 so as to remove operating restrictions in the El Paso-Salt Lake City market;

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendment and modification set forth here shall, no later than October 11, 1978, file with the Board and serve upon all persons listed in Appendix I of Order 78-8-178, a statement of objections together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than October 26, 1978;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board;[3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix I of Order 78-8-178.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-25940 Filed 9-13-78; 8:45 am]

[6320-01]

[Order 78-8-188; Docket 33333]

TRANS WORLD AIRLINES, INC.

Amendment of Certificate of Public Convenience and Necessity for Route 2

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of August 1978.

By Order 78-8-178, issued concurrently with this Order, we have proposed to realign the route system of American Airlines in a manner which would, among other things, give American unrestricted authority in the Indianapolis-Nashville market, a minor market [1] where TWA holds restricted authority. As discussed in

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[1] Since this market generated 6,100 true O&D plus interline connecting passengers, for the year ended Sept. 30, 1975, it meets the Board's definition of a minor market, i.e., one with less than 20 daily passengers.

[2] We further tentatively find and conclude that Texas International is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[3] All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[4] All members concurred.

[1] Since this market generated 6,660 true O&D plus interline connecting passengers, respectively, for the year ended 9-30-75, it meets the Board's definition of a minor market i.e., one with less than 20 daily passengers.

Orders 78-7-91, 78-4-109, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on TWA as well as American will give those carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-8-178, and those in Orders 78-7-91, 78-4-109, and 76-5-101, we tentatively find and conclude that the elimination of restrictions on TWA's operations in the Indianapolis-Nashville markets is required by the public convenience and necessity, and is consistent with our policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be enterained; answers shall be filed 10 days after objections are due.

Accordingly, *It is ordered* That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending TWA's certificate for Route 2 so as to remove operating restrictions in the Indianapolis-Nashville market;

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendment and modification set forth here shall, no later than October 11, 1978, file with the Board and serve upon all persons listed in appendix I of Order 78-8-178, a statement of objections together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than October 26, 1978;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board; [3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix I of Order 78-8-178.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[4]
Secretary.

[FR Doc. 78-25937 Filed 9-13-78; 8:45 am]

[2] We further tentatively find and conclude that TWA is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[3] All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[4] All members concurred.

[3510-07]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON POPULATION STATISTICS

Public Meeting

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that the Census Advisory Committee on Population Statistics will convene on October 6, 1978, at 9:40 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Md.

The Census Advisory Committee on Population Statistics advises the Director, Bureau of the Census, on current programs and on plans for the decennial census of population.

The Committee is composed of 5 members appointed by the Secretary of Commerce, and 10 members designated by the president of the Population Association of America from the membership of that association.

The agenda for the meeting, which is scheduled to adjourn at 4:15 p.m. is: (1) Introductory remarks; (2) status of 1980 census planning; (3) table outlines for State reports containing sample data from the 1980 census of population; (4) National Academy of Sciences Decennial Census Review Panel; (5) Committee recommendations from the March 31 meeting, and Census Bureau responses; (6) goals and operating procedures of the Advisory Committee; (7) possible revisions in Census Bureau publications on international demographic statistics; (8) design of 1940 and 1950 public use samples; (9) new criteria for defining metropolitan areas; and (10) Committee recommendations, agenda for the next meeting, and election of the chairperson-elect.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee control officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Dr. Paul C. Glick, Senior Demographer, Population Division, Bureau of the Census, Room 2011, Federal Building 3, Suitland, Md. (Mailing address: Washington, D.C. 20233.) Telephone 301-763-7030.

Dated: September 8, 1978.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

[FR Doc. 78-25866 Filed 9-13-78; 8:45 am]

[3510-07]

CANCELLATION OF SURVEY TO COMPILE REGISTRATION AND VOTING STATISTICS

Notice was given in the FEDERAL REGISTER, Wednesday, March 22, 1978 (43 FR 11841) that the Bureau of the Census would conduct a survey to collect registration and voting statistics in certain jurisdictions covered under section 207 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973aa-5.

Notice is hereby given that this survey will not be conducted because the funding required for fiscal year 1979 was not appropriated by the Congress.

Dated: September 8, 1978.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

[FR Doc. 78-25867 Filed 9-13-78; 8:45 am]

[3510-24]

Economic Development Administration

CHARTER OAK INDUSTRIES, INC. AND DIANE KNITFABRICS, INC.

Petitions for Determinations of Eligibility to Apply for Trade Adjustment Assistance

Petitions were accepted for filing from two firms: (1) Charter Oak Industries, Inc., 1407 Park Street, Hartford, Conn. 06106, a producer of women's coats (accepted September 5, 1978); and (2) Diane Knitfabrics, Inc., 85 Spring Street, South Norwalk, Conn. 06854, a producer of women's sweaters (accepted September 6, 1978). The petitions were accepted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-25824 Filed 9-13-78; 8:45 am]

[3510-25]

Industry and Trade Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Computer Peripherals, Components and Related test Equipment Technical Advisory Committee will be held on Thursday, September 21, 1978, at 9 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. The Executive Session will begin at 11 a.m. and will be a joint meeting with the Computer Systems Technical Advisory Committee.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer peripherals, components and related test equipment, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has six parts:

GENERAL SESSION

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Report on the solicitation for new members.
4. Nomination and election of a new chairman.
5. Report and discussion on combining the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and the Computer Systems Technical Advisory Committee.

EXECUTIVE SESSION

6. Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the committee. Written statements may be presented at any time before or after the meeting.

With respect to agenda item (6), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the executive session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the executive session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the committee during the executive session of the meeting have been properly classified under Executive Order 11652. All committee members have appropriate security clearances. This meeting is called on short notice because of the need to obtain and consider the committee's advice on proposals to revise the multilateral COCOM control list prior to the beginning of negotiations on October 1, 1978.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION, CONTACT:

Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and of any subcommittees thereof is hereby published.

Dated September 11, 1978.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

U.S. DEPARTMENT OF COMMERCE, OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of determination

In response to written requests of representatives of a substantial segment of the computer peripherals, components and related test equipment industry, the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was established by the Secretary of Commerce pursuant to section 5(c)(1) of the Export Administration Act of 1969, 50 U.S.C. App. 2404(c)(1) (1976), to advise the Department of Commerce with respect to

questions involving (A) technical matters, (B) worldwide availability, and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to computer peripherals, components and related test equipment, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls.

The Committee, which currently has 12 members representing industry and 9 members representing Government agencies, will terminate no later than August 29, 1980, unless extended by the Secretary of Commerce or her designee. All members of the Committee have the appropriate security clearances.

The Committee's activities are conducted pursuant to 50 U.S.C. App. 2404(c)(1); the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976); and the Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, provides that advisory committee meetings or portions thereof may be exempt from the open meeting and public participation requirements of the Federal Advisory Committee Act if the President, or the head of the agency to which the advisory committee reports, determines that such meetings or portions thereof may be closed to the public in accordance with 5 U.S.C. 552b(c).

5 U.S.C. 552b(c)(1) provides that agency meetings or portions thereof may be closed to the public where they are likely to disclose matters that are specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and are in fact properly classified pursuant to such Executive order.

Eight notices of determination authorizing the closing of meetings, or portions thereof, of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and its formal subcommittees, dealing with security classified matters, have been approved in the past.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as proposed changes, is now or will be security classified for national defense or foreign policy reasons, pursuant to Executive Order No. 11652, 3 CFR 339 (1974) or Executive Order No. 12065, 43 FR 28949 (1978). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the series of meetings or portions of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order, must be closed to the public. The remaining series of meetings or portions thereof will be open to the public.

Accordingly, I hereby determine, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the series of meetings or portions of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period from the date of the signing of this determination, to August 29, 1980, from the provisions of section 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in 5 U.S.C. 552b(c)(1). The remaining series of meetings or portions thereof will be open to the public.

Dated: September 6, 1978.

ELSA A. PORTER,
Assistant Secretary for Administration.

Dated: September 5, 1978.

DANIEL GARBERN,
Acting Assistant General Counsel.

[FR Doc. 78-25932 Filed 9-13-78; 8:45 am]

[3510-25]

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee will be held on Thursday, September 21, 1978, at 9:30 a.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. At 11 a.m. the Committee will continue the meeting in Room 3817 with the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of Trade Regulation, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee will meet only in executive session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the executive session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and the public participation therein, because the executive session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances. This meeting is called on short notice because of the need to obtain and consider the Committee's advice on proposals to revise the multilateral COCOM control list prior to the beginning of negotiations on October 1, 1978.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

The complete notice of determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof is hereby published.

Dated: September 11, 1978.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

U.S. DEPARTMENT OF COMMERCE, OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMERCE

Notice of determination

In response to written requests of representatives of a substantial segment of the computer systems industry, the Computer Systems Technical Advisory Committee was established by the Secretary of Commerce pursuant to section 5(c)(1) of the Export Administration Act of 1969, 50 U.S.C. App. 2404(c)(1) (1976), to advise the Department of Commerce with respect to questions involving (A) technical matters, (B) worldwide availability, and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls.

The Committee, which currently has 10 members representing industry and 11 members representing Government agencies, will terminate no later than August 29, 1980, unless extended by the Secretary of Commerce or her designee. All members of the Committee have the appropriate security clearances.

The Committee's activities are conducted pursuant to 50 U.S.C. App. 2404(c)(1); the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976); and the Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, provides that advisory committee meetings or portions therof may be exempt from the open meeting and public participation requirements of the Federal Advisory Committee Act if the President, or the head of the agency to which the advisory committee reports, determines that such meetings or portions thereof may be closed to the public in accordance with 5 U.S.C. 552b(c).

5 U.S.C. 552b(c)(1) provides that agency meetings or portions thereof may be closed to the public where they are likely to disclose matters that are specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and are in fact properly classified pursusant to such Executive order.

Eight notices of determination authorizing the closing of meetings, or portions thereof, of the Computer Systems Technical Advisory Committee and its formal subcommittees, dealing with security classified matters, have been approved in the past.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideraton relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as proposed changes, is now or will be security classified for national defense or foreign policy reasons, pursuant to Executive Order No. 11652, 3 CFR 339 (1974) or Executive Order No. 12065, 43 FR 28949 (1978). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the series of meetings or portions of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order, must be closed to the public. The remaining series of meetings or portions thereof will be open to the public.

Accordingly, I hereby determine, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the series of meetings or portions of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period from the date of the signing of this determination, to August 29, 1980, from the provisions of section 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in 5 U.S.C. 552b(c)(1). The remaining series of meetings or portions thereof will be open to the public.

Dated: September 6, 1978.

ELSA A. PORTER,
Assistant Secretary for Administration.

Dated: September 5, 1978.

DANIEL GARBERN,
Acting Assistant General Counsel.

[FR Doc. 78-25933 Filed 9-13-78; 8:45 am]

[3510-13]

National Bureau of Standards

SIMPLIFIED PRACTICE RECOMMENDATION

Action on Withdrawal

In accordance with section 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the withdrawal of simplified practice recommendation R 78-50, "Iron and Steel Roofing, Siding, and Ridge Roll."

It has been determined that this standard is technically inadequate, and in view of the existence of an up-to-date American Iron and Steel Institute's Steel Products Manual which adequately covers R 78-50, revision of this simplified practice recommendation would serve no useful purpose.

This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of July 7, 1978 (43 FR 29345) to withdraw this standard. The effective date for the withdrawal of this standard will be 60 days after the publication of this notice. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: September 11, 1978.

THOMAS A. DILLON,
Acting Director.

[FR Doc. 78-25924 Filed 9-13-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

Meetings

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of public meeting.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) will meet September 26-28, 1978.

DATES: The meeting will convene at 1:30 p.m. on Tuesday, September 26 and will adjourn at about noon on September 28.

ADDRESS: The meeting will be held at the Velvet Cloak Inn, 1505 Hillsborough Street, Raleigh, N.C. 27605.

FOR FURTHER INFORMATION CONTACT:

Ernest D. Premetz, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, S.C. 29407, 803-571-4366.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. For information on seating, changes to the agenda, or written comments, contact the Executive Director. Proposed Agenda:

SEPTEMBER 26, 1978

(1) Snapper-Grouper FMP status and recommendation; (2) Billfish FMP update.

SEPTEMBER 27, 1978

(1) Coral FMP contract selection decision review; (2) King and Spanish Mackerel FMP status report; (3) Other management plan-related activities; (4) Involved agencies Council-related activities.

SEPTEMBER 28, 1978

(1) Foreign fishing permit applications, if any; (2) Other management business.

Dated: September 8, 1978.

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

[FR Doc. 78-25825 Filed 9-13-78; 8:45 am]

[3510-04]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for $4 ($8 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Division, Room 2C-455, Pentagon, Washington, D.C. 20314

Patent 4,037,821: Telescoping Retractor; filed August 10, 1976, patented July 26, 1977; not available NTIS.

Patent 4,038,660: Microwave Absorbers. filed August 5, 1975, patented July 26, 1977; not available NTIS.

Patent 4,042,938: Analog and Digital Data Recorder; filed January 8, 1976, patented August 16, 1977, Not available NTIS.

Patent 4,046,976: Pressure Actuated Sensor Switch with Bobbin, Trip Cord and Breakwire; filed January 16, 1976, patented September 6, 1977; not available NTIS.

Patent 4,049,131: Freight Container Unloading System; filed July 11, 1975, patented September 20, 1977; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Branch, General Services Division, Federal Building, Agricultural

Patent application 725,225: Improved Emulsion Systems for Imparting Durable Press Properties to Cotton and Cotton-Polyester Blended Textiles; filed September 22, 1976.

Patent application 725,226: Hydrophobic Quaternary Ammonium Cottons Prepared in Non-Aqueous Media; filed September 22, 1976.

Patent application 766,156: Dyebath Application of Direct, Acid, and Base Dyestuffs and Combinations Thereof the Cotton Textiles; filed February 2, 1977.

Patent application 768,806: New Antimicrobial Esters of Aliphatic Diols; filed February 15, 1977.

Patent application 787,177: Antibacterial Textile Finishes Utilizing Zirconyl Acetate Complexes of Inorganic Peroxides; filed April 12, 1977.

Patent application 794,594: Improved Emulsion Systems for Imparting Durable Flame Retardancy to Cotton-Polyester Blended Textiles; filed May 6, 1977.

Patent application 794,595: Process for Imparting Wrinkle Recovery to Cotton Fabrics with Vapors from Glycidol; filed May 6, 1977.

Patent application 809,356: High Performance Durable-Press Cotton Fabrics; filed June 23, 1977.

Patent application 833,882: Sulfur-Containing Antimicrobial Ester Amides; filed September 16, 1977.

Patent application 837,490: A Process for Producing a Powdered Flavoring Material; filed September 28, 1977.

Patent application 846,478: Apparatus for Conditioning Seed Cotton; filed October 28, 1977.

Patent application 866,078: Improved Formulations for Imparting Flame Retardance to Cellulosic Fabrics via Transfer Techniques; filed December 30, 1977.

Patent application 879,999: Purification of Sucrose Esters of Fatty Acids by a Method of Ultrafiltration; filed February 22, 1978.

Patent application 900,373: A Substituted Benzodioxan Sweetening Compound; filed April 26, 1978.

U.S. DEPARTMENT OF ENERGY, Assistant General Counsel for Patents, Washington, D.C. 20545

Patent application 734,839: Solar Energy Collector; filed October 22, 1976.

Patent 4,029,519: Solar Collector Having a Solid Transmission Medium; filed March 19, 1976, patented June 14, 1977; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20014

Patent 4,070,621: Antenna with Electro-Optical Modulator; filed July 23, 1976, patented January 24, 1978; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546

Patent 4,077,678: Energy Storage Apparatus; filed July 30, 1976, patented March 7, 1978; not available NTIS.

Patent 4,077,788: Atomic Hydrogen Storage Method and Apparatus; filed April 13, 1976, patented March 7, 1978; not available NTIS.

Patent 4,077,818: Process for Utilizing Low-Cost Graphite Substrates for Polycrystalline Solar Cells; filed June 4, 1976, patented March 7, 1978; not available NTIS.

Patent 4,079,268: Thin Conformal Antenna Array for Microwave Power Conversions; filed October 6, 1976, patented March 14, 1978; not available NTIS.

[FR Doc. 78-25826 Filed 9-13-78; 8:45 am]

[3510-04]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Division, Room 2C-455, Pentagon, Washington, D.C. 20310

Patent 3,941,999: Automatic Focus Pulse Gated System; filed April 1, 1975, patented March 2, 1976.

Patent 3,944,950: Quasi-Optical Integrated Circuits; filed September 30, 1974, patented March 16, 1976.

Patent 3,949,246: Piezoelectric Bimorph Controlled Variable Capacitor; filed December 23, 1974, patented April 6, 1976.

Patent 3,952,378: Mechanical Closure Device; filed February 4, 1975, patented April 27, 1976.

Patent 3,952,576: Laminar Jet Fluid Property Sensor; filed April 10, 1975, patented April 27, 1976.

Patent 3,953,129: Testing and Inspecting Lens by Holograph Means; filed January 9, 1975, patented April 27, 1976.

Patent 3,953,850: Radar Test Facility Communication System; filed October 8, 1974, patented April 27, 1976.

Patent 3,958,121: Infrared Image Storage Plate; filed September 10, 1975, patented May 18, 1976.

Patent 3,958,602: Flueric Laminar Digital Amplifier; filed March 12, 1975, patented May 25, 1976.
Patent 3,960,022: Null Adjustable Vortex Rate Sensor; filed May 9, 1973, patented June 1, 1976.
Patent 3,962,591: Voltage Doublar Circuit; filed December 23, 1974, patented June 8, 1976.
Patent 3,962,657: Broadband Data Modulation System; filed October 22, 1974, patented June 8, 1976.
Patent 3,967,218: Edge-Guided Wave Directional Combiner; filed September 26, 1975, patented June 29, 1976.

DEPARTMENT OF THE AIR FORCE AF/JACP, Washington, D.C. 20314

Patent 3,970,007: Salvage Switch; filed January 20, 1971, patented July 20, 1976.
Patent 3,975,210: Metal-Gas Battery with Axial Reactant Gas Storage Cavity; filed March 27, 1975, patented August 17, 1976.
Patent 3,975,416: Preparation of Yttrium and Lanthanide Hexafluoroisopropoxide Diammoniates; filed September 6, 1973, patented August 17, 1976.
Patent 3,975,444: Ethynyl-Substituted Aromatic Ortho Diamines and Method of Synthesis; filed May 19, 1975, patented August 17, 1976.
Patent 3,975,748: Multispectral Laser Camera Device; filed May 22, 1970, patented August 17, 1976.
Patent 3,975,955: Edgetone Suppression Device for Wind Tunnel Walls; filed June 27, 1975, patented August 24, 1976.
Patent 3,975,981: Separation Spring Actuator; filed May 12, 1975, patented August 24, 1976.
Patent 3,976,268: Tethered Baloon Mooring Means; filed April 8, 1975, patented August 24, 1976.
Patent 3,976,394: Interstage Bleed Assembly; filed July 18, 1975, patented August 24, 1976.
Patent 3,976,521: Method of Coating Boron Particles with Ammonium Perchlorate; filed November 20, 1974, patented August 24, 1976.

DEPARTMENT OF ENERGY, Assistant General Counsel for Patents, Washington, D.C. 20545

Patent 3,910,714: Liquid Metal Pump for Nuclear Reactors; filed December 11, 1974, patented October 7, 1975.
Patent 3,912,582: Hydraulic Balancing of a Control Component Within a Nuclear Reactor; filed August 16, 1974, patented October 14, 1975.
Patent 3,912,584: LMFBR with Booster Pump in Pumping Loop; filed January 9, 1974, patented October 14, 1975.
Patent 3,912,908: Electric Cartridge-Type Heater for Producing a Given Non-Uniform Axial Power Distribution; filed November 12, 1974, patented October 14, 1975.
Patent 3,914,371: Method for Preparing Boron-Carbide Articles; filed December 27, 1973, patented October 21, 1975.
Patent 3,914,612: Neutron Source; filed August 26, 1974, patented October 21, 1975.
Patent 3,915,499: Acid Pre-Treatment Method for in situ Ore Leaching; filed July 23, 1974, patented October 28, 1975.
Patent 3,917,509: Thermionic Nuclear Reactor with Internal Heat Distribution and Multiple Duct Cooling; filed April 16, 1974, patented November 4, 1975.
Patent 3,919,406: Thermochemical Production of Hydrogen; filed July 10, 1974, patented November 11, 1975.
Patent 3,919,580: Relativistic Electron Beam Generator; filed September 11, 1974, patented November 11, 1975.
Patent 3,923,496: Nickel Powder and a Process for Producing It; filed April 26, 1945, patented December 2, 1975.
Patent 3,923,612: Electroplating a Gold-Platinum Alloy and Electrolyte Therefor; filed February 25, 1974, patented December 2, 1975.
Patent 3,924,106: Background Compensation for a Radiation Level Monitor; filed October 31, 1974, patented December 2, 1975.
Patent 3,925,536: Method of Recovering Uranium Hexafluoride; filed June 19, 1947, patented December 9, 1975.
Patent 3,926,344: Volumetric Dispenser for Small Particles From Plural Sources; filed June 20, 1974, patented December 16, 1975.
Patent 3,927,192: Chemical Cycle for Thermochemical Production of Hydrogen From Water; filed January 29, 1975, patented December 16, 1975.
Patent 3,927,325: Tissue Irradiator; filed July 10, 1974, patented December 16, 1975.
Patent 3,928,126: Fuel or Irradiation Subassembly; filed July 9, 1974, patented December 23, 1975.
Patent 3,928,549: Thermochemical Production of Hydrogen; filed June 20, 1974, patented December 23, 1975.
Patent 3,928,700: Method of Producing Thin Cellulose Nitrate Film; filed May 30, 1974, patented December 23, 1975.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20014.

Patent 3,976,072: Blink-Operated Extracorporeal Tear Duct; filed September 3, 1975, patented August 24, 1976.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA. 22217

Patent 3,549,591: Polyfluoroepoxides and Epoxy Resins Containing Fluorine on the Aromatic Carbon Structure and Process; filed July 30, 1968, patented December 22, 1970.
Patent 3,898,662: Radar Target Simulator Using No Electrical Connection to Radar; filed August 16, 1968, patented August 5, 1975.
Patent 3,936,954: Electronic Bearing Selector for Omni-Directional Signals; filed May 27, 1964, patented February 10, 1976.
Patent 3,936,958: Sonar Reverberation Simulation; filed June 18, 1968, patented February 10, 1976.
Patent 3,964,155: Method of Planar Mounting of Silicon Solar Cells; filed June 8, 1973, patented June 22, 1976.
Patent 3,965,343: Modular System for Performing the Discrete Fourier Transform via the Chirp-Z Transform; filed March 3, 1975, patented June 22, 1976.
Patent 3,965,729: Load Crack Testing Device; filed October 1, 1975, patented June 29, 1976.
Patent 3,967,633: Gas Vent System for Operation in any Arbitrary Spatial Orientation; filed May 22, 1975, patented July 6, 1976.
Patent 3,968,491: Radar Rangemeter; filed November 25, 1974, patented July 6, 1976.
Patent 3,971,110: Method for Fabricating an Electron-Emission Cathode; filed September 11, 1975, patented July 27, 1976.
Patent 3,971,927: Modular Discrete Cosine Transform System; filed November 3, 1975, patented July 27, 1976.
Patent 3,972,554: Ring Type Recovery Tool; filed January 12, 1976, patented August 3, 1976.
Patent 3,972,555: Tong Type Recovery Tool; filed January 2, 1976, patented August 3, 1976.
Patent 3,972,730: Pyrotechnically Activated Lithium-Chlorine Cell, filed June 25, 1976, patented August 3, 1976.
Patent 3,972,814: Fluidic Oil-Water Separator, filed February 12, 1975, patented Augst 3, 1976.
Patent 3,973,501: Fuze with Dual Safe Positions and Armed-Safe Indicator; filed September 17, 1974, patented August 10, 1976.
Patent 3,978,487: Coupled Fed Electric Microstrip Dipole Antenna; filed April 24, 1975, patented August 31, 1976.
Patent 3,979,746: High Speed Manchester Code Demodulator; filed April 29, 1975, patented September 7, 1976.

TENNESEE VALLEY AUTHORITY, Division of Law, Muscle Shoals, Ala. 35660

Patent 3,969,483: Removal of Carbonaceous Matter From Ammonium Polyphosphate Liquids; filed June 5, 1975, patented July 13, 1976.

[FR Doc. 78-25827 Filed 9-13-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Bonneville Power Administration

FRANKLIN AREA SYSTEM REINFORCEMENT

Meeting

This notice is published to apprise interested parties of a public information meeting to be held by the Bonneville Power Administration (BPA) on Tuesday, October 17, 1978, at 7:30 p.m. in the Burbank High School Commons Building, Burbank, Wash. The meeting is being held so that BPA officials may describe to the public the proposed facilities for Franklin area system reinforcement. BPA will also be soliciting public comments on the draft location supplement to BPA's fiscal year 1979 program environmental statement covering Franklin area system reinforcement.

The draft location supplement on this proposal describes the environmental impact of constructing approximately 6 miles (10 km) of 500-kV transmission line between the existing BPA Lower Monumental-John Day 500-kV line and the Sacajawea substation near Ice Harbor Dam in Walla Walla County, Wash. Impacts resulting from expanding Sacajawea substation by approximately 6 acres (2.4 ha) are also described.

All interested parties are urged to attend. All comments are welcomed in order to assist the administration in fully evaluating the environmental

factors pertinent to this particular aspect of BPA's fiscal year 1979 program. Comments received will be considered in the preparation of the Franklin area system reinforcement final location supplement.

In addition to the nonconstruction alternative, with its lack of environmental impacts and resultant line overloading, two alternative route locations for the proposed transmission line have been identified. The alternative locations of the transmission line and the additional substation facilities and the environmental impacts associated with each are more thoroughly presented in the draft location supplement for Franklin area system reinforcement.

Copies of the draft location supplement are available for inspection in the library of the BPA headquarters, 1002 Northeast Holladay Street, Portland, Oreg.; the BPA Washington, D.C., office in the Interior Building, room 5600; and at the Walla Walla area office, West 101 Poplar, Walla Walla, Wash.

For those who cannot attend the meeting, written comments will be accepted until the end of the comment period, October 27, 1978.

Additional or clarifying information may be obtained by writing or calling the Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oreg. 97208; 503-234-3361, extension 5136.

Dated at Washington, D.C. this 11th day of September 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-25853 Filed 9-13-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket Nos. CI66-853, et al.]

AMINOIL USA, INC. (OPERATOR), (SUCC. TO BURMAH OIL AND GAS CO. AND SIGNAL OIL AND GAS CO.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 6, 1978.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI66-853, Mar. 13, 1974[1]	Aminoil USA, Inc. (operator), (successor to Burmah Oil & Gas Co. and Signal Oil & Gas Co.), Golden Center One, 2800 North Loop West, Houston, Tex. 77018.	Panhandle Eastern Pipe Line Co., Aline Plant, Alfalfa County, Okla.	20.7925	14.65
CI70-375, Mar. 13, 1974[1]	Aminoil U.S.A., Inc. (operator), (successor to Burmah Oil & Gas Co. and Signal Oil & Gas Co.).	do	20.7925	14.65

[1] Applicant to consolidate the certificates issued in Docket Nos. CI66-853 and CI70-375 with the certificate issue in Docket No. CI70-375 as the surviving certificate.

Filing code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 78-25784 Filed 9-13-78; 8:45 am]

[6740-02]

[Docket No. RI78-29]

BRIGHT & SCHIFF

Order Granting Petition for Special Relief

SEPTEMBER 7, 1978.

On February 13, 1978, Bright & Schiff [1] (B&S) filed a petition [2] for special relief pursuant to § 2.76 of the Commission's General Policy and Interpretations. In the subject petition, B&S seeks authorization to charge the increased total rate of $1.00 per Mcf for the sale of gas attributable to the 100 percent working interest in gas produced from the Hamman No. 1 Well, Monte Christo Field, Hidalgo County, Tex. South Texas Natural Gas Gathering Co. (South Texas) is purchaser of the subject gas.[3]

B&S is currently selling this gas to South Texas at a rate of 33.32 cents per Mcf pursuant to a 20-year contract, dated May 1, 1959, and a small

[1] Bright & Schiff's name has been changed to Bright & Co.

[2] This petition covers 100 percent of the working interest. B&S owns 87.5 percent of the working interest, and Coastal States owns the other 12.5 percent working interest.

[3] B&S proposes to sell the subject gas at the increased rate to South Texas, who, in turn, will resell the gas to Transcontinental Gas Pipeline Co.

producer certificate issued in docket No. CS71-70 on May 4, 1971. With regard to the proposed rate increase, South Texas agreed, in a letter to B&S, to pay the requested $1.00 per Mcf rate if the Commission authorizes B&S to charge the increased rate for its gas.

On March 7, 1978, notice of B&S's petition was issued. No protests or petitions to intervene were filed.

As justification for the proposed rate increase B&S states that compression is needed so that the subject gas can continue to be delivered to South Texas. Further B&S avers that it is uneconomical to continue to operate compression at the current rate of 33.32 cents per Mcf and that if special relief is not granted, it will sek abandonment of the subject well.

Due to the adequacy of the data finally submitted, Staff concludes that no field investigation is necessary.

B&S states that it has invested $10,000 for a major overhaul of the compressor on the Humman Lease.[4] Staff considers this expense reasonable. Moreover, based on the data filed by B&S and Staff's analysis thereof, Staff determined that B&S's a remaining net book investment of $5,315, and estimated initial yearly production expenses of $10,852 [5] are reasonable. Additionally, using the estimated yearly production expense of $10,852, and allowing for a 5 percent yearly inflation factor over the estimated remaining 2½ year life of the well, Staff estimates that total operating expenses for this project will be $29,641.

The above costs and the net working interest reserves of 46,275 Mcf of gas were used in a traditional cost study.[6] The results of this study, utilizing a 15 percent rate of return, indicates the rate requested is supported on a cost basis.[7]

A review of the economics associated with this project, and Staff's analysis thereof, indicates that the requested rate is cost supported and it is in the public interest to grant special relief.

The Commission orders: (A) B&S's petition for special relief, in docket No. RI78-29, is hereby granted.

(B) B&S is authorized to collect a total rate of §1.00 per Mcf at 14.65 psia for the sale of natural gas from the Hamman No. 1 Well to South Texas effective on the date of the Commission order herein, subject to the conditions in paragraph (C) below.

(C) B&S must file a Notice of Independent Producer Rate Change reflecting the above authorized rate, an executed amendment to its contract with South Texas providing for payment of the rate granted above, and a statement signed by South Texas that the compressor overhaul work was completed to South Texas's satisfaction within 30-days of the date of the order herein.

By the Commission.

KENNETH F. PLUMB,
Secretary.

Bright & Schiff, Docket No. RI78-29, Hamman No. 1 Well, Monte Christo Field, Hidalgo County, Tex.

[Unit cost of gas]

Line No. and item (a)	Amount (b)
1. Net working interest volumes:	
2. Gas—M ft³ at 14.65 psia [1]	46,275
3. Liquids—Barrels	0
4. Cost of production:	
5. Return on rate base at 15 pct [2]	$4,225
6. D.D. & A [3]	10,193
7. Production expense [4]	29,641
8. Regulatory expense [5]	46
9. Total cost of production	44,105
10. Unit cost of gas (per M ft³):	
11. Cost of production [6]	0.95
12. Production tax [7]	.08
13. Total unit cost	1.03

[1] 52,886 M ft³ times 87.5 pct net working interest.
[2] Line 10 of sheet 3 times 0.15 times 2.5-year production life.
[3] From line 6 of sheet 2.
[4] Based on expected well and compressor initial annual operating expense of $10,852 escalated 5 pct per year over the life of the project.
[5] Line 2 times 0.1 cents per M ft³ per opinion No. 749.
[6] Line 9 divided by line 2.
[7] Texas State production tax at 7.5 pct.

[Investment]

Line No. and Item (a)	Amount (b)
1. Investment:	
2. Remaining net book value	$5,315
3. Compressor overhaul	10,000
4. Total project investment	15,315
5. Less salvage value [1]	5,122
6. Depreciable investment	10,193
7. Depreciation per unit of production [2]	0.22027

[1] Salvage value figured at 10 pct of original new plant investment of $51,221 from company books as reflected in applicant's letter of Mar. 10, 1978.
[2] Line 6 divided by 46,275 M ft³.

Bright & Schiff, Docket No. RI78-29, Hamman No. 1 Well, Monte Christo Field

[Average investment and annual rate base]

Line No. and year (a)	Annual N.W.I. production (M ft³) (b)	Beginning of year investment (c)	Depreciation [1] (d)	End of year investment (e)	Average investment [2] (f)
1. Average annual investment:					
2. 1	21,886	$15,315	$4,821	$10,494	$12,905
3. 2	17,214	10,494	3,792	6,702	8,598
4. 3 (6 mos)	7,175	6,702	1,580	5,122	[3] 2,956
5. Total	46,275		10,193		24,459
6. Average annual investment [4]					9,784
7. Average annual rate base:					
8. Average annual investment					9,784
9. Annual working capital allowance [5]					1,482
10. Total annual rate base					11,266

[1] Column (b) times line 7 of schedule 2.
[2] Column (c) plus column (e) divided by 2.
[3] Adjusted by weight factor of 0.5 year.
[4] Column (f) of line 5 divided by 2.5-year project life.
[5] 0.125 times line 7 of sheet 1 divided by 2.5-year project life.

[4] No liquid revenue is derived from this lease.
[5] Staff estimated B&S's initial yearly operating expenses to be $10,852 by utilizing figures submitted by B&S, depicting its operating expenditures for the years 1976 and 1977.
[6] See appendix A, attached hereto.
[7] An allowance has been made for compressor fuel.

[FR Doc. 78-25783 Filed 9-13-78; 8:45 am]

[6740-02]

CITY OF SEATTLE, WASH.

[EL78-36; Project No. 553]

Recommendation for Change in Project Operation

SEPTEMBER 7, 1978.

Take notice that on August 4, 1977, the U.S. Department of the Interior petitioned to intervene in the proceeding involving the raising of Ross Dam—one of three developments licensed under Project No. 553. Interior requested that the Federal Power Commission stay the effect of Order No. 808, which permitted the raising of Ross Dam, until an examination was made of the effect of the project's flow regime on the river's fishery resource. The Secretary of the Interior requested that he be given 45 days to file conditions to be included in the project license to protect the fishery resource. The FPC granted intervention and the requested stay. Interior filed its proposed conditions on September 21, 1977.

On August 2, 1978, the Federal Energy Regulatory Commission [1] issued Opinion No. 808-A reaffirming the earlier order. The FERC stated that, while it would not stay its approval of raising Ross Dam nor would it include Interior's proposed conditions in the license amendment at that time, it would treat Interior's request for minimum flows in the Skagit River below the project as a recommendation under article 37 of the license.

Article 37 states:

> The Licensee shall in connection with the Gorge development, construct, maintain, and operate such protective devices and comply with such reasonable modifications of the project structure and operation in the interests of fish and wildlife resources as may be hereafter prescribed by the Commission upon the recommendation of the Secretary of the Interior, the Washington Department of Game.

Interior's minimum flow recommendation is as follows:

> During the period of February 1 through July 15, the Licensee shall release enough water from Gorge Dam so as to maintain a constant minimum flow of 3,000 c.f.s. at Marblemount Bridge. Any flow reductions below 3,000 c.f.s. are unacceptable. However, if drought conditions necessitate, a lower flow from 3,000 c.f.s. is to be maintained with little or no fluctuation and the minimum base instantaneous flow is not to be less than 1,000 c.f.s. from Gorge Dam irrespective of tributary inflow. Any reduction in minimum flow below 3,000 c.f.s. should not exceed 200 c.f.s. per hour. Flow reduction from 5,000 c.f.s. to 3,000 c.f.s. is not to exceed the rate of 500 c.f.s. per hour. From the period August 15 through October 1, minimum base instantaneous flow at Gorge Dam shall be maintained at 1,000 c.f.s. (or approximately 2,000 c.f.s. at Marblemount Bridge). Any flow reductions from the period of August 15 through October 1 shall not exceed 200 c.f.s. per hour.
>
> For the flows from the periods of July 15 to August 15 and October 1 to February 1, additional studies are needed to determine proper flows downstream from Gorge Dam. When the studies are completed additional conditions will be submitted for inclusion in the license.

This notice initiates a proceeding on this recommendation.

Any person desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any protest or petition to intervene must be filed on or before October 17, 1978. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25837 Filed 9-13-78; 8:45 am]

[1] This proceeding was commenced before the FPC. By the joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC. The term "Commission", when used in the context of action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[6740-02]

[Docket No. CP71-132]

COLUMBIA GAS TRANMISSION CORP., ET AL.

Petition To Amend

SEPTEMBER 7, 1978.

In the matter of Columbia Gas Transmission Corp., Atlantic Seaboard Corp., Cumberland & Allegheny Gas Co., Home Gas Co., Kentucky Gas Transmission Corp., the Manufacturers Light & Heat Co., the Ohio Fuel Gas Co., and United Fuel Gas Co.

Take notice that on August 25, 1978, Columbia Gas Transmission Corp. (Petitioner), P.O. Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP71-132 a petition to amend the order of March 10, 1971 (45 FPC 398) issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act [1] so as to eliminate the condition that Petitioner maintain its books and records in such a manner that certain of its accounts would be identifiable as to each of the eight constituent companies to the merger which was approved in the aforementioned order, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of March 10, 1971 (45 FPC 398), Petitioner was authorized to acquire and operate all of the natural gas facilities of Atlantic Seaboard Corp., Cumberland & Allegheny Gas Co., Home Gas Co., Kentucky Gas Transmission Corp., the Manufacturers Light & Heat Co., the Ohio Fuel Gas Co., and United Fuel Gas Co. Petitioner states that the effectiveness of the certificates issued in the FPC order was conditioned in ordering paragraph (F) "upon Columbia's maintenance of its books and records, until further order of the Commission, in such a manner that its operating revenue accounts, gas purchase costs, other direct operating expense accounts, and gas plant accounts, will be identifiable as to each of the constituent companies to the merger." (45 FPC at 402.) The order also indicates that Petitioner had advised various intervenors that it was willing to maintain the identifiable accounts, as described above, through July 1, 1978, it is stated.

Petitioner asserts that the maintenance of accounts identifiable as to each constituent company to the merger authorized herein no longer serves any useful purpose. Petitioner states that by the order issued January 20, 1975, in docket No. RP73-86, the Commission approved article III of a proposed stipulation and agreement which provided for a phased removal of Petitioner's multiple zone system. As a result, says Petitioner, the maintenance of accounts identifiable with the constituent companies is no longer used in Columbia's rate cases.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 29, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and

[1] This proceeding was commenced before the FPC. By joint regulation of Oct. 1, 1977 (10 CFR 1000.01), it was transferred to the FERC.

procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it or its designee in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25838 Filed 9-13-78; 8:45 am]

[6740-02]

[Docket No. CP78-506]

CONSOLIDATED GAS SUPPLY CORP. AND TEXAS EASTERN TRANSMISSION CORP.

Order Granting Temporary Certificates of Public Convenience and Necessity

SEPTEMBER 7, 1978.

On August 29, 1978, Consolidated Gas Supply Corp. (Consolidated) and Texas Eastern Transmission Corp. (Texas Eastern) at the request of Columbia Gas Transmission Corp. (Columbia) filed a notice with the Commission that on or about September 1, 1978, they would, for a period not to exceed 60 consecutive days, pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22), commence emergency transportation and delivery of natural gas for injection into Consolidated's storage facilities of up to six million dekatherms (6,000,000 dts)of natural gas for the account of Columbia. Withdrawals would be made by Consolidated and return delivery would be made by Texas Eastern to Columbia during another period, not to exceed 60 consecutive days, during the course of the 1978-79 winter heating season. Withdrawal of the volumes would commence on a date mutually agreed to by the parties. The Notice assumes that § 157.22 of the Commission's regulations is sufficiently broad to exempt from Commission regulation under seciton 7 of the Natural Gas Act both the 60-day injection into Consolidated's storage and the subsequent withdrawal and redelivery to Columbia during the second 60-day period.

The contemplated transportation and storage service would be rendered for Columbia on an interruptible basis and would be subordinate to the other delivery obligations of Consolidated and Texas Eastern. The storage injection volumes would be made available to Consolidated through a reduction by Columbia in its takes of natural gas from Texas Eastern at existing points of delivery in Texas Eastern's Rate Zone "C". Texas Eastern would then deliver to Consolidated the storage injection volumes made available to it by Columbia at existing points of delivery to Consolidated, also in Texas Eastern's Rate Zone "C". Subsequent redelivery of the withdrawal volumes from Consolidated's storage facilities to Columbia would be made through the facilities of Texas Eastern by reversing the flow of the injection volumes.

The Notice asserts that Columbia has a critical short-term need for additional storage capacity to accommodate volumes of gas available for injection during the remainder of the current summer season. Columbia's gas supply and market situation is such that it will be unable, without the utilization of Consolidated's storage facilities, to take all of the volumes of gas which will be available to it between now and October 31, 1978. There will be a permanent loss of this supply currently available to Columbia unless it can be injected into storage. If these presently available volumes can find their way into storage, they will be withdrawn for high-priority service during the forthcoming winter heating season. Columbia projects curtailment of high priority customers during the forthcoming winter heating season. It currently projects that during the 5-month winter heating season commencing November 1, 1978, it will be required to curtail 100 percent of priority 3 and a substantial percentage of its priority 2 requirements.[1]

Columbia is unable to provide capacity for this currently available gas in its own storage facilities which are now more than 10 Bcf above scheduled injection levels. Columbia contends that it can avoid the loss of these volumes if it is permitted to utilize available storage capacity belonging to Consolidated.

Columbia has agreed to pay Consolidated in accordance with the rates contained in Consolidated's GSS Rate Schedule in its effective FERC Gas Tariff, adjusted to an average rate per dekatherm stored. Accordingly, Columbia would be billed monthly thirty cents (30¢) per dt injected for each month in which gas is injected for storage. Columbia has agreed to pay Texas Eastern the applicable TS-1 or TS-1 Excess rate currently effective for transportation under Texas Eastern's Rate Schedule TS-1 of its FERC Gas Tariff. When Texas Eastern's transportation of gas from Columbia constitutes a "backhaul" of gas, Columbia is to pay Texas Eastern a charge of $1, 148.43 per day; and when Texas Eastern's transportation of gas to Columbia constitutes a "backhaul" of gas, Columbia is to pay Texas Eastern a charge of $1,351.10 per day.

The language of § 157.22(a) of the regulations specifically provides that the section is to be "limited to a single period of not more than 60 days * * *". The Federal Power Commission (FPC), predecessor agency to this Commission in an order issued in *Transcontinental Gas Pipeline Company* and *Consolidated Gas Supply Corporation,* Docket No., CP77-25, on February 3, 1977, discussed the meaning of the limited term emergency service provided for under this section. That case involved emergency storage service sought to be undertaken by interstate pipeline companies. Storage injections were to be commenced on a certain date, were scheduled to continue for a period of not more than 60 consecutive days, and were to be withdrawn subsequently during a second 60-day period. The FPC concluded that such a "proposal encompasses a time period not within the contemplation of § 157.22(a) of the regulations".[4]

The same rationale should be applied with respect to Consolidated's proposed storage for Columbia. Not only does the proposed service involve 120 days as opposed to the 60-day period contemplated by § 157.22, but we perceive no emergency of the magnitude presented the FPC prior to its January 19, 1977, order in Transco, Docket No. CP77-128. Moreover, there is considerable question whether § 157.22 can properly be applied in a situation involving storage and transportation service only. We need not decide that issue, however, because of our determination, infra that a temporary certificate of public convenience and necessity should be issued promptly pursuant to section 7 of the Natural Gas Act so that the proposed storage

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[1] Such curtailment is estimated both under its currently effective three priority end use curtailment plan as well as under a curtailment plan predicated on the priorities specified for curtailment under FPC order No. 467-B (18 CFR 2.78). These projections evidently contemplate Columbia storage facilities being filled to capacity prior to the start of the 1978-79 winter heating season.

[4] In the February 3, 1977, order the FPC referred to another order issued in *Transcontinental Gas Pipeline Corporation,* Docket No. CP77-128 on January 19, 1977, in which it had permitted the use of § 157.22 in a similar situation. The FPC in the February 3, 1977, order emphasized the extreme emergency presented in the earlier matter, stating: "* * * Finding the severity of the current individual emergency situation expressed therein precluded the pipelines from responding effectively on an emergency basis under section 7 procedures, the Commission determined that the public interest demanded that pipelines be allowed to act quickly to "assure the maintenance of adequate natural gas service where interruption or serious curtailment exist * * * because of * * * curtailment of supply* * * ", (sec. § 157.22(a)). However, we are not compelled to apply that rationale here in that we find the granting of a certificate is a more appropriate response.

injections can commence as soon as possible.

On August 31, 1978, Consolidated, Texas Gas Transmission Corporation (Texas Gas) and Texas Eastern filed a Notice [5] at the request of New Jersey Natural Gas Co. (NJN) that they intend to commence on or about September 1, 1978, pursuant to § 2.68 of the Commission's Statement of General Policy and Interpretations for a period not to exceed 60 consecutive days, emergency transportation and deliveries of natural gas for the account of NJN for injection into Consolidated's storage facilities.

The proposed gas storage service is to be utilized by NJN to husband certain supplies that have become available to it pursuant to a 60-day emergency gas purchase agreement with Louisiana Gas Intrastate, Inc., providing for the purchase of up to a total of approximately 1,000,000 delkatherms (dt) of natural gas. Deliveries are to be made in Louisiana, beginning on or about September 1, 1978, and continuing for a period up to 60 consecutive days. The deliveries of natural gas in Louisiana will first be made to Texas Gas, followed by delivery into the facilities of Texas Eastern. Texas Eastern will in turn transport and deliver to Consolidated for the account of NJN. Texas Eastern's deliveries to Consolidated will be at existing points of interconnection between the facilities of Consolidated and Texas Eastern in the latter's Rate Zone C, for injection by Consolidated into storage. On a subsequent date during the 1978–79 winter, to be mutally agreed upon by NJN, Consolidated and Texas Eastern, withdrawals by Consolidated and deliveries by Texas Eastern to NJN will commence and continue for a period not to exceed 60 consecutive days.

In the August 31, 1978, Notice, Consolidated asserts that NJN is in need of additional storage to offset critically low storage balances resulting from the severity of the past two winters and is currently seeking additional storage on a long-term basis. It further notes that the customer profile of NJN is virtually all in Priority 1 with a relatively small amount in Priority 2 and that but for emergency purchases made in February and March of this year NJN would have depleted its storage by the third week of March.

Consolidated indicates that all phases of the contemplated transaction as to NJN are to be instituted pursuant to § 2.68 of the Commission's Statement of General Policy and Interpretations under the Natural Gas Act (18 CFR 2.68). It is of the view that § 2.68 is broad enough in scope to include not only 60 day emergency sales by persons with exemptions under section 1(b) and 1(c) of the Act but also the transportation and storage of such volumes by interstate pipelines subject to the jurisdiction of the Commission.

While the 60-day sale described in Consolidated's August 31, 1978, Notice between Louisiana Gas Intrastate, Inc. and NJN would seem to fall within the purview of § 2.68,[6] it does not follow that Consolidated's proposed storage service for NJN may also be performed pursuant to § 2.68. The language of that section extends a 60 day emergency exemption only to the nonjurisdictional companies described. Moreover, § 2.68 like § 157.22 contemplates exempting from section 7 certificate requirements certain emergency sales and operations which do not exceed 60 consecutive days. The injection and withdrawal operations of Consolidated and the transportation by Texas Eastern are proposed to encompass 120 days.

We believe that Consolidated's proposed storage service and Texas Eastern's proposed transportation service for NJN cannot be permitted pursuant to § 2.68. Not only would these services involve 120 days as opposed to 60 days, but § 2.68 by its terms applies only to nonjurisdictional entities. Consolidated and Texas Eastern are both jurisdictional natural gas companies. We are aware, in this regard, of a Commission order issued in *Southern Natural Gas Company*, Docket No. RP77-136-1 on November 29, 1977, wherein we permitted a nonjurisdictional distributor to provide emergency storage service and two jurisdictional pipelines to provide the necessary transportation service pursuant to § 2.68. It is sufficient for present purposes to note again that § 2.68 refers expressly to only nonjurisdictional entities. Moreover, because we herein determine that the proper course in this instance involving jurisdictional companies is to issue a temporary certificate of public convenience and necessity authorizing the proposed storage and transportation for NJN, it is not necessary for us to reconsider any previous order involving the application of § 2.68 to storage service by a nonjurisdictional entity.

By letter filed September 1, 1978, Consolidated states that it does not intend to commence the service contemplated in its Notices of August 29 and 31, 1978, discussed infra until the Commission informs it that its proposed use of § 157.22 (with respect to Columbia) and § 2.68 (with respect to NJN) is permissible or, in the alternative, issues temporary certificates of public convenience and necessity authorizing the proposed service. As previously stated, we decline to authorize the use of §§ 157.22 and § 2.68 proposed by Consolidated and, instead, herein grant the temporary certificates alternatively sought by Consolidated.

The rate proposed to be charged by Consolidated for its temporary emergency storage service for NJN is identical to that it will charge Columbia, discussed previously. NJN has agreed to pay Texas Eastern, for its transportation of the gas to Consoldiated for injection, the applicable TS-1 or TS-1 Excess currenctly effective rate for transportation from Texas Eastern's Zone A to its Zone C as set forth in Texas Eastern's Rate Schedule TS-1 of its FERC Gas Tariff. During the withdrawal period the applicable TS-1 or TS-1 Excess currently effective rate for transportation from Zone C to Zone D will be the basis for the transportation charge. NJN has agreed to reimberse Texas Eastern for all charges paid by Texas Eastern to Texas Gas under the transportation agreement between Texas Eastern, NJN, and Texas Gas.

We shall require that Consolidated and Texas Eastern file, within 15 days of the issuance of this order formal applications seeking appropriate authorization for the services to be rendered Columbia and NJN. The temporary authorization granted herein will be subject to all the terms and conditions of any permanent authorization granted by the Commission in this docket.

The Commission finds: (1) Applicants, Consildated GAs Supply Corp. and Texas Eastern Transmission Corp. are "natural gas companies" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The facilities hereinbefore described, as more fully described in the Notices filed by consolidated on August 29, 1978, and August 31, 1978, are to be used in the transportation and storage of natural gas in interstate commerce, subject to the jurisdiction of the Commission and the operation thereof described in this order are subject to the requirements of subsection (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the sevice propsed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The operations and services described in the Notices filed by Consolidated on August 29, 1978, and August 31, 1978, to be undertaken byConsolidated and Texas Eastern, may be required by the public convenience and necessarity and temporary certificates

[5] The Notice was filed on behalf of Consolidated and Texas Eastern.

[6] Moreover, the deliveries contemplated in this transaction by Texas Gas are for a single 60-day period. In the circumstances, Texas Gas appears to be able to perform its specific portion of the proposal under § 157.22.

therefor should be issued as hereinafter ordered and conditioned.

(5) The public interest requires that the temporary certificates issued to Texas Eastern and Consolidated be made subject to all the terms and conditions that the Commission may impose with respect to any permanent certificate issued in this docket.

(6) The public convenience and necessity requires that Consolidated and Texas Eastern file formal applications, consistent with the Commission's Regulations under the Natural Gas Act, requesting authorization to perform the operations and services sought to be rendered on behalf of Columbia and NJN.

The Commission orders: (A) Temporary certificates of public convenience and necessity are issued authorizing Texas Eastern and Consolidated to operate certain facilities for the transportation, storage and withdrawal of natural gas as hereinbefore described, all as more fully described in Consolidated's Notices filed on August 29 and Augusts 31, 1978, upon the terms and conditions of this order.

(B) The certificate authorization issued in paragraph (A) above and the rights granted thereunder are conditioned upon the following:

(1) The temporary certificates issued herein to Consolidated and Texas Eastern shall be made subject to all of the terms and conditions imposed by the Commission in any permanent certificate that may ultimately be issued in this docket.

(2) The ultimate disposition of any revenues that may be received by Consolidated and Texas Eastern shall be subject to the terms and conditions that the Commission may impose in any permanent certificate that it may issue in this docket.

(3) Consolidated and Texas Eastern shall file with the Commission appropriate applications, consistent with the Commission's regulations under the Natural Gas Act, requesting authorization to undertake the operations and services more fully described in this order and in Consolidated's Notices of August 29, 1978, and August 31, 1978, within 15 days for the issuance order

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25839 Filed 9-13-78; 8:45 am]

[6740-02]

[Docket No. RP74-100 et al.]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

SEPTEMBER 7, 1978.

Take notice that on August 28, 1978, National Fuel Gas Supply Corp. (National) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, 21st Revised Sheet No. 4, proposed to be effective October 1, 1978.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in National's rates of 7.61 cent per Mcf on 21st Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 20, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants party 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. 78-25840 Filed 9-13-78; 8:45 am]

[6740-02]

[Docket No. RP73-48]

PEOPLES NATURAL GAS DIVISION OF NORTHERN NATURAL GAS CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

SEPTEMBER 7, 1978.

Take notice that Peoples Natural Gas Divsion of Northern Natural Gas Co., on August 28, 1978, tendered for filing First Substitute 21st Revised Sheet No. 3a of its FPC Gas Tariff, Original Volume No. 4. The proposed change to become effective October 1, 1978, would increase the rate per Mcf to jurisdictional customers by 27.67 cents per Mcf. This increase reflects the net effect of a decrease in rates to Peoples resulting from a rate change by Colorado Interstate Gas Co. at Docket No. RP78-51 and a semiannual purchased gas adjustment filed by CIG in accordance with the provisions of its FPC Gas Tariff. Colorado Interstate is the pipeline supplier to Peoples for sales made under volume No. 4.

Copies of the filing were served upon the gas utility customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practrice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants prarties 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. 78-25841 Filed 9-13-78; 8:45 am]

[6740-02]

[Docket No. RI78-53]

SUN OIL CO. (Delaware)

Order Granting Petition for Special Relief

SEPTEMBER 7, 1978.

On April 20, 1978, Sun Oil Co. (Sun) filed a petition [1] for special relief, in Docket No. R178-53, pursuant to § 2.76(d)(1) of the Commission's General Policy and Interpretations, requesting permission to charge a base rate of 50 cents per Mcf for the sale of its 50 percent working interest in gas produced from the Tebo Gas Unit, Hamilton County, Kans. (Hugoton-Anadarko Area). Kansas-Nebraska Natural Gas Co., Inc. (Kansas-Nebraska) is the purchaser of the subject gas.[2] In a letter, dated March 23, 1978, to Sun, Kansas-Nebraska stated that it will purchase the subject gas at whatever special relief rate the Commission permits Sun to charge. Currently Sun sells the subject gas at 29.5 cents per Mcf at 14.73 psia.

Notice of Sun's petition was issued on May 25, 1978. No protests or petitions to intervene were filed.

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[1] This petition covers only Sun's 50 percent working interest in the gas. Kansas-Nebraska's 50 percent working interest in the subject gas is not covered by this petition.

[2] This gas is being sold to Kansas-Nebraska pursuant to a contract, dated November 14, 1957, which is on file as Sun's FERC Gas Rate Schedule No. 99 in Docket No. G-15434.

In support of its petition, Sun states that it intends to restimulate the subject well and install a pumping unit to lift water therefrom at a cost of $20,000 in the furtherance of producing the estimated remaining reserves of 71,000 Mcf of gross working interest gas over the projected seven year life of the well. Staff finds that the proposed $20,000 expenditure is reasonable.

In consideration of the section and the subsection [3] thereof under which the petition was filed and the reasonableness of Sun's proposed expenditure, Staff concludes that a field investigation is unnecessary.

Sun's petition meets the criteria for special relief as established by § 2.76(d)(1) of the Commission's General Policy and Interpretations. Sun's proposed increase in revenue of $12,736 over the life of the project is less than the $50,000 maximum established by the above section. The proposed new investment of $20,000 exceeds 25 percent of the increased revenue. The requested base rate of 50 cents per Mcf at 14.73 psia meets the requirement of the above section.

Inasmuch as Sun's petition meets the criteria for special relief set forth for minor projects in 18 CFR § 2.76(d)(1), we believe that it is in the public interest to grant Sun's petition for special relief.

The Commission orders:

(a) The petition for special relief filed, in Docket No. RI78-53, by Sun is hereby granted.

(B) Sun is authorized to collect a base rate of 50 cents per Mcf at 14.73 psia for natural gas produced from its Tebo Gas Unit, located in Hamilton County, Kans., and sold to Kansas-Nebraska, effective upon the date that the proposed work is completed or the date of the Commission order herein whichever is later, subject to the conditions set forth in paragraphs (C) and (D) below.

(C) Within 30 days of the effective date specified above, Sun must file a statement signed by Kansas-Nebraska that the proposed work has been completed to Kansas-Nebraska's satisfaction.

(D) Sun must file an executed contract amendment providing for the payment of the approved rate and a notice of Independent Producer Rate Change within 30 days of the date of the order herein.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25842 Filed 9-13-78; 8:45 am]

[3] 18 CFR § 2.76(d)(1).

[6740-02]

[Docket No. RP74-41]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

SEPTEMBER 7, 1978.

Take notice that Texas Eastern Transmission Corp. on August 28, 1978, tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Revised Forty-second Revised Sheet No. 14.
Revised Forty-second Revised Sheet No. 14A.
Revised Forty-second Revised Sheet No. 14B.
Revised Forty-second Revised Sheet No. 14C.
Revised Forty-second Revised Sheet No. 14D.

The above sheets were issued in compliance with the Commission's order issued July 28, 1978, in docket No. RP74-41 (PGA 78-6). In such July 28, 1978, order the Commission accepted Texas Eastern's PGA filing of June 16, 1978, subject to modification to reflect the proper rate levels from its pipeline suppliers as of August 1, 1978.

The above tariff sheets also reflect a flow through to Texas Eastern's Zone D customers the monthly exchange charge of $150,000 received from Consolidated System LNG Co. by means of a rate reduction to the demand component of rate schedules DCQ, GS, WS, SS, and X-28 as previously filed for on June 2, 1978, and approved by Commission order issued July 5, 1978.

The proposed effective date of these tariff sheets is August 1, 1978.

Copies of this filing were served on the company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 28, 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. 78-25843 Filed 9-13-78; 8:45 am]

[6740-02]

[Docket No. RP78-87]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Increase in Gas Tariff

SEPTEMBER 7, 1978.

Take notice that Texas Eastern Transmission Corp., on August 31, 1978, tendered for filing proposed changes in its FERC gas tariff, fourth revised volume No. 1 and original volume No. 2. The proposed changes would increase revenues from jurisdictional sales and services by approximately $55,700,000 per year based on actual sales and services for the 12-month base period ended May 31, 1978, as adjusted through September 30, 1978. This annual increase is exclusive of an additional increase of approximately $38,500,000 per year attributable to purchase gas costs and advance payment recoveries which Texas Eastern will track under applicable provisions of its FERC gas tariff and past rate settlements.

Texas Eastern states that this filing is being submitted pursuant to §§ 154.38(d)(4)(vi)(a) and 154.63 of the Commission's regulations and includes known and measurable adjustments to the 12-month base period through September 30, 1978.

Texas Eastern also states that the rates set forth in the revised tariff sheets are based on the United method of cost classification and the rate design prescribed by the Commission in opinion No. 21 issued on August 9, 1978, in docket No. RP74-41. However, because opinion No. 21 was issued while Texas Eastern was preparing this filing, it has not utilized the new cost allocation methods prescribed by the Commission in opinion No. 21. Accordingly, the rates set forth in the above-revised tariff sheets are based on the methods of cost allocation underlying the base tariff rates prescribed for Texas Eastern in its last general rate increase in docket No. RP75-73. (See "Order Modifying and Accepting Settlement" issued June 6, 1977, in docket No. RP75-73.) Prior to October 1, 1978, Texas Eastern will file substitute revised tariff sheets reflecting rates based on the cost allocation as well as the cost classification and rate design prescribed in opinion No. 21 and will request that such substitute revised tariff sheets be permitted to become effective October 1, 1978, in lieu of the revised tariff sheets currently on file.

Texas Eastern further recites that in compliance with § 154.38(d)(4)(vi)(a) of the Commission's regulations it has submitted statements A through M in support of the proposed new base tariff rates. As required by such section, Texas Eastern states its agreement that this filing will be subject to

refund from October 1, 1978 (subject to the limitation prescribed in § 154.38(d)(4)(vi)(c)) until an agreement is reached or a Commission determination is made with respect to the base tariff rates filed herewith or the aforementioned substitute revised base tariff rates to be filed by Texas Eastern prior to October 1, 1978.

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 21, 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. 78-25844 Filed 9-13-78; 8:45 am]

[6740-02]

[Docket No. CP77-421]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Amendment to Application

SEPTEMBER 1, 1978.

Take notice that on August 23, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in docket No. CP77-421 [1] an amendment to its pending application in said docket pursuant to section 7(c) of the Natural Gas Act so as to provide for (1) a long-haul interruptible transportation service for UCG Energy Corp. (UCG Energy), instead of United Cities Gas Co., North and South Carolina Division (United Cities), as proposed in the application as initially filed, and (2) a similar transportation service for Devco Enterprises, Inc. (Devco), for gas produced in one producing area identified in the initial application in which Devco has an interest, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

It is indicated that pursuant to the application filed herein on June 3, 1977, Applicant requested authorization to transport up to 18,000 dekatherms equivalent of natural gas per day, on an interruptible basis, for the accounts of various companies who have participated in three programs for the exploration and development of new natural gas reserves in onshore areas, or in State waters, in the gulf coast region. The companies for which Transco has proposed to render transportation service are 11 of its distribution company customers, its 1 direct industrial customer, and 2 industrial customers of its distribution customers, or affiliates of such customers, it is said. It is indicated that as a result of their participation in the drilling programs, these customers have earned rights to gas production from successful wells discovered by the three drilling programs and that it is this production which is the subject of the transportation service. It is further indicated that a temporary certificate was issued on December 21, 1977.

Applicant states that in the application initially filed herein, United Cities, Applicant's distribution company customer serving communities in North and South Carolina, was a party for which transportation service was proposed. United Cities participated in two of the drilling programs, the Transmac exploration and development program (Transmac) and the Enterprise Resources, Inc. program, through its subsidiary, UCG Energy, a small producer qualified under section 157.40 of the Commission's regulations (18 CFR 157.40), it is said. Applicant states that the transportation service for United Cities authorized in the temporary certificate of December 21, 1977, is provided in accordance with a transportation agreement dated November 10, 1976, as amended February 25, 1977 (Applicant's FERC gas tariff rate schedule X-135, original volume 2). Under this transportation agreement, Applicant receives gas tendered by United Cities in the producing area from fields listed in the initial application and transports gas through its production area and mainline facilities for delivery at existing delivery points to United Cities in North and South Carolina, it is said.

Applicant states that United Cities has requested Applicant to provide the transportation service for the gas production to which it is entitled from the two drilling programs to the account of its subsidiary, UCG Energy, instead of for its own account.

Applicant indicates that pursuant to this request, Applicant, United Cities, and UCG Energy have amended their previous agreement to provide for transportation for the account of UCG Energy rather than for United Cities.

Applicant also requests authority to provide transportation service to Devco, an affiliate of Cherokee Brick Co. of North Carolina, Inc. and a participant in the Transmac program for gas developed in the Bolivar Point Area, Plaquemines Parish, La.

Applicant states that in the initial application, it was shown that Devco had an interest in the production from two other producing areas, but inadvertently, Devco's interest in the production from the Bolivar Point Area was not identified in the initial application. Transportation service for other participants in the Transmac program who have interests in the production from the Bolivar Point Area began July 14, 1978, it is said. It is further indicated that Devco's interest is being banked until the authority it is requesting to provide transportation of its gas from the Bolivar Point Area is granted.

Applicant states its transportation service for Devco is in accordance with an agreement, dated March 25, 1977 (Applicant's FERC gas tariff rate schedule X-138, original volume No. 2) and that Applicant and Devco have entered into a new transportation agreement, dated August 22, 1977, which includes the Bolivar Point Area as a source of supply.

Applicant also states that it is renewing a request which it made in its application for a temporary certificate for authority to attach new resources of supply available to the transportation customers as a result of the activities of the three exploration and development programs without the need for filing an application for and receiving a certificate of public convenience and necessity. This request was denied in the temporary certificate issued December 21, 1977.

It is stated that the drilling programs were established in 1975 as 3-year programs but have been extended with substantial increases in their budgets. In 1975, the Transmac program had a budget of $36 million for exploration activities over a 3-year period, but after 2 years it was extended with a prospective 3-year budget of $67.5 million, it is said.

Applicant states that the purpose of its request is to reduce the number of certificate filings that would be required by Applicant in the future to transport gas developed from the three drilling programs.

Applicant also requests transportation authority herein for industrial customers on a long-term basis, instead of the 2-year term which was granted in the temporary certificate issued December 21, 1977, if a term of more than 2 years is allowed in the proceedings in docket Nos. CP77-71 et al., Natural Gas Pipeline Co. of America et al. The temporary certificate granted to Applicant provides that the initial term of 2 years is without prejudice to Applicant's filing or refiling for authorization to continue the transportation service beyond the 2-year

[1] This proceeding was commenced before the FPC. By joint regulation of Oct. 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

period, pending the outcome of the proceedings in docket Nos. CP77-71 et al. In docket Nos. CP77-71 et al., several interstate pipelines, including Applicant, have applied for authority to transport industry-owned natural gas for a 10-year period pursuant to section 7(c) of the Natural Gas Act, and not under the Commission's order No. 2 (issued February 1, 1978) which limits authorization to transport gas for industry to a 2-year period.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 25, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25845 Filed 9-13-78; 8:45 am]

[6740-02]

[Docket No. RP78-88]

TRANSWESTERN PIPELINE CO.

Proposed Changes in FERC Gas Tariff

SEPTEMBER 7, 1978.

Take notice that pursuant to the provisions of section 4 of the Natural Gas Act, Transwestern Pipeline Co. (P.O. Box 2521, Houston, Tex. 77001) on August 31, 1978, tendered for filing proposed changes in its FERC gas tariff, second revised volume No. 1. The proposed changes would increase revenue from jurisdictional sales by approximately $14 million based on the 12 months ended April 30, 1978, as adjusted. Approximately $2 million of the proposed increase can be attributed to purchased gas cost increases, and includes a surcharge adjustment to cover costs reflected in the proposed rate levels but not accounted for in the present rate level and which Transwestern asserts it is permitted to track under the purchased gas cost adjustment provision in its FERC gas tariff. The remainder of the increase is related to other than purchased gas cost increases.

Transwestern states that the principal reasons for the proposed rate increase are: (1) Increased cost of labor, supplies, expenses, plant facilities, and working capital requirements; (2) the need for an increased rate of return of 10.75 percent; (3) the need for an overall rate of depreciation of 6.9 percent; (4) increased taxes, including income taxes associated with the increased return; and (5) lower sale quantities than those on which its current rates are based.

The proposed effective date of the tariff changes is October 1, 1978.

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 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but 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. 78-25846 Filed 9-13-78; 8:45 am]

[6740-02]

[Docket No. RP77-108]

TRANSCONTINENTAL GAS PIPE LINE CORP.

SEPTEMBER 7, 1978.

Take notice that Transcontinental Gas Pipe Line Corp. (Transco) on August 23, 1978, tendered for filing certain revised tariff sheets to its FERC gas tariff, original volume No. 2, to become effective January 1, 1978. Transco states that the revised tariff sheets reflect a rate reduction for certain interruptible transportation services and are being filed in accordance with article VII of the "Agreement as to Rates" in docket Nos. RP76-136 and RP77-26. Transco states that on June 27, 1978, the Commission approved the settlement agreement in Transco's docket Nos. RP76-136 and RP77-26 and that article VII of that agreement provides that Transco shall reduce its rates for the interruptible transportation services into or within its rate zones (which had been increased in the instant docket No. RP77-108) to the levels provided in said agreement.

The proposed effective date of the revised tariff sheets is January 1, 1978, the effective date of the rates in the captioned proceeding.

Transco states that copies of the instant filing have been mailed to each of its jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 22, 1978. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants perties 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 inspections.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 25847 Filed 9-13-78; 8:45 am]

[6740-02]

[Docket Nos. RP71-41,[1] RP72-75,[1] RP74-20, RP74-83, RP75-30, RP75-109, RP76-84, and RP77-107]

UNITED GAS PIPE LINE CO.

Order Granting in Part Motion to Sever Issue of Interest Reimbursement, Consolidate, and Set Matter for Hearing

SEPTEMBER 7, 1978.

On June 12, 1978, pursuant to § 1.12 of the Commission's rules of practice and procedure (18 CFR § 1.12), the staff of the Federal Energy Regulatory Commission filed a motion requesting the Commission to sever the issue of interest reimbursement payments [2] from each of the above-captioned proceedings,[3] consolidate the issue into one proceeding, and set the matter for hearing. No party has objected to the proposal.[4]

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[1] These two dockets have been deleted from the consolidated proceeding for the reasons set forth in the body of the order. Hereafter, the appropriate caption for the consolidated proceeding is "United Gas Pipe Line Co.," docket Nos. RP74-20 et al.

[2] Interest reimbursement has here been used by United as an alternative to advance payments. Under this program United reimburses the producer's actual interest expense on capital procured by the producer for use in exploration and development of natural gas.

[3] In view of staff's discussion of docket No. RP77-107 in the body of its motion, its failure to include that docket in the caption of the motion was apparently an oversight. Therefore, this order includes that docket in its decision.

[4] While not objecting to staff's motion, United Gas Pipe Line Co. did file a response

Footnotes continued on next page

The issue of the proper cost of service treatment for interest reimbursement payments appears in each of the above captioned proceedings with the exception of docket Nos. RP71-41 and RP72-75. These latter two dockets were inappropriately included in the motion and are, therefore, deleted from the proposed consolidated hearing. In the other dockets, which are at various procedural stages, the interest reimbursement issue has not been resolved.

In order to facilitate the Commission's consideration of the interest reimbursement issue, to insure its consistent treatment, and to expedite the Commission's business, we shall grant staff's motion as limited by the exception set forth above.

The Commission orders: (A) The issue of interest reimbursement payments is hereby severed from each of the following proceedings: Docket Nos. RP74-20, RP74-83, RP75-30, RP75-109, RP76-84, and RP77-107, and that issue is consolidated into a single proceeding. Hereafter, all filings made in the consolidated proceeding should be captioned "United Gas Pipe Line Co.," docket Nos. RP74-20 et al.

(B) Pursuant to the authority under the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules and regulations, a consolidated hearing shall be held to consider the issue of the proper cost of service treatment for interest reimbursement payments in docket Nos. RP74-20 et al.

(C) An administrative law judge to be designated by the Chief Administrative Law Judge, for that purpose (see delegation of authority, 18 CFR § 3.5(a)), shall preside at the hearing, prescribe necessary procedures not provided for in this order and otherwise conduct the hearing in accordance with the Commission's rules of practice and procedure.

(D) The administrative law judge shall call a prehearing conference within 15 days from the issuance of this order to discuss procedural matters and to establish appropriate hearing dates for the conduct of the hearing.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-25848 Filed 9-13-78; 8:45 am]

Footnotes continued from last page which contained several suggested modifications. These suggestions were given consideration and where appropriate incorporated into the order.

[6740-02]

[Docket Nos. RP72-41 (PGA 78-2)]

WESTERN TRANSMISSION CORP.

Notice of Proposed Changes

SEPTEMBER 7, 1978.

Take notice that Western Transmission Corp. (Western), on August 30, 1978, tendered for filing as part of its FPC gas tariff, original volume No. 1, the following sheet: Eighth Revised Sheet No. 3-A, superseding Second Substitute Seventh Revised Sheet No. 3-A.

The proposed changes would increase the monthly charges for purchsed gas to Colorado Interstate Gas Co., Western's sole jurisdictional customer, pursuant to the provisions of section 18 of Western's FPC gas tariff, orginal volume No. 1.

Although this is a rate increase, Western requests that the notice provision otherwise applicable be waived so as to permit the proposed rates to become effective July 1, 1978, insofar as statements and payments will not be rendered and made before August 26, 1978.

Copies of this filing have been served upon Colorado Interstate Gas Co.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatroy 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 20, 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 proceedings. 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. 78-25849 Filed 9-13-78; 8:45 am]

[3128-01]

Intergovernmental and Institutional Relations

NATIONAL PETROLEUM COUNCIL, SUBCOMMITTEE ON MATERIALS AND MANPOWER REQUIREMENTS

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Subcommittee on Materials and Manpower Requirements of the National Petroleum Council will meet Thursday, October 5, 1978, at 9 a.m., in the Continental Room of the Fairmont Hotel, 1717 North Akard Street, Dallas, Tex.

The parent committee was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

The subcommittee will make an analysis of materials and manpower requirements for the U.S. oil and gas industry, and will report its findings to the parent committee.

The tentative agenda is as follows:

1. Discussion of scope of the study to be conducted in response to the Secretary of Energy's request for an analysis of materials and manpower requirements.
2. Discussion of an organizational structure for the study.
3. Discussion of a timetable for completion of the study.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The chairman of the subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the subcommittee concerning matters on the agenda will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to matters on the agenda should inform Georgia Hildreth, director, advisory committee management, 202-566-9996, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, DOE, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on September 11, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-25851 Filed 9-13-78; 8:45 am]

[3128-01]

Office of Hearings and Appeals

ISSUANCE OF PROPOSED DECISIONS AND ORDERS

August 14 through August 18, 1978

Notice is hereby given that during the period August 14 through August

18, 1978, the proposed decisions and orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within 10 days of service. For purposes of the new procedures, the date of service of notice of issuance of a proposed decision and order shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a notice of objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the proposed decision and order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In that statement of objections an aggrieved party must specify each issue of fact or law contained in the proposed decision and order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays.

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

SEPTEMBER 7, 1978.

E. B. Brooks, Jr., Dallas, Tex., DEE-0154, crude oil

E. B. Brooks, Jr. filed an application for exception from the provisions of 10 CFR 212.73. The exception request, if granted, would permit Brooks to retroactively increase the selling prices for crude oil produced from the V. L. Neis lease, located in Motley County, Tex. On August 14, 1978, the DOE issued a proposed decision and order in which it determined that the exception request should be denied.

Great Southern Oil & Gas Co., Inc., Lafayette, La., DXE-1466, crude oil

Great Southern Oil & Gas Co., Inc. filed an application for exception from the provisions of 10 CFR 212.73. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a portion of the crude oil which it produces from the RA SUA Breaux No. 1 well located in St. Martin Parish, La. at upper tier ceiling prices. On August 15, 1978, the DOE issued a proposed decision and order in which it determined that the exception request should be granted.

R. W. Tyson Producing Co., Inc., Jackson, Miss., DXE-1370 through DXE-1373, crude oil

R. W. Tyson Producing Co., Inc. filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Tyson to sell the crude oil produced from four properties situated on the Ovett Field in Jones County, Miss., at market prices. On August 14, 1978, the DOE issued a proposed decision and order in which it determined that the Tyson exception request should be granted.

[FR Doc. 78-25808 Filed 9-13-78; 8:45 am]

[3128-01]

CONDUCT OF EMPLOYEES

Waiver From Divestiture Requirements

Section 602(c) of the Department of Energy Organization Act (Pub. L. 95-91, hereinafter referred to as the "Act") authorizes the Secretary of Energy to grant waivers from the divestiture requirements of section 602(a) of the Act to "supervisory employees" (as defined in section 601(a) of the Act) of the Department of Energy who have financial interests in "energy concerns" (as defined in section 601(b) of the Act), where exceptional hardship would result or where such interest is vested.

It has been established to my satisfaction that the interest of the individual "supervisory employee" of the Department of Energy whose name is listed below satisfies the requirements of section 602(c) of the Act. Accordingly, I have granted him a waiver from the divestiture provisions of section 602(a) of the Act for his vested insurance interest until such time as the entity in which he has an interest no longer qualifies as a "energy concern" within the meaning of the Act, or until his employment with the Department of Energy terminates, whichever first occurs.

Name, energy concern

Duane C. Sewell, University of California.

To minimize or eliminate the conflict of interest during the period of this waiver Mr. Sewell will disclose at least annually, pursuant to section 603 of the Act, the nature and extent of his financial interest in the University of California.

Dated: September 6, 1978.

JAMES R. SCHLESINGER,
Secretary of Energy.

[FR Doc. 78-25884 Filed 9-13-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180225; FRL 957-5]

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND VIRGINIA DEPARTMENT OF AGRICULTURE AND COMMERCE

Issuance of Specific Exemptions To Use Permethrin To Control Colorado Potato Beetles on Potatoes

Correction

In FR Doc. 78-24445 appearing at page 38932 in the issue of Thursday, August 31, 1978, in the third column, the fourth line contained in paragraph eight should be corrected to read: "They must not be applied where runoff is"

[6730-01]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1624]

MERCHANT BOX CO.

Order of Revocation

On August 30, 1978, Merchant Box Co., 175 West Broadway, New York, N.Y. 10013, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1624 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in manual of orders, Commission order No. 201.1 (revised), section 5.01(c), dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1624 issued to Merchant Box Co. be and is hereby revoked effective August 30, 1978, without prejudice to Reapplication for a license in the future.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Merchant Box Co.

ROBERT G. DREW,
Director, Bureau of Certification and Licensing.

[FR Doc. 78-25807 Filed 9-13-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

SECURITY BANCSHARES, INC.

Formation of Bank Holding Company

Security Bancshares, Inc., Tulsa, Okla., has applied for the Board's ap-

proval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of Security Bank, Tulsa, Okla. The factors that are considered in acting on the application are set forth in § 3(c) of the act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 4, 1978.

Board of Governors of the Federal Reserve System, September 7, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-25871 Filed 9-13-78; 8:45 am]

[6210-01]

URICH BANCSHARES, INC.

Formation of Bank Holding Company

Urich Bancshares, Inc., Urich, Mo., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of Bank of Urich, Urich, Mo. The factors that are considered in acting on the application are set forth in § 3(c) of the act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 3, 1978.

Board of Governors of the Federal Reserve System, September 5, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-25872 Filed 9-13-78; 8:45]

[6210-01]

FIRST FINANCIAL BANCSHARES, INC.

Acquisition of Bank

First Financial Bancshares, Inc., Nevada, Mo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of The First National Bank of Mount Vernon, Mount Vernon, Mo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 11, 1978.

Board of Governors of the Federal Reserve System, September 11, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-25992 Filed 9-13-78; 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 September 8, 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 October 2, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, U.S. 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 is requesting an extension no change clearance of Quarterly Report Form QPA, required to be filed by some 73 Class I Motor Carriers of Passengers, pursuant to section 220 of the Interstate Commerce Act. Data are used for economic regulatory purposes. Reports are mandatory and available for use of the public. Reporting burden for the 73 carriers is estimated to average 6 man-hours per quarterly report.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc. 78-25803 Filed 9-13-78; 8:45 am]

[4110-88]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

PERSONALITY AND COGNITION RESEARCH REVIEW COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of October 1978:

Personality and Cognition Research Review Committee, October 27-28; 9 a.m., Riviera Room, Holiday Inn Georgetown, 2101 Wisconsin Avenue NW., Washington, D.C. 20007.

Open: October 27, 9 to 10 a.m.

Closed: Otherwise

Contact: Shirley Maltz, Room 10C06, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3942.

Purpose: The Committee is charged with the initial review of grant applications for Federal Assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review

Agenda: From 9 to 10 a.m., October 27, the meeting will be open for discussions of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal Assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5 United States Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contract person listed above. The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Dr. Jacquelyn Hall, Acting Chief, Public Information Branch, Division of Scientific and Public Information, NIMH, Room 15C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, telephone 301-443-4573.

Dated: September 7, 1978.

ELIZABETH A. CONNOLLY,
Committee Management Officer, Alcohol, Drug Abuse and Mental Health Administration.

[FR Doc. 78-25813 Filed 9-13-78; 8:45 am]

[4110-88]

EXPERIMENTAL PSYCHOLOGY RESEARCH REVIEW COMMITTEE

Meeting Change

In FR Doc. 78-24297 appearing on page 38626 in the issue of Tuesday, August 29, 1978, the dates for the meeting of this committee have been changed from October 5-7, 1978, to October 6-7, 1978. As a result the meeting will be open to the public from 9 to 9:30 a.m., October 6 instead of October 5 as previously announced. All other arrangements for the meeting remain as announced August 29.

Dated: September 8, 1978.

ELIZABETH A. CONNOLLY,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 78-25814 Filed 9-13-78; 8:45 am]

[4110-87]

Center for Disease Control

PRIVACY ACT OF 1974

Systems of Records

AGENCY: Department of Health, Education, and Welfare; Center for Disease Control.

ACTION: Notification of deletion, revision, and consolidation of system notices.

DSHEFS Occupational Health Epidemiological Studies; HEW/CDC/NIOSH; Number 09-20-0147;

Results of DBBS Hearing Studies; HEW/CDC/NIOSH; Number 09-20-0148;

DRDS General Industry Morbidity Studies; HEW/CDC/NIOSH; Number 09-20-0149;

DRDS Morbidity Studies in Coal Mining Activities; HEW/CDC/NIOSH; Number 09-20-0150;

DRDS Mortality Studies in Coal Mining Activities; HEW/CDC/NIOSH; Number 09-20-0151;

DRDS Mortality Studies in Non-Coal Mining Activities; HEW/CDC/NIOSH; Number 09-20-0152;

DRDS General Industry Mortality Studies; HEW/CDC/NIOSH; Number 09-20-0153;

DRDS Medical and Laboratory Studies; HEW/CDC/NIOSH; Number 09-20-0154;

DRDS Morbidity Studies in Metal and Non-Metal Mining Activities; HEW/CDC/NIOSH; Number 09-20-0155;

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH) is publishing these new notices of systems of records in accordance with the requirements of 5 U.S.C. 552a(e)(4).

Since these consolidations do not meet the criteria of OMB Circular A-108, Transmittal Memorandum No. 1, for a new or altered system report, none has been filed.

NIOSH has made no major changes requiring an altered system report nor added any new routine uses.

DATES: These systems are effective September 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Peter Y. Bengtson, NIOSH Privacy Act Coordinator, 5600 Fishers Lane, Room 8-30, Parklawn Building, Rockville, Md. 20857, or call 301-443-3227.

SUPPLEMENTARY INFORMATION: NIOSH has been working on major revisions of its Privacy Act system notices to (a) reduce the number of system notices by using broader based systems notices to cover all the studies being undertaken by particular divisions; and to (b) replace the Director of NIOSH as a system manager, with someone more closely associated with each system notice. NIOSH expects that these steps will allow closer control and supervision of data being collected under the Privacy Act, and allow NIOSH to be more responsive to requests for epidemiological information on hazards in the workplace.

The Division of Surveillance Hazard Evaluations, and Field Studies (DSHEFS) will use the new notice; DSHEFS Occupational Health Epidemiological Studies; HEW/CDC/NIOSH; Number 09-20-0147; to incorporate a total of 37 system notices, listed below. NIOSH published these system notices in the FEDERAL REGISTER, Part X, Volume 42, Number 189, dated September 29, 1977.

09-20-0002 Study Of Workers Exposed To Talc (page 54045)
09-20-0003 Study Of Workers Exposed To Bladder Carcinogens (page 54046)
09-20-0004 Beta-Napthylamine Workers Study (page 54047)
09-20-0024 Workers Exposed To Benzidine—(Bladder Cancer) (page 52063)
09-20-0005 Study Of Columbus Coated Fabrics Workers (page 52048)
09-20-0009 Study Of Workers Exposed To Methyl Butyl Ketone (page 52051)
09-20-0006 Study Of Phosphate Fertilizer Industry (page 52049)
09-20-0010 Study Of Mineral Wool Workers (page 52052)
09-20-0012 Study Of Colloids, Inc. Workers (page 52054)
09-20-0013 Gold Mine (Home Stake) Silicosis Study (page 52054)
09-20-0017 Silicosis (Brick Layers) Study—North Carolina (page 52058)
09-20-0018 Control Study Group From University Of Utah For Cosmetology Study (page 52059)
09-20-0061 Cosmetology Workers Study (Thesaurosis) (page 52091)
09-20-0019 Study Of Selected Environmental Protection Agency Employees In Cincinnati For Respiratory Disease (page 52059)
09-20-0020 Workers Exposed to Bis(chloromethyl) Ether and Chloromethyl Methyl Ether (page 52060)
09-20-0021 Study Of Workers Exposed To Benzene (page 52061)
09-20-0022 Uranium Miner Study In Far West (page 52062)
09-20-0039 Study Of Workers In Tyler, Texas Asbestos Plants (page 52074)
09-20-0047 Studies Of Workers In Asbestos Related Industries (page 52081)
09-20-0042 Study Of Workers Exposed To Chlorinated Hydrocarbons (page 52076)
09-20-0045 Study Of Pottstown, Pennsylvania Chemical Plant Workers (page 52079)
09-20-0062 Study Of Workers Exposed To Polyvinal Chloride In The Plastics Industry At Ashtabula, Ohio, Avon Lake, Ohio and Louisville, Kentucky (page 52092)
09-20-0048 Study Of Workers Exposed To Fibrous Glass (page 52082)
09-20-0049 Workers Exposed To Cotton Dust—Byssinosis (page 52082)
09-20-0068 Individuals Listed In The 1960 American Dental Association Directory (page 52096)
09-20-0070 Study Of New Jersey Motor Vehicle Examiners Exposed To Carbon Monoxide (page 52097)
09-20-0076 Uranium Mill Worker Study In Colorado (page 52101)
09-20-0116 Study Of Workers Exposed To Heavy Metals (lead, calcium, etc.) Industries (page 52123)
09-20-0122 Study Of Workers Exposed To Inorganic Chemicals (page 52127)
09-20-0126 Study Of Workers Exposed To Organic Chemicals (page 52129)
09-20-0132 Early Warning Indicators Of Pesticides Exposure (page 52134)
09-20-0130 Study Of Workers Exposed To Mineral Fibers (page 52132)
09-20-0140 Medical Records Of Vinyl Chloride And Carcinogen Workers (page 52139)
09-20-0057 Kennecott Sulfur Dioxide Study (page 52088)
09-20-0007 Study Of Union Carbide, Charleston, W. Va. Plant (page 52049)
09-20-0008 Coal Miner Workers Study (page 52050)
09-20-0044 Study Of Cincinnati Fireworkers (page 52078)

The Division of Biomedical and Behaviorial Science (DBBS) will use the new notice; Results of DBBS Hearing Studies; HEW/CDC/NIOSH; Number 09-20-0148; to incorporate a total of 7 system notices, listed below. NIOSH published these system notices in the FEDERAL REGISTER, Part X, Volume 42, Number 189, dated September 29, 1977.

09-20-0064 Textile Workers Audiogram Results (page 52094)

09-20-0065 Noise-induced Temporary Threshold Shift Data (page 52094)
09-20-0073 Hearing and Noise Study of Industrial Workers (page 52099)
09-20-0074 Fireman Hearing Study (page 52100)
09-20-0115 Study of Noise and Hearing in Paper Working Industry (page 52123)
09-20-0143 Occupational Hearing Loss in Coal Mining Regions (page 52140)
09-20-0067 Coal Mine Hearing Study (page 52095)

The Division of Respiratory Disease Studies (DRDS) will use the new notice; DRDS General Industry Morbidity Studies; HEW/CDC/NIOSH; Number 09-20-0149; to incorporate a total of 9 system notices, listed below. NIOSH published these system notices in the FEDERAL REGISTER, Part X, Volume 42, Number 189, dated September 29, 1977.

09-20-0029 Byssinosis Study at Cordova, North Carolina, Klopman Steele Plant
09-20-0051 Kaiser Aluminum Employees at Ravenswood, West Virginia Study (Page 52084)
09-20-0052 West Virginia Pulp and Paper Company Study (Page 52085)
09-20-0078 Berylliosis/Sarcoidosis Study of Beryllium Plant Workers (Page 52103)
09-20-0124 Study of Workers Exposed to Toluene Diisocyanate (TDI) (Page 52128)
09-20-0127 Pilot Agricultural Noise Study (Page 52130)
09-20-0142 Medical Health Surveillance of Grain Handlers (Page 52140)
09-20-0145 Pulmonary Function Standards Study (Page 52142)
09-20-0146 Health Effects of Sulfur Oxides and Sulfuric Acid, Nitrogen Oxides, and Nitric Acid (Page 52141)

The DRDS will use the new notice; DRDS Morbidity Studies in Coal Mining Activities; HEW/CDC/NIOSH; Number 09-20-0150; to incorporate a total of 9 system notices, listed below. NIOSH published these system notices in the FEDERAL REGISTER, Part X, Volume 42, Number 189, dated September 29, 1977.

09-20-0023 Bureau of Mines Study in Morgantown, West Virginia (Page 52062)
09-20-0025 Mine Enforcement Safety Adminstration (MESA) Dust Measurement (Page 52064)
09-20-0031 Histocompatibility Association of Pneumoconiosis (Black Lung) in Coal Workers (Page 52069)
09-20-0032 National Coal Miner Study (Page 52070)
09-20-0038 Epidemiological Study of United States Surface Coal Miners (Page 52073)
09-20-0041 Purseglove Mine (West Virginia) Shift Study (Page 52076)
09-20-0053 Coal Miner Medical Information Processing Systems (Page 52086)
09-20-0080 Miner/Neighbor Study in Pineville, West Virginia (Page 52104)
09-20-0129 Respiratory Disease Studies Involving Persons of West Virginia Coal Mining Communities (Page 52138)

The DRDS will use the new notice; DRDS Mortality Studies in Coal Mining Activities; HEW/CDC/NIOSH; Number 09-20-0151; to incorporate a total of 3 system notices, listed below. NIOSH published these system notices in the FEDERAL REGISTER, Part X, Volume 42, Number 189, dated September 29, 1977.

09-20-0050 Appalachian Coal Miner Study (1963-1966) (Page 52083)
09-20-0069 Coal Miner Study in Charleston-Beckley, West Virginia (Page 52096)
09-20-0141 Coal Handler's Study (Page 52139)

The DRDS will use the new notice; DRDS Mortality Studies in Non-Coal Mining Activities; HEW/CDC/NIOSH; Number 09-20-0152; to incorporate a total of 4 system notices, listed below. NIOSH published these system notices in the FEDERAL REGISTER, Part X, Volume 42, Number 189, dated September 29, 1977.

09-20-0028 Silicosis Study in 30 Metal Mines (1958-1962) (Page 52066)
09-20-0075 Hard Rock Miner Mortality Study (Page 52100)
09-20-0084 Metal Mining Mortality Survey Systems (Page 52106)
09-20-0119 Mortality and Morbidity Among Oil Shale Workers (Page 52125)

The DRDS will use the new notice; DRDS General Industry Mortality Studies; HEW/CDC/NIOSH; Number 09-20-0153; to incorporate two system notices, listed below. NIOSH published these system notices in the FEDERAL REGISTER, Part X, Volume 42, Number 189, dated September 29, 1977.

09-20-0030 Byssinosis Research at Burlington Industries (Page 52068)
09-20-0128 Mortality Study of Tennessee Valley Authority (TVA) Workers Exposed to Coal Handling Process (Page 52130)

The DRDS will use the new notice; DRDS Medical and Laboratory Studies; HEW/CDC/NIOSH; Number 09-20-0154; to incorporate two system notices, listed below. NIOSH published these system notices in the FEDERAL REGISTER, Part X, Volume 42, Number 189, dated September 29, 1977.

09-20-0063 Biochemical Data System (Page 52093)
09-20-0079 Medical Records of Patients Examined at NIOSH in Morgantown, West Virginia (Page 52103)

The DRDS will use the new notice; DRDS Morbidity Studies in Metal and Non-Metal Mining Activities; HEW/CDC/NIOSH; Number 09-20-0155; to incorporate 4 system notices, listed below. NIOSH published these system notices in the FEDERAL REGISTER, Part X, Volume 42, Number 189, dated September 29, 1977.

09-20-0011 Study of Metal Mine Workers (Page 52053)
09-20-0054 New Mexico Potash Miner Study (Page 52086)
09-20-0119 Mortality and Morbidity Among Oil Shale Workers (Page 52125)
09-20-0129 Health Effects of Dust and Diesel Exhaust on Non-Coal Underground Miners (Page 52131)

Dated: September 8, 1978.

LEONARD SCHAFFER,
Assistant Secretary for Management and Budget.

09-20-0148

System name:

Results of DBBS Hearing Studies, HEW/CDC/NIOSH.

Security classification:

None.

System location:

Division of Biomedical and Behavioral Science (DBBS), National Institute for Occupational Safety and Health (NIOSH), Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

In addition, data is occasionally at field work sites and contractor sites as studies are developed, data collected and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request from the Systems Manager.

Categories of individuals covered by the system:

Workers exposed to noise at a harmful or potentially hazardous level and individuals selected as control groups.

Categories of records in the system:

Physical examinations, results of laboratory tests (physiological, acceleration measures, performance tests); results of hearing tests, hearing acuity tests, occupational histories, medical history, demographic data, related anamenestic information. The specific types of records to be collected and maintained are determined by the needs of the individual study.

Authority for maintenance of the system:

Occupational Safety and Health Act, Section 20 (29 U.S.C. 669); Federal Coal Mine Safety and Health Act (30 U.S.C. 669 Section 20 (1970)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

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.

Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the

Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b, Item 100).)

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosre is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual files, computer tape, microfilm, computer cards, index audiogram files, audiogram questionnaire forms.

Retrievability:

The purpose of this system is to assist in the development of standards for occupational exposure to hazards. Name, case number and study number are the indices used to retrieve records from this system.

Safeguards:

24-hour guard service in buildings, locked buildings, personnel screening, access limited to authorized personnel. In most instances informaton is related to individual identifiers by case numbers. The file of individual case number relationships is available to a limited group of people. Departmental security guidelines will be followed.

Retention and disposal:

Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

System manager(s) and address:

Industrial Hygiene Engineer, Noise Section, Physical Agents Effects Branch, DBBS, NIOSH, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Notification prodecure:

To determine if a record exists write to: Director, DBBS, NIOSH, 4676 Columbia Parkway, Robert A. Taft Laboratories, Cincinnati, Ohio 45226.

An individual who requests notification of or access to medical records shall, (1) at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the represnentative's discretion, (2) supply the name of the study if known, (3) provide the approximate date and place of treatment or questionnaire administration. These notification and access procedures are in accordance with Department regulations (45 CFR, Section 5b.6).

Record access procedures:

These access procedures are in accordance with Department regulations (45 CFR, Section 5b.5(a)(2)).

Contesting record procedures:

Contact the official at the address specified under notification procedures above. These procedures are in accordance with Department regulations (45 CFR, Section 5b.7).

Record source categories:

Information is obtained directly from the individual, and employee records. Many of the hearing test results were obtained from Doctors Memorial Hospital Hearing and Speech Center, Atlanta, Ga.

Systems exempted from certain provisions of the act:

None.

09-20-0149

System Name:

DRDS General Industry Morbidity Studies, HEW/CDC/NIOSH.

Security Classification:

None.

System Location:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), Morgantown, W. Va. 26505.

In addition, data is occasionally at field collection sites and contractor sites as studies are developed, data collected, and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request to the system manager.

Categories of individuals covered by the system:

Persons working, or having worked at Workplaces not identified as surface mining or below ground mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population which have been selected as a control group.

Categories of records in the system:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records to be collected and maintained are determined by the research needs of the specific study.

Authority for maintenance of the system:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669); Federal Coal Mine Health and Safety Act, Section 501 (30 U.S.C. 951).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to missing person location agencies to find those individuals who cannot otherwise be located.

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.

Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations. (45 CFR Par 5b), item 100).

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity: (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the opertions of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practicies for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer tape, cards, and printouts; microfiche; X-rays; and manual files.

Retrievability:

The purpose of this system is to investigate occupationally related diseases and to determine the cause and prevention of such diseases. Plant name, study, name, and/or assigned numerical identifers are some of the indices used to retrieve records from this system. Social security numbers, supplied on a voluntary basis may occasionally be used for data retrieval.

Safeguards:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms, and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study. Departmental security guidelines will be followed.

Retention and disposal:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials, and erasing computer tapes.

System manager(s) and address:

Program Management Officer (PMO), DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

Notification procedure:

To determine if a record exists write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

An individual who requests notification of or access to a medical record shall, (1) at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) provide the name of the study if known, (3) provide the approximate date and place of treatment or questionnaire administration. These notification and access procedures are in accordance with Department regulations (45 CFR, Section 5b.6).

Record access procedures:

Same as notification procedures. These access procedures are in accordance with Department regulations (45 CFR, Section 5b.5(a)(2)).

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department regulations (45 CFR, Section 5b.7).

Record source categories:

Information is obtained directly from the individual and from employee records.

Systems exempted from certain provisions of the act:

None.

09-20-0150

System name:

DRDS Morbidity Studies in Coal Mining Activities, HEW/CDC/NIOSH.

Security classification:

None.

System location:

Divison of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

Data is also occasionally located at field collection sites and contractor sites, as studies are developed, data collected, and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

Categories of individuals covered by the system:

Persons working or having worked at coal mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population which have been selected as a control group.

Categories of records in the system:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data, spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records to be collected and maintained are determined by the research needs of the specific study.

Authority for maintenance of the system:

Coal Mine Health and Safety Act Section 501 (30 U.S.C. 951); Section 203 (30 U.S.C. 843); Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

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.

Records may be released to the department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b, item 100).)

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity: (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Some data is sent to the Mining Enforcement and Safety Administration, Department of the Interior to report incidence of pneumoconiosis.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer tape, cards, and printouts; microfiche; X-rays, and manual files.

Retrievability:

The purpose of this system is to investigate occupationally-related diseases and to determine the cause and prevention of such diseases. Plant name, study, name, and/or assigned numercial identifiers are some of the indicies used to retrieve records from this system. Social security numbers, supplied on a voluntary basis may occasionally be used for data retrieval.

Safeguards:

Twenty-four hour guard service in building, locked buildings, locked rooms, personnel screening, locked computer room and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study. Departmental security guidelines will be followed.

Retention and disposal:

Record copy maintained in accordance with retention schedules. source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. disposal methods include burning or shredding paper materials, and erasing computer tapes.

System manager(s) and address:

Program Management Officer (PMO), DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

Notification procedure:

To determine if a record exists write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

An individual who requests notification of or access to a medical record shall, at the time the request is made, (1) designate in writing a responsible representative who will be willing to review the records and inform the subject individual of its contents at the representative's discretion, (2) name the study, if known, (3) name the industrial plants, location of the plant, and approximate date of treatment or questionnaire administration, if known. Notification procedures for medical records are in accordance with Department regulations (45 CFR, Section 5b.6).

Record access procedures:

Same as notification procedures. These access procedures are in accordance with Department regulations (45 CFR, Section 5b.5(a)(2)).

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department regulations (45 CFR, Section 5b.7).

Record source categories:

Information is obtained directly from the individual and from employee records.

Systems exempted from certain provisions of the act:

None.

09-20-0151

System name:

DRDS Mortality Studies in Coal Mining Activities, HEW/CDC/NIOSH.

Security classification:

- None.

System location:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, W. Va. 26505

Data is also occasionally located at field collection sites and contractor sites as studies are developed, data collected, and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request to the system manager.

Categories of individuals covered by the system:

Persons working, or having worked at coal mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population which have been selected as a control group.

Categories of records in the system:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records to be collected and maintained are determined by the research needs of the specific study.

Authority for maintenance of the system:

Public Health Service Act, Section 301 (42 U.S.C. 241). Coal Mine Health and Safety Act, Section 501 (30 U.S.C. 951).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to missing person location agencies to find those individuals who cannot otherwise be located.

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.

Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is base upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department regulations, (45 CFR Part 5b, item 100).)

Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, State, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally-related mortality is occurring.

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practives for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer tape, cards, and printouts; microfiche; X-rays; and manual files:

Retrievability:

The purpose of this system is to investigate occupationally-related diseases and to determine the cause and prevention of such diseases. Plant name, study, name, and/or assigned numerical identifiers are some of the indicies used to retrieve records from this system. Social Security numbers, supplied on a voluntary basis may occasionally be used for data retrieval.

Safeguards:

Locked buildings, locked rooms, 24-hour guard service, locked file cabinets, locked computer rooms and tape

vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by an individual study. Departmental security guidelines will be followed.

Retention and disposal:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials and erasing computer tapes.

System manager(s) and address:

Program Management Officer (PMO), DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

Notification procedure:

To determine if a record exist write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

An individual who requests notification of or access to a medical record shall, at the time the request is made, (1) designate in writing a responsbile representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) provide the name of the study if known, (3) provide the approximate date and place of treatment or questionnaire administration. These notification and access procedures are in accordance with Department regulations (45 CFR, Section 5b.6).

Record access procedures:

Same as notification procedures. These access procedures are in accordance with Department regulations (45 CFR. Section 5b.5(a)(2)).

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department regulations (45 CFR, Section 5b.7).

Record source categories:

Information is obtained directly from the individual and from death certificates.

Systems exempted from certain provisions of the act:

None.

APPENDIX I—POTENTIAL SOURCES FOR DETERMINATION OF VITAL STATUS

Military records
Appropriate State motor vehicle registration departments
Appropriate State drivers license departments
Appropriate State government divisions of:
- Assistance payments (welfare), social services, medical services
- Food stamp program, child support, board of corrections, aging
- Indian affairs, workman's compensation, disability insurance

Retail credit association follow up
Veteran's Administration files
Appropriate employee union or association records
Appropriate company pension or employment records
Company group insurance records
Appropriate State vital statistics offices
Life insurance companies
Railroad Retirement Board
Area nursing homes
Area Indian trading posts
Mailing list correction cards (U.S. Postal Service)
Letters and telephone conversations with relatives
Letters and telephone conversations with former employees of the same establishment as cohort member
Appropriate local newspaper (obituaries)
Social Securtiy Administration
Internal Revenue Service

09-20-0152

System name:

DRDS Mortality Studies In Non-Coal Mining Activities; HEW/CDC/NIOSH.

Security classification:

None.

System location:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

Data is also occasionally located at field collection sites and contractor sites as studies are developed, data collected, and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

Categories of individuals covered by the system:

Persons working, or having worked at mining operations other than coal mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population which have been selected as a control group.

Categories of records in the system:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records to be collected and maintained are determined by the research needs of the specific study.

Authority for maintenance of the system:

Public Health Service Act, section 301 (42 U.S.C. 241); Federal Metal and Nonmetalic Mine Safety Act, section 4 (30 U.S.C. 723); Occupational Safety and Health Act, section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Data may be sent to State vital statistics divisions to obtain death certificates, and to missing person location agencies to find those individuals who cannot otherwise be located.

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.

Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department regulations (45 CFR part 5b, item 100.)

Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, State, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally-related mortality is occurring.

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity: (b) the United States where the Department determines that the claim, if success-

ful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such enployee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer tape, cards and printouts; microfiche; X-rays; and manual files.

Retrievability:

The purpose of this system is to investigate occupationally-related diseases and to determine the cause and prevention of such diseases. Plant name, study, name, and/or assigned numerical identifers are some of the indicies used to retrieve records from this system. Social security numbers, supplied on a voluntary basis may occasionally be used for data retrieval.

Safeguards:

Twenty-four--hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study. Departmental security guidelines will be followed.

Retention and disposal:

Records copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

System manager(s) and address:

Program Management Officer (PMO), DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

Notification procedure:

To determine if a record exists write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. These notification and access procedures are in accordance with Department regulations (45 CFR, section 5B.6).

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with Department regulations (45 CFR, section 5b.5(a)(2)).

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department regulations (45 CFR, section 5b.7).

Record source categories:

Information is obtained from the individual, from company personnel records, from death certificates, and from industry and union records.

Systems exempted from certain provisions of the act:

None.

APPENDIX I—POTENTIAL SOURCES FOR DETERMINATION OF VITAL STATUS

Military records
Appropriate State motor vehicle registration departments
Appropriate State drivers license departments
Appropriate State government divisions of:
- Assistance payments (welfare), social services, medical services,
- Food stamp program, child support, board of corrections, aging,
- Indian affairs, workman's compensation, disability insurance

Retail credit association follow up
Veteran's Administration files
Appropriate employee union or association records
Appropriate company pension or employment records
Company group insurance records
Appropriate State vital statistics offices
Life insurance companies
Railroad Retirement Board
Area nursing homes
Area Indian trading posts
Mailing list correction cards (U.S. Postal Service)
Letters and telephone conversations with relatives
Letters and telephone conversations with former employees of the same establishment as cohort member
Appropriate local newspaper (obituaries)
Social Security Administration
Internal Revenue Service

09-20-0155

System name:

DRDS Morbidity Studies in Metal and Non-Metal Mining Activities, HEW/CDC/NIOSH.

Security classification:

None.

System location:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

Data is also occasionally located at field collection sites and contractor sites as studies are developed, data collected, and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request to the system manager.

Categories of individuals covered by the system:

Persons working, or having worked at mining operations other than coal mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population which have been selected as a control group.

Categories of records in the system:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionnaries. The specific types of records to be collected and maintained are determined by the research needs of the specific study.

Authority for maintenance of the system:

Occupational Safety and Health Act, section 20 (29 U.S.C. 669); Public Health Service Act, section 301 (42 U.S.C. 241).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Data may be sent to State vital statistics divisions to obtain death certificates, and to missing person location agencies to find those individuals who cannot otherwise be located.

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.

Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department regulations (45 CFR Part 5b), item 100.)

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity: (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer tape, cards, and printouts; microfiche; X-rays; and manual files.

Retrievability:

The purpose of this system is to investigate occupationally related diseases and to determine the cause and prevention of such diseases. Plant name, study, name, and/or assigned numerical identifiers are some of the indices used to retrieve records from this system. Social security numbers, supplied on a voluntary basis, may occasionally be used for data retrievial.

Safeguards:

Twenty-four-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer room and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by such individual study. Departmental security guidelines will be followed.

Retention and disposal:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, and as determined by the system manager, as provided in the signed consent form as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper material.

System manager(s) and address:

Program Management Officer, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

Notification procedure:

To determine if a record exists write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. These notification and access procedures are in accordance with Department regulations (45 CFR, section 5b.6).

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with Department regulations (45 CFR, section 5b.5(a)(2)).

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department regulations (45 CFR, section 5b.7).

Record source categories:

Vital status information is obtained from Federal, State, and local governments and other available sources. Information is obtained from the individual and from employer records.

Systems exempted from certain provisions of the act:

None.

09-20-0153

System name:

DRDS General Industry Mortality Studies, HEW/CDC/NIOSH.

Security classification:

None.

System location:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Saftey and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

Data is also occasionally located at field collection sites and contractor sites as studies are developed, data collected, and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

Categories of individuals covered by the system:

Persons working, or having worked at workplaces not identified as surface mining or below ground mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population which have been selected as a control group.

Categories of records in the system:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records to be collected and maintained are determined by the research needs of the specific study.

Authority for maintenance of the system:

Occupational Safety and Health Act, Section 20 (29 U.S.C. 669); Public Health Service Act; Section 301 (42 U.S.C. 141).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Data may be sent to State vital statistics divisions to obtain death certificates, and to missing person location agencies to find those individuals who cannot otherwise be located.

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.

Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department regulations, (45 CFR Part 5b), item 100.)

Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in appendix I,

as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, State, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally-related mortality is occurring.

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provide such disclosure as compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer tape, cards, and printouts; microfiche; X-rays; and manual files.

Retrievability:

The purpose of this system is to investigate occupationally-related diseases and to determine the cause and prevention of such diseases. Plant name, study, name, and/or assigned numerical identifiers are some of the indices used to retrieve records from this system. Social security numbers, supplied on a voluntry basis may occasionally be used for data retrieval.

Safeguards:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer room and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by such individual study. Departmental security guidelines will be followed.

Retention and disposal:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding materials and erasing computer tapes.

System manager(s) and address:

Program Management Officer (PMO), DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

Notification procedure:

To determine if a record exists write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

An individual who requests notification of or access to a medical record shall, (1) at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) provide the name of the study if known, (3) provide the approximate date and place of the treatment or questionnaire administration. These notification and access procedures are in accordance with Department regulations (45 CFR, Section 5b.6).

Record access procedures:

Same as notification procedures. These access procedures are in accordance with Department regulations (45 CFR, Section 5b.5(a)(2)).

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department regulations (45 CFR, Section 5b.7).

Record source categories:

Information is obtained directly from the individual, from employee records, from death certificates, and from industry and trade union records.

Systems exempted from certain provisions of the act:

None.

APPENDIX I—POTENTIAL SOURCES FOR DETERMINATION OF VITAL STATUS

Military records
Appropriate State motor vehicle registration departments
Appropriate State drivers license departments
Appropriate State government divisions of:
Assistance payments (welfare), social services, medical services,
Food stamp program, child support, board of corrections, aging,
Indian affairs, workman's compensation, disability insurance
Retail credit association followup
Veterans' Administration files
Appropriate employee union or association records
Appropriate company pension or employment records
Company group insurance records
Appropriate State vital statistics offices
Life insurance companies
Railroad Retirement Board
Area nursing homes
Area Indian trading posts
Mailing list correction cards (U.S Postal Service)
Letters and telephone conversations with relatives
Letters and telephone conversations with former employees of the same establishment as cohort member
Appropriate local newspaper (obituaries)
Social Security Administration
Internal Revenue Service

09-20-0154

System name:

DRDS Medical and Laboratory Studies, HEW/CDC/NIOSH.

Security classification:

None.

System location:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

Categories of individuals covered by the system:

Individuals who have had physical examinations at DRDS or who have had Biochemical tests done on various samples submitted to DRDS.

Categories of records in the system:

Analysis of biochemical data, occupational and medical histories, and results of medical tests. The specific types of records to be collected and maintained are determined by the needs of the individual study.

Authority for maintenance of the system:

Coal Mine Health and Safety Act Section 501 (30 U.S.C. 951), Occupational Safety and Health Act Section 20 (29 U.S.C. 669). Occupational Safety and Health Act Section 22(d) (29 U.S.C. 671(d)); Federal Coal Mine Health and Safety Act Section 427(b) (30 U.S.C. 937(b)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Data may be sent to State vital statistics divisions to obtain death certificates, and to missing person location

agencies to find those individuals who cannot otherwise be located.

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.

Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department regulations, (45 CFR Part 5b), item 100.)

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer tape, cards, and printouts; microfiche; X-rays; and manual files.

Retrievability:

The purpose of this system is to perform medical and epidemiological research, statistical analyses, and to identify early indicators of occupationally-related diseases (biochemical indices). Data is given to other NIOSH units for biochemical and epidemiological studies. Name and case number are the indices used to retrieve records from this system.

Safeguards:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer room and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by such individual study. Departmental security guidelines will be followed.

Retention and disposal:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, and as determined by the system manager, as provided in the signed consent form as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

System manager(s) and address:

Project Management Officer, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

Notification procedures:

To determine if a record exists write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. These notification and access procedures are in accordance with Department regulations (45 CFR, Section 5b.6).

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with Department regulations (45 CFR, Section 5b.5(a)(2)).

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department regulations (45 CFR, Section 5b.7).

Record source categories:

Information is obtained directly from the individual.

Systems exempted from certain provisions of the act:

None.

09-20-0147

System name:

DSHEFS Occupational Health Epidemiological Studies, HEW/CDC/NIOSH.

Security classification:

None.

System location:

Division of Surveillance, Hazard Evaluations, and Field Studies (DSHEFS), National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Southwest Ohio Regional Computer Center, Medical Sciences Building, University of Cincinnati, Cincinnati, Ohio 45202.

In addition, data is occasionally at field work sites and contractor sites as studies are developed, data collected and reports written. A list of field and contractor sites where individually identifiable data is currently located is available upon request to the system manager.

Categories of individuals covered by the system:

Industrial workers exposed to physical and/or chemical agents that may damage the human body in any way. Some examples are: (1) organic carcinogens, (2) inorganic carcinogens, (3) mucosal or dermal irritants, (4) fibrogenic materials, (5) acute toxic agents including sensitizing agents, (6) neurotoxic agents, (7) mutogenic (male and female) and teratogenic agents, (8) bio-accumulating noncarcinogen agents, and (9) chronic vascular disease-causing agents.

Categories of records in the system:

Physical exams, sputum cytology results, questionnaires, demographic information, smoking history, occupational histories, previous and current employment records, urine test records, X-rays, medical history, pulmonary function test records, medical disability forms, blood test records, drivers license data, hearing test results, spirometry results. The specific types of records to be collected and maintained are determined by the needs of the individual study.

Authority for maintenance of the system:

Public Health Service Act, section 301 (42 U.S.C. 241); Occupational Safety and Health Act section 20 (29 U.S.C. 669); Coal Mine Health and Safety Act section 501 (30 U.S.C. 951).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

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.

Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is al-

leged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations (45 CFR Part 5b), item 100.)

Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, State, or local agency. Cause of death will enable NIOSH to evaluate whether excess occupationally related mortality is occurring.

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage:

Manual files, computer files, card files, microfilm, microfiche, and other files as appropriate.

Retrievability:

The purpose of these studies is to evaluate mortality and morbidity of occupationally related diseases: to determine the cause and prevention of diseases of industrial origin, and lead toward future prevention of occupationally related diseases. Name, assigned number, plant name, year tested are some of the indices used to retrieve records from these systems. Other retrieval methods are utilized as individual research dictates.

Safeguards:

Locked buildings, locked rooms, locked file cabinets, personnel screening, locked computer room and computer tape vaults, 24-hour guard service, password protection of computerized records, limited access to only authorized personnel. Two or more of the safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by an individual study. Departmental security guidelines will be followed.

Retention and disposal:

Records will be maintained from 3 to 20 years in accordance with retention schedules. Every attempt will be made to strip personal identifiers from records and destroy the records when they are no longer needed. Any paper records which are disposed of will be shredded or burned and computer tapes will be erased.

System manager(s) and address:

Program Management Officer (PMO), DSHEFS, P-1, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Notification procedure:

To determine if a record exists write to: Director, DSHEFS, R-1, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. These notification and access procedures are in accordance with Department regulations (45 CFR, section 5b.6).

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with Department Regulations (45 CFR, section 5b.5(a)(2)).

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department regulations (45 CFR, section 5b.7).

Record source categories:

Vital status information is obtained from Federal, State, and local governments and other available sources selected from those listed in appendix I. Information is obtained directly from the individual and employer records, whenever possible.

Systems exempted from certain provisions of the act:

None.

APPENDIX I—POTENTIAL SOURCES FOR DETERMINATION OF VITAL STATUS

Military records
Appropriate State motor vehicle registration departments
Appropriate State drivers license departments
Appropriate State government divisions of:
Assistance payments (welfare), social services, medical services,
Food stamp program, child support, board of corrections, aging,
Indian affairs, workman's compensation, disability insurance
Retail Credit Association followup
Veteran's Administration files
Appropriate employee union or association records
Appropriate company pension or employment records
Company group insurance records
Appropriate State vital statistics offices
Life insurance companies
Railroad Retirement Board
Area nursing homes
Area Indian trading posts
Mailing list correction cards (U.S. Postal Service)
Letters and telephone conversations with relatives
Letters and telephone conversations with former employees of the same establishment as cohort member
Appropriate local newspaper (obituaries)
Social Security Administration
Internal Revenue Service

[FR Doc. 78-25925 Filed 9-11-78; 4:28 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Notice of Approval

1. Notice is hereby given that, effective with this publication, the following OCS official protraction diagrams, approved on the dates indicated, are available for information in the Outer Continental Shelf Office, Bureau of Land Management, Anchorage, Alaska. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic area they represent.

OUTER CONTINENTAL SHELF PROTRACTION DIAGRAMS

	Description	*Approval date*
NM 60-2	Rat Islands	Apr. 25, 1978.
NN 1-8	ATKA	Do.
NO 3-2	Kuskokwin Bay	Do.
NQ 2-4	do.	Do.
NR 3-4	Solivik Island	Do.

OUTER CONTINENTAL SHELF PROTRACTION DIAGRAMS—Continued

	Description	Approval date
NS 4-7	do	Do.
NS 5-7	do	Do.
NS 6-7	Laurentian Basin	Do.

2. Copies of these diagrams are for sale at two dollars ($2.00) per sheet by the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 A Street, Anchorage, Alaska. Checks or money orders should be made payable to the Bureau of Land Management.

ROBERT J. BROCK,
Acting Manager, Alaska Outer Continental Shelf Office.

[FR Doc. 78-25831 Filed 9-13-78; 8:45 am]

[4310-84]

[Wyoming 65022]

WYOMING

Application

SEPTEMBER 5, 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 Colorado Interstate Gas Co. of Colorado Springs, Colo. filed an application for a 6⅝-inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 19 N., R. 98 W.,
Sec. 24, S½SE¼.

The proposed pipeline will transport natural gas from an existing well located in the SE¼ of section 24, T. 19 N., R. 98 W., into an existing natural gas pipeline located in the SW¼ of section 24, in Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the 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, P.O. Box 1869, Highway 187 North, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands Minerals Operations.

[FR Doc. 78-25828 Filed 9-13-78; 8:45 am]

[4310-84]

[Wyoming 64652]

WYOMING

Application

SEPTEMBER 7, 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 Cities Service Gas Co. of Oklahoma City, Okla. filed an application for a right-of-way to construct two 4½-inch pipelines for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 96 W.,
Sec. 12, lot 2, S½W¼ and SE¼SE¼;
Sec. 24, S½NE¼, N½NW¼, SE¼NW¼ and NE¼SE¼.

One of the proposed pipelines with appurtenant anode facilities will transport natural gas produced from the Champlin 221B-1 well located in the NW¼SW¼ sec. 7, T. 18 N., R. 95 W., to a point of connection with Colorado Interstate Gas Co.'s existing pipeline in the SE¼SE¼ sec. 11, T. 18 N., R. 96 W.; the other pipeline with appurtenant anode facilities will transport natural gas produced from the Champlin 221C-1 well located in the SE¼SW¼ sec. 19, T. 18 N., R. 95 W., to a point of connection with Colorado Interstate Gas Co.'s existing pipeline in the NW¼NW¼ sec. 24, T. 18 N., R. 96 W., all within 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, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Oprations.

[FR Doc. 78-25829 Filed 9-13-78; 8:45 am]

[4310-84]

[Wyoming 64677]

WYOMING

Application

SEPTEMBER 6, 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 Phillips Petroleum Co. of Denver, Colo. filed an application for a right-of-way to construct a 4- and 6-inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 44 N., R. 76 W.,
Sec. 7, lots 1 and 2.
T. 44 N., R. 77 W.,
Sec. 1, S½NW¼;
Sec. 2, lot 1 and SE¼NE¼.
T. 45 N., R. 77 W.,
Sec. 35, E½SW¼, N½SE¼ and SE¼SE¼.

The proposed pipeline will transport natural gas from a point in the NW¼NW¼ of section 7, T. 44 N., R. 76 W., to a point in the NW¼NE¼, section 12, T. 44 N., R. 77 W., and from points in the NE¼SW¼, section 1, T. 44 N., R. 77 W., and the SE¼NW¼ and the NW¼SE¼ of section 35, T. 45 N., R. 77 W., to a point in the SW¼, section 15, T. 44 N., R. 77 W., Johnson 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, 951 Union Boulevard, Casper, Wyo. 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-25830 Filed 9-13-78; 8:45 am]

[4310-84]

[ES 17760; Survey Group 109]

MINNESOTA

Filing of Plat of Survey

SEPTEMBER 6, 1978.

On May 26, 1977, a plat of survey of Tract 37, T. 147 N., R. 30 W., Fifth Principal Meridian, Minnesota, containing 1.30 acres, was accepted. This plat, which represents the survey of an island not previously surveyed, will be officially filed in the Eastern States Office, Silver Spring, Md., at 10 a.m. on October 13, 1978.

The island's formation is similar in all respects to that of the adjacent mainland. The soil is composed of a layer of organic matter on glacial till and large boulders are scattered throughout. Timber on the island consists of elm, cedar, white birch, and aspen with an undergrowth of young oak, willows, and grass. Reeds and elder grow around the fringe of the island. Tract 37, which rises to an elevation of approximately 5 feet above the ordinary high watermark, is well

over 50 percent upland in character within the interpretation of the Swampland Act of September 28, 1850.

By Proclamation No. 2216 of December 29, 1936, all public lands in T. 147 N., R. 30 W., Fifth Principal Meridian, Michigan, were included in the Chippewa National Forest. Therefore, subject to valid, existing rights, the abovementioned land is withdrawn in accordance with said proclamation.

All inquiries regarding the subject land should be addressed to the Director, Eastern States, 7981 Eastern Avenue, Silver Spring, Md. 20910.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc. 78-25892 Filed 9-13-78; 8:45 am]

[4310-84]

[NM 34425]

NEW MEXICO

Application

SEPTEMBER 6, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 8 W.,
Sec. 3, E½SE¼ and SW¼SE¼.

This pipeline will convey natural gas across 0.352 of a mile of public land in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-25893 Filed 9-13-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. PRM-7-1]

NONDESTRUCTIVE TESTING MANAGEMENT ASSOCIATION

Petition for Rulemaking

Notice is hereby given that Mr. Walter P. Peeples, Jr., on behalf of the Nondestructive Testing Management Association, by letter dated July 19, 1978, has filed with the Nuclear Regulatory Commission a petition for rulemaking.

The petitioner requests the Commission to establish a review board made up of responsible members of the industry to review all pertinent NRC regulations and to clarify positions of the industry prior to issuance of all new regulations. The petitioner states that the petition is related to all regulations that directly affect users of byproduct materials in the field of nondestructive testing. The petitioner states also that since the field of nondestructive testing is large in scope, the members of the review group should be selected from the manufacturers and users of byproduct materials representing industrial radiography, gaging, and oil well logging industries.

As a basis for the petition, the petitioner states that:

> Within the past few years, it has become obvious that certain regulations are placed upon the industry which are deemed unnecessary. It is the consensus of the industry that this is caused by certain individuals within the bureaucracy writing regulations and not being familiar with the industry * * * We feel that this petition is necessary and that this approach will serve to educate both the industry and the U.S. Nuclear Regulatory Commission. The industry's objective is to maintain liaison with the U.S. Nuclear Regulatory Commission what is considered necessary and unnecessary in relationship to regulations.

A copy of the petition for rulemaking is available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by November 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerald L. Hutton, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-492-7211.

Dated at Washington, D.C. this 7th day of September.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-25736 Filed 9-13-78; 8:45 am]

[7590-01]

[Docket NO. STN 50-595]

GILBERT ASSOCIATES, INC., COMMONWEALTH ASSOCIATES, INC.

Receipt of a Standard Safety Analysis Report

Gilbert Associates, Inc. and Commonwealth Associates, Inc. have filed with the Nuclear Regulatory Commission (the Commission) their Standard Safety Analysis Report (GAISSAR) which was docketed on August 21, 1978. GAISSAR was tendered on February 24, 1978. During the acceptance review for completeness, Gilbert Associates, Inc. submitted additional information by letter dated July 31, 1978. Subsequently, GAISSAR was found to be acceptable for docketing. Docket No. STN 50-595 has been assigned to GAISSAR and should be referenced in any correspondence relating thereto.

The GAISSAR application was filed in response to Option 1 (Reference System) of the Commission's standardization policy for nuclear power plants issued on March 5, 1973, and pursuant to appendix 0 of 10 CFR part 50. Under the "Reference System" option, an entire facility or major portions of it can be identified as a standard design to be used in multiple applications. GAISSAR describes and analyzes the balance-of-plant equipment and structures intended to be used conjunction with any one of three standard pressurized water reactor nuclear steam supply systems, namely, the Babcock & Wilcox Co. B-SAR-205, the Combustion Engineering, Inc. CESSAR-80, and the Westinghouse Electric Corp. RESAR-414. Each of the above nuclear steam supply systems have a rated thermal output of about 3,800 MWt.

The Commission's Office of Nuclear Reactor Regulation (staff) will publish a summary report on its review of GAISSAR and will refer it to the Advisory Committee on Reactor Safeguards (ACRS) for its review and a report thereon. Subsequently, the staff will prepare a Safety Evaluation Report documenting the results of the review and will publish in the FEDERAL REGISTER a determination as to whether or not the preliminary design is acceptable.

All interested persons who desire to submit written comments for consideration by the staff and ACRS during their review of GAISSAR should send them to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, attention: Docketing and Service Section by November 13, 1978.

A copy of the GAISSAR Standard Safety Analysis Report is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. 20555. When available, the Safety Evaluation Report and the ACRS report will be made available for inspection by the Public at the Commission's Public Document Room.

Dated at Bethesda, Md., this 7th day of September 1978.

For the Nuclear Regulatory Commission.

CLEMENS J. HELTEMES, Jr.,
Chief, Standardization Branch, Division of Project Management.

[FR Doc. 78-25998 Filed 9-13-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-37]

SAFETY RECOMMENDATIONS AND RESPONSES

Accident Report

RAILROAD ACCIDENT REPORT

The National Transportation Safety Board announces the availability of its formal report of investigation into the February 10, 1978, collision of a trolley car and a bus in Pittsburgh, Pa. The report, No. NTSB-RAR-78-5, shows that the collision occurred during the morning rush hour on a portion of the Port Authority of Allegheny County busway which is used both by buses and trolleys. The bus, with at least 39 passengers, was inbound. The trolley, with only its operator aboard, was outbound.

The busdriver and three bus passengers were killed in the crash. The car operator and 36 bus passengers were injured. Probable cause of the accident, the Safety Board finds, was the operator's inadvertent and untimely operation of an unprotected track switch, which caused the trolley car to be routed into the path of the approaching bus. Contributing to the accident was the operator's operation of the car at a speed too great to permit stopping when he detected the turning movement of the car, and the lack of protective devices to control the switch operation.

Two recommendations, Nos. R-78-49 and 50, were made to the Port Authority of Allegheny County concerning the means by which the track switch can be operated from the trolley car and the provision of protection against the switch's operating when another vehicle is in a danger zone. One recommendation, No. R-78-51, was also made by the Safety Board to the Governor of the Commonwealth of Pennsylvania, urging the State to encourage communities that have emergency response facilities to establish emergency procedures for disasters. (See also 43 FR 39871, September 7, 1978.)

AVIATION SAFETY RECOMMENDATIONS

Last April 25 the Safety Board expressed its concern to the Federal Aviation Adminstration about multiple tire failures on wide-bodied aircraft, such as that experienced by the Continental Air Lines DC-10 at Los Angeles International Airport on March 1, 1978. FAA's response of May 23 detailed several actions which FAA had underway or was planning to initiate.

The Safety Board acknowledges FAA's actions as a step toward reducing the potential risk of tire failures. However, the Board's public hearing, which was convened on May 30 as part of the investigation of the DC-10 accident, elicited much testimony regarding factors which can affect tire safety and reliability. As a result, the Board believes that additional regulatory or advisory actions are needed in the areas of design standards, qualification testing, quality control during manufacture, and operational limits. The Board's concerns apply to retreaded tires as well as new tires.

Hearing testimony indicates that some confusion exists within the industry regarding the significance of a tire's rated load, as defined by the Tire & Rim Association, and the consideration given when mating a particular tire with airframe design and intended operations. No margin is required for possible overload from unequal load distribution which can be created by normal differences between the two tires—differences in deflection characteristics between tires from different manufacturers, differences in retread levels, differences in inflation pressures, differences in outside diameters, and differences in wear. In addition, no margin is provided for possible overload caused by the angle at which the landing gear contacts the airport surface. The Board believes that steps must be taken to insure that such factors are considered when tires are selected and when maintenance and operational practices are established for the aircraft's service life.

On September 6 the Safety Board directed a recommendation letter to FAA, noting that minimum performance standards for aircraft tires, as established by TSO-C62b, have not been revised since 1962. These standards apply only to new tires. The Board further noted that currently there are no methods of nondestructive inspection available to insure satisfactorily that carcasses intended for retread are free of defects which can produce premature failure. Accordingly, the Board's September 6 letter recommended that FAA—

Assess current tire rating criteria, as used by the Tire & Rim Association and as interpreted by airframe designers and Federal standards, in terms of compatibility of tire, airframe, and intended operation to assure that adequate margins are provide for all normal conditions. (A-78-67)

Upgrade technical standard order C62b to reflect current engineering practices and operational conditions in both the specifications for performance standards and certification test requirements. (A-78-68)

Insure that the tire is compatible with the airframe by considering this compatibility during the airplane certification. Tire loads which result from design peculiarities and normal variations in maintenance and operational practices must be considered. (A-78-69)

Issues a new technical standard order to specify performance standards and qualification test requirements for retreaded tires. (A-78-70)

Prohibit different model tires or tires manufactured by different manufacturers from being mounted on the same axle where different characteristics between such tires can affect tire loading under normal operating conditions. (A-78-71)

Require that operator maintenance and operational practices regarding tire usage, such as taxi speeds and distances and inflation pressures, are in accordance with the tire manufacturers' recommendations. (A-78-72)

Expedite the development of a nondestructive inspection technique which would detect flaws in tire carcasses. Require nondestructive inspection for new and retreaded tires and develop criteria based upon such inspection to withdraw a faulty tire from service. (A-78-73)

In the interim, establish a safe upper limit for the number of retread cycles allowed each model tire. (A-78-74)

Recommendation A-78-71 is designated "Class I, Urgent Action"; all other above recommendations are designated "Class II, Priority Action."

RESPONSES TO SAFETY RECOMMENDATIONS

Highway

H-78-56 through 60.—Letter of August 14 from the Department of Highways and Transportation, Commonwealth of Virginia, is in response to recommendations issued by the Safety Board following its investigation of the truck/automobile collision on U.S. route 50 near Chantilly, Va., July 21, 1977. The truck, loaded with 17 tons of stone, violated a red traffic signal at an intersection and struck the car, killing all four occupants of the car.

The department reports that directly after this accident occurred, its traffic engineers visited the location and found, as pointed out by the Safety Board, that the yellow clearance interval was 6 seconds due to the width of the intersection. An all-red phase with a 2-second interval has now been added. The department is now allowing for an all-red phase on all new installations and has been adding such to its signals in places where the speed limit is 45 mph or more. Former Virginia law made it illegal for a motorist to enter an intersection when the signal turned to "Caution." A few years ago this was changed, the department notes, and now a motorist may enter on caution provided he feels that it is safe to do so—thus the need for an all-red clearance period.

The department states that since all actuated equipment is used, and due to eight phases at this location, it was not thought practical to use multipoint detection. The Fairfax Police Department has greatly intensified their enforcement at this location, not only as to speeding, but also to violations of the weight laws. According to the department, since the subject fatal accident, hundreds of summonses have been issued for both.

Marine

M-77-1 through 6.—U.S. Coast Guard's letter of August 15 is in reply to the Safety Board's letter of May 30 which commented on the Coast Guard's initial response, dated October 11, 1977, to recommendations developed as a result of the collision between the *SS Keytrader* and *SS Baune* on the lower Mississippi River on January 18, 1974.

Recommendation M-77-1 asked Coast Guard to determine the maximum safe speeds for vessels that are navigating with radar in limited visibility on inland waters and require vessel operators to set the vessel's speed at, or less than, the maximum safe speed. The Safety Board stated in its May 30 letter that its intent in making this recommendation was to urge Coast Guard to develop the correlation between the ability of the vessel's personnel to process and use radar data and the safe speed of the vessel. The Board said that the speed of a vessel navigating with radar should be such that there is adequate time to detect other vessels, evaluate their movements, and make passing agreements. Coast Guard on August 15 stated that equating time required to solve a relative motion problem to safe speed introduces a number of additional variables not heretofore considered. Aside from operator proficiency, such a relationship is very much involved with vessel size and speed, congestion and geographic restraints, and the element of watch officer distraction during plotting and solution time. However, Coast Guard states that it has not investigated this concept and it is possible that a solution time standard may be useful for this or other purposes. Coast Guard will pursue the idea as time and workload permit.

Recommendation M-77-2 asked Coast Guard to determine the maximum strength of current which leads to the mandating of one-way traffic for vessels that are navigating by radar in limited visibility on inland wates, and require the Vessel Traffic Service (VTS) to mandate one-way traffic when the strength of the current exceeds the maximum strength. The August 15 response indicates that Coast Guard believes that one-way traffic imposition should be considered on a case-by-case or port-by-port basis. This opinion is based on the variables encountered in each situation. The case-by-case approach rather than strict quantifiable standards keeps the safety of the wateway under continued surveillance, and the supervision of the situation is not dulled when the standards have not yet been breached, according to Coast Guard. A summary of normally encountered, one-way traffic situations in the VTS program is provided in the response.

Recommendation M-77-3 asked Coast Guard to establish minimum standards for manually processing radar data to assist in evaluating the movements of approaching radar contacts on inland waters, and require vessel operators to insure that radar data is processed in accordance with the standards unless a collision avoidance system is in use. In response to the Safety Board's May 30 followup, Coast Guard has supplied further information and states that the notice of proposed rulemaking to amend 46 CFR 10.05-46 concerning the endorsement of a deck officer's license as a "radar observer" does include a proficiency requirement for manipulation radar data. The officer will be required to demonstrate his ability to plot, interpret, and evaluate approaching radar contacts within a specified time.

Concerning M-77-4, which asked Coast Guard to develop and publicize information about deficiencies in the use of sound signals between vessels including the effect of environmental conditions on sound propagation, Coast Guard reports that the information on sound signal characteristics, to be published in local notices to mariners is being compiled but has been delayed by higher priority items. Coast Guard believes that the information, when published, will be precisely what the Safety Board seeks.

In answer to M-77-5, recommending prohibition of the use of metals with low melting points and of fire-consumable gaskets in both tankcovers and deck piping systems on tank ships, Coast Guard indicates that a test series has been completed which evaluated the potential problems associated with aluminum hatch covers on tank ships. Based on these tests, a rulemaking has been initiated to require retrofitting of steel hatchcovers.

Recommendation M-77-6 called for Coast Guard to study the adequacy of its capability to fight major marine fires on remote waterways where the local firefighting capability is inadequate and establish an adequate firefighting capability for such areas. The Safety Board's May 30 followup noted that Coast Guard's initial response to M-77-6 placed the responsibility for fighting marine fires totally on the local jurisdiction and stated that Coast Guard has neither the assets nor the mandate to accept such a role. The Board agreed with Coast Guard as this responsibility relates to large port areas or along waterways where development is directly related to and supported by marine commerce, but noted that in remote areas such as this accident location there is no local firefighting capability and no incentive to acquire that capability. The Board on May 30 also stated that the obvious gap in emergency response must be filled by an agency with the needed resources—Federal, State, or nearest major port authority.

Coast Guard's August 15 response to M-77-6 states: "Whether or not the alleged gap in fire fighting capability should be filled by the federal government is a question for the Congress, not the Coast Guard. Until so tasked, funded, staffed, and equipped, the Coast Guard will continue to offer, when asked or on scene, such very limited capability as it now has, to the extent that that assistance does not interfere with higher priority missions."

M-78-3 through 8.—Coast Guard's letter of August 11 comments on recommendations issued last March 4 following investigation of the fire and explosion aboard Tank Barge B-924 which occurred November 13, 1975, at the barge's repair facility in Greenville, Miss.

Recommendation M-78-3 asked that Coast Guard establish a program for licensing or documenting marine chemists, which includes the latest methods and materials, to safely insure that all marine chemists demonstrate a working knowledge of all necessary regulations pertaining to the repair of vessels; reexamine marine chemists periodically to insure that they maintain familiarity with current regulations and provide for

the suspension or revocation of licenses or documents of marine chemists who do not comply with these regulations. In response Coast Guard states that an extensive review of the marine chemist program of the National Fire Protection Association (NFPA) has been made and Coast Guard concludes that the existing NFPA organization is a suitable vehicle for administering and upgrading the program, provided that NFPA supplies the logistical support to effectively implement the recommendations of its Qualifications Board and Sectional Committee on Gas Hazards.

Coast Guard notes that NFPA has formally indicated that they will provide the necessary support. The rules for certification of marine chemists have been extensively revised by NFPA to require an examination on applicable Coast Guard and the Occupational Safety and Health Administration (OSHA) regulations prior to certification. A 5-year interval for recertification has been established. As a part of this process, marine chemists will be required to pass an examination on NFPA standard No. 306 and current Coast Guard and OSHA regulations. Current certification rules are adequate for suspension or cancellation of NFPA certification. The presence of a Coast Guard liaison on the Qualifications Board meetings will insure thorough investigation.

In answer to M-78-4, which called for regulations to establish specific procedures for issuing, transmitting, and posting marine chemists' certificates, Coast Guard notes that NFPA standard No. 306 contains these procedures. This standard is presently being amended, with the Coast Guard represented on the committee. Coast Guard reports that the modified standard will contain specific responsibilities delineating (a) certificates to be completed and issued by the marine chemist prior to any hot work, (b) certificate to be presented to owner or representative with a signature for receipt, and (c) owner or repairer or his representative to be responsible for securely posting the marine chemists' certificate in a conspicuous place aboard the vessel.

Coast Guard notes that the use of NFPA standard No. 306 as a guide in conducting inspections and issuing certificates is currently specified in 46 CFR 35.01-1. In addition, each marine chemist at the time of his certification by NFPA must sign a Memorandum of Agreement stating that he will perform all of his work in accord with the requirements of NFPA-306. Also, Coast Guard is reviewing all regulations concerning this subject and will soon issue a notice of proposed rulemaking that will require specific procedures for issuing, transmitting, and posting certificates.

In answer to M-78-5, which sought regulations to establish specific criteria which must be met before personnel enter and repair vessels, Coast Guard says that an advance notice of proposed rulemaking entitled, "Entry Into Cargo Tanks, Cofferdams and Pumprooms," has been drafted but not yet released. Coast Guard notes that a complete technical review of all current Federal regulations regarding vessel repairs and tank entry is tentatively scheduled for completion during September 1978 and that subsequent to this review, regulatory action will be initiated as appropriate.

Regarding M-78-6, Coast Guard states that, in consultation with OSHA, it will determine standards that should be established for fire watch personnel, as recommended.

Recommendation M-78-7 asked Coast Guard review of personnel utilization practices and staffing levels at marine safety detachments to insure that adequate resources are available to properly monitor vessel repairs and related activities. Coast Guard reports that its Headquarters Office of Personnel completed a body-billet match study last fall. The objective of the study was to determine excesses and/or needs by program at each grade level. The study has been a help in developing plans to fill existing vacancies and new billets. The Office of Personnel has reviewed utilization practices and will do so periodically in the future. A discussion of the philosophy of "monitoring" is included in the Coast Guard response. Coast Guard states that its function is not to "monitor vessel repairs and related activities," but to determine what repairs are required and that the repairs are completed in an acceptable manner. Coast Guard says, "Any requirement to 'monitor' or 'superintend' repairs would require tripling or quadrupling of our inspection resources and would, in essence, have the Coast Guard assume the responsibility for safety previously held by the ship repair facility."

Recommendation M-78-8 called for Coast Guard to initiate contingency plans for responding to major marine casualties in the Greenville, Miss., area, such plans to require that emergency communications are established, that appropriate training be provided, and that firefighting resources are coordinated. In response, Coast Guard notes that its Captains of the Port have developed contingency plans which systematically list steps to be taken upon occurrence of certain mishaps, including marine fires, within their zone of authority. Such contingency plans include identification of local points of contact for response agencies. Coast Guard states that it lacks statutory authority to impose upon local communities any requirements that they establish emergency communications systems, provide firefighting training, and coordinate resources as recommended by the Safety Board. Cooperation is encouraged but is dependent upon voluntary implementation. Coast Guard units, if requested by local authority, will provide assistance to local firefighting forces in the event of a vessel fire or a fire at a waterfront facility. Such assistance is on an "as available" basis and actual firefighting involvement has been very limited. Funds for this purpose are limited.

NOTE.—The above notice reports on Safety Board documents recently released and recommendation response letters received. Single copies of accident reports and the Board's recommendation letters in their entirety are available to the general public without charge. Copies of the full text of responses to recommendations may be obtained at a cost of $4 for service and 10 cents per page for reproduction.

All requests to the Board for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(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)).)

Dated: September 11, 1978.

MARGARET L. FISHER,
Federal Register
Liaison Officer.

[FR Doc. 78-25903 Filed 9-13-78; 8:45 am]

[4910-58]

[Docket No. DCA-78-AP-021]

PIPELINE ACCIDENT, DONNELLSON, IOWA

Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9 a.m. (local time) September 26, 1978, in the Grand Ballroom of the Hotel Savery at Locust and Fourth Streets, Des Moines, Iowa.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving the failure of an 8-inch propane pipeline owned by the Mid America Pipeline System which occurred August 4, 1978, in Donnellson, Iowa.

HENRY M. SHEPHERD,
Hearing Officer.

SEPTEMBER 11, 1978.

[FR Doc. 78-25967 Filed 9-13-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Request

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 September 8, 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

Automotive Fuel Economy Guide Evaluation Survey, EIA-35, single time, sample of new car and truck buyers in 41 States, 2,400 responses, 6,000 hours, C. Louis Kincannon, 395-3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration (medicare), Summary of Utilization at Different Levels of Care, HCFA-L-70T, single time, 108 PSROS that had implemented review by December 31, 1977, 108 responses, 54 hours, Richard Eisinger, 395-3214.

REVISIONS

U.S. CIVIL SERVICE COMMISSION

Application for Federal Summer Employment, OPM 843A, on occasion, students, 100,000 responses, 16,666 hours, Warren Topelius, 395-6132.

DEPARTMENT OF ENERGY

Natural Gas Liquids Operations Report, EIA-64, monthly, natural gas processing plant operators, 8,700 responses, 17,400 hours, C. Louis Kincannon, 395-3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, National Ambulatory Medical Care Survey (1979), HRA 34-2, 3, 4, and 5, other (see SF-83), physicians in office practice, 91,000 responses, 1,525 hours, Office of Federal Statistical Policy and Standard, Richard Eisinger 673-7956.

Social Security Administration:

Evaluation and Measurement System (EMS) Questionnaire—Retirement Survivors Disability Insurance (RSDI) SSA-1398, monthly, monthly samples of original adjustment RSDI application within each sample month, 24,000 responses, 12,000 hours, Human Resources Division, Reese, B. F., 395-3532.

Statement Regarding Wages by Person Having Knowledge Thereof, SSA-7013, on occasion, any person having knowledge of wages paid to an individual, no evidence, 15,000 responses, 5,000 hours, Reese, B. F., 395-3211.

Health Care Financing Administration (medicare), RACC Provider Survey (hospital administrators, directors of nursing, and physicians), HCFA-28T, 73T, and 19T, single time, admitting physicians in rural hospital in Texas, Iowa, and South Dakota, 588 responses, 294 hours, Office of Federal Statistical Policy and Standard, 673-7956.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Utility Information Authorization, BLS-CCE—10(X), weekly, households in 3 test areas—Philadelphia, Pa.; Akron, Ohio; and Wisconsin, 1,600 responses, 7,200 hours, Office of Federal Statistical Policy and Standard, 673-7956.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Statement of Institution or Social Agency, SSA-1255, on occasion, institution or social agency in which a beneficiary resides, 3,500 responses, 600 hours, Reese, B. F., 395-3211.

Health Care Financing Administration (medicare), End Stage Renal Disease Medical Information System, HCFA-2742, 2743, 600-1 through 600-5, annually, facilities certified for ESRD services, 330,000 responses, 18,929 hours, Richard Eisinger, 395-3214.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-26008 Filed 9-13-78; 8:45 am]

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

TRADE POLICY STAFF COMMITTEE

Solicitation of Public Views

Pursuant to section 201 of the Trade Act of 1974, on September 1, 1978, the President received a report from the U.S. International Trade Commission (USITC) on the case of Bicycle Tires and Tubes (Investigation No. TA-201-33). The Commission submitted a report containing an affirmative determination that pneumatic bicycle tires provided for in item 772.48 of the Tariff Schedules of the United States (TSUS), other than tubular tires consisting of tires with tubes permanently enclosed therein; and tubes for bicycle tires, provided for in TSUS item 772.57, are being imported into the United States in such increased quantities as to be substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

The Commission finds and recommends that, to prevent or remedy the serious injury or the threat thereof to the domestic industry, it is necessary to impose rates of duty, in lieu of the present rates of duty, with respect to U.S. imports of pneumatic bicycle tires, other than tubular tires consisting of tires with tubes permanently enclosed therein; and tubes for bicycle tires as follows:

[Figures in percent ad val.]

Item	Recommended rates of duty				
	1st yr	2d yr	3d yr	4th yr	5th yr
Pneumatic bicycle tires, provided for under TSUS item 772.48 (other than tubular tires consisting of tires with tubes permanently enclosed therein)	15	15	15	15	10
Tubes for bicycle tires, provided for under TSUS item 772.57	25	25	20	20	20

Within 60 days of receiving a report from the Commission containing an affirmative determination, the President must determine what method and amount of import relief he will provide or determine that the provision of relief is not in the national economic interest, and whether he will direct expeditious consideration of adjustment assistance petitions.

In determining whether to provide import relief and what method and amount of import relief he will provide, the President must take into account, in addition to other consider-

ations he may deem relevant, the following factors:

(1) the probable effectiveness of the import relief as a means to promote adjustment, the efforts being made or to be implemented by the industry concerned to adjust to import competition, and other considerations relevant to the position of the industry in the Nation's economy;

(2) The effect of import relief on consumers and on competition in the domestic markets for such articles;

(3) The effect of import relief on the international economic interest of the United States;

(4) The impact on U.S. industries and firms as a consequence of any possible modification of duties or other import restrictions which may result from international obligations with respect to compensation;

(5) The geographic concentration of imported products marketed in the United States;

(6) The extent to which the U.S. market is a focal point for exports of such article by reason of restraints on exports of such article to, or on imports of such article into, third country markets; and

(7) The economic and social costs which would be incurred by taxpayers, communities, and workers if import relief were or were not provided.

The Office of the Special Representative for Trade Negotiations chairs the interagency Trade Policy Committee structure that makes recommendations to the President as to what action, if any, he should take on reports submitted by the USITC under section 201(d). In order to assist the Trade Policy Staff Committee in developing recommendations to the President as to what action to take under sections 202 and 203 of the Trade Act of 1974, the Committee welcomes briefs from interested parties on the above listed subjects. (Additional information on this case is available in USITC Report 201-33.)

Briefs should be submitted in twenty (20) copies to Secretary, Trade Policy Staff Committee, Room 728, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, D.C. 20506.

To be considered by the Trade Policy Staff Committee, submissions should be received in the Office of the Special Representative for Trade Negotiations no later than the close of business Thursday, September 28, 1978.

WILLIAM B. KELLY,
Chairman,
Trade Policy Staff Committee.

[FR Doc. 78-25856 Filed 9-13-78; 8:45 am]

[3190-01]

TRADE POLICY STAFF COMMITTEE

Extension of Deadline for Submission of Public Views and Comments

In the FEDERAL REGISTER of August 22, 1978 (43 FR 37249) and of September 7, 1978 (43 FR 39876) the Trade Policy Staff Committee solicited public views and comments with respect to the possible conversion by the United States of certain specific and compound rates of duty to ad valorem rates as part of the "Tokyo Round" of Multilateral Trade Negotiations. The deadline given in those notices for such submissions was specified as September 8, 1978. Notice is hereby given that this deadline has been extended until September 22, 1978.

WILLIAM B. KELLY, Jr.,
Chairman, Trade Policy Staff Committee

[FR Doc. 78-25855 Filed 9-13-78; 8:45 am]

[4510-23]

PRESIDENT'S COMMISSION ON THE COAL INDUSTRY

MEETING

The first meeting of the President's Commission on the Coal Industry will be held on Friday, September 29, 1978, from 9 a.m. to 1 p.m., in room 2010 of the New Executive Office Building, 726 Jackson Place NW., Washington, D.C.

The Commission was created by Executive Order 12062 on May 26, 1978. Under that order the Commission is to conduct a comprehensive review of the state of the coal industry in the United States with particular emphasis on matters pertaining to productivity, capital investment, and the general economic health of the industry; collective bargaining, grievance procedures, and such other aspects of labor-management relations as the Commission deems appropriate; health, safety, and living conditions in the Nation's coal fields; the development and application of new technologies to the industry; the impact on the coal industry of Federal regulations and such other matters as the Commission deems appropriate.

The Commission membership is as follows:

VOTING MEMBERS

Hon. John D. Rockefeller IV, Chairman, Governor of West Virginia, Charleston, W. Va.
Mr. Jesse Core, Adjunct Professor of Mining Engineering, Pennsylvania State University, University Park, Pa.
Mr. Marvin Friedman, Vice President, Ruttenberg, Friedman, Kilgallon, Gutchess & Associates, Inc., Washington, D.C.
Mr. W. Dewey Presley, Director and Chairman of the Executive Committee, First International Bancshares, Inc., Dallas, Tex.
Mr. Willard Wirtz, Wirtz & Gentry, Washington, D.C.

NONVOTING MEMBERS

Hon. Walter Huddleston, U.S. Senate, Washington, D.C.
Hon. Charles Percy, U.S. Senate, Washington, D.C.
Hon. Jennings Randolph, U.S. Senate, Washington, D.C.
Hon. Ray Marshall, Secretary, Department of Labor, Washington, D.C.
Hon. John Buchanan, U.S. House of Representatives, Washington, D.C.
Hon. Austin Murphy, U.S. House of Representatives, Washington, D.C.
Hon. Carl Perkins, U.S. House of Representatives, Washington, D.C.
Hon. James Schlesinger, Secretary, Department of Energy, Washington, D.C.

The Commission is to prepare and transmit a final report of their findings and recommendations to the President, the Secretary of Labor and the Secretary of Energy within a year of the first meeting of the Commission.

The agenda for the September 29 meeting follows:

9 a.m.—Meeting convened—Hon. John D. Rockefeller IV, Chairman.
9:15 a.m.—Background of Commission—Representatives of: The White House, Department of Labor, Department of Energy.
10 a.m.—Scope of work—Commission members.
11:45 a.m.—Hearings schedule—Commission members.
2:30 p.m.—Administrative matters—Commission members.
1 p.m.—Adjournment.

The meeting will be open to the public with approximately 40 seats available on a first-come, first served basis. This first Commission meeting will be devoted primarily to setting an agenda for the coming year. Persons wishing to file statements with the Commission pertaining to the agenda should provide 25 copies of such statement to Mr. James M. Childress, President's Commission on the Coal Industry, P.O. Box 1424, Washington, D.C. 20013, to be received no later than October 13, 1978.

Minutes of the Commission meeting will be available upon request 30 days after the meeting. In addition, copies of the meeting transcript, as well as the Commission agenda and formal statements received from the public will be maintained and available for public inspection and copying at actual cost at the Commission offices. Persons wishing to inspect these documents should contact Mr. Childress at 202-673-7925, or at the above address.

Dated: September 13, 1978.

MICHAEL S. KOLEDA,
Executive Director, President's Commission on the Coal Industry.

[FR Doc. 78-26100 Filed 9-13-78; 10:11 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 10392]

BROAD STREET INVESTING CORP.

Filing of an Application Pursuant to Section 6(c) of the Act for an Order Exempting a Proposed Exchange of Shares From the Provisions of Sections 22(c) and 22(d) of the Act, and Rule 22c-1 Thereunder.

SEPTEMBER 17, 1978.

Notice is hereby given, that Broad Street Investing Corp. ("Broad Street"), registered under the Investment Co. Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on July 18, 1978, and an amendment thereto on August 18, 1978, requesting an order of the Commission pursuant to section 6(c) of the Act exempting from the provisions of section 22(c) of the Act and rule 22c-1 thereunder, and section 22(d) of the Act the proposed exchange of Broad Street shares at net asset value without a sales charge and at a price other than the price next determined after receipt of a purchase order, for substantially all of the assets of Hunter Investment Corp. ("Hunter"), which, applicant asserts, is an investment company exempt from registration under the Act by reason of section 3(c)(1) thereof. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Broad Street is a Maryland corporation, and on August 14, 1978, had net assets totalling $331,234,797. Applicant represents that Hunter is a corporation organized and existing under the laws of Massachusetts and that its stock is held of record and beneficially by 5 persons.

Applicant further represents that no affiliation exists between Hunter or its officers, directors or stockholders and Broad Street and its officers or directors.

Applicant states that Broad Street and Hunter have entered into an Agreement and Plan of Reorganization (the "Plan") which provides that substantially all of the cash and securities owned by Hunter will be transferred to Broad Street in exchange for shares of its capital stock. Pursuant to the Plan, Broad Street shares having an aggregate net asset value equal to the value of the Hunter assets to be acquired shall be issued in exchange therefor. The number of shares of applicant to be issued to Hunter on the exchange date is to be determined by dividing the aggregate market value of the assets of Hunter to be transferred to applicant by the net asset value per share of Broad Street. Determination of the aggregate market value of the assets of Hunter will be subject to an adjustment designed to compensate for any increase in the potential taxes of applicant that may result from any excess in the proportion of the net asset value of the assets acquired from Hunter represented by realized and unrealized appreciation over the proportion of the net asset value of applicant represented by realized and unrealized appreciation. The valuation date for purposes of determining the net asset value per share of Broad Street and the market value of the assets of Hunter to be acquired by Broad Street will be the close of business of the New York Stock Exchange on the business day next preceding the exchange date. If the valuation date under the plan had occurred on August 14, 1978, Hunter would have received 420,569 shares of Broad Street's capital stock, having a net asset value of $11.65 per share, in exchange for substantially all the assets of Hunter having an aggregate value as of that date of approximately $4,899,619, and Broad Street would not have recognized any capital loss carryforward as a result of the transaction. Broad Street presently intends to sell approximately 36 percent of the assets to be acquired from Hunter within a relatively short period following their acquisition. As of August 14, 1978, the market value of such assets was approximately $1,742,812.

The Plan also provides for the retention by Hunter of an amount equivalent to less than 10 percent of its net assets to pay its liabilities, costs of liquidation and dividends to its stockholders equal to its "undistributed personal holding company" income as defined in section 545 of the Internal Revenue Code of 1954. Hunter has advised applicant, however, that the Plan calls for the exchange of 100 percent of its assets for applicant's shares, and that within a 12 month period immediately following the exchange date, Hunter intends to transfer to Broad Street any balance of the assets retained by Hunter. Broad Street shall thereupon issue and deliver to Hunter additional Broad Street shares at the net asset value per share next computed after receipt of such assets.

Applicant states that, when received by Hunter, the shares of Broad Street are to be distributed to Hunter's shareholders in complete liquidation of Hunter, in proportion to their respective stock ownership in Hunter. Applicant has been informed by management of Hunter that the shareholders of Hunter have no present intention of redeeming or otherwise transferring any of the Broad Street shares so distributed. Applicant believes that expenses and other costs related to the distribution of an equivalent number of its shares in the ordinary course of business substantially exceed the expenses which Applicant may incur in connection with the proposed transaction.

It is a condition to the obligations of Hunter and Broad Street under the Plan that, prior to the exchange of Hunter's assets for Broad Street shares, Broad Street and Hunter shall have received an opinion of counsel to the effect that the Plan, the acquisition of Hunter's assets by Broad Street, the receipt of Broad Street shares in exchange therefor and the distribution of such Broad Street shares to Hunter shareholders, will not result in taxable gains either to Broad Street, Hunter, or to any of their respective shareholders.

Section 22(c) of the Act and rule 22c-1 thereunder taken together provide, in pertinent part, that a registered investment company may not issue its redeemable securities except at a price based on the current net asset value of such security which is next computed as of the close of trading on the New York Stock Exchange next following receipt of an order to purchase such security.

Section 22(d) of the Act provides, in pertinent part, that a registered investment company may sell redeemable securities issued by such company only at the current public offering price described in the prospectus. The current public offering price of the shares of Broad Street as described in its prospectus is net asset value plus a sales charge.

Without an exemption from sections 22(c) and 22(d) of the Act and rule 22c-1 thereunder, Applicant submits that it would be prohibited from (a) exchanging its shares at net asset value without a sales charge for substantially all of the assets of Hunter, and (b) effecting the proposed exchange transaction on the exchange date based on the market value of the assets of Hunter to be transferred and net asset value per share of Broad Street, both determined as of the valuation time which is the close of business on the business day next preceding the exchange date. It is currently expected that the valuation date will be September 29, 1978; the exchange date is expected to be October 2, 1978. Because the exchange date and the valuation date will be fixed in advance,

and in view of the short time span involved, applicant argues that the possible abuses at which Rule 22c-1 is directed will not exist. Applicant also argues that consummating the proposed transaction in the manner described above will allow both Broad Street and Hunter adequate time to complete the necessary preparations for closing the transaction.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision under the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant represents that it considers the proposed exchange of shares to be at a fair price, arrived at by arms-length bargaining, and believes that granting of the requested exemption from the provisions of section 22(c), rule 22c-1 thereunder and section 22(d) of the Act is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant states that the proposed acquisition will be beneficial to the shareholders of Broad Street because those expenses of Broad Street which do not rise proportionately with an increase in portfolio size will as a result of the proposed transaction be spread over a larger number of shares. In addition, Applicant states that, even after offsetting brokerage commissions and approximate principal transaction costs involved in disposition of securities which Broad Street does not expect to retain for any significant period after consummation of the proposed transaction, the transfer of portfolio securities to be retained pursuant to the proposed transaction will cause Broad Street less expense than the purchase of securities of the same issuers in the open market. Further, Applicants state that the proposed exchange will enable Broad Street to acquire at one time additional securities for its existing portfolio without affecting the market in such securities.

Notice is further given, that any interested person may, not later than September 28, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-25873 Filed 9-13-78; 8:45 am]

[8010-01]

[File No. 1-4745]

BINNEY & SMITH, INC.

Application To Withdraw From Listing and Registration

SEPTEMBER 5, 1978.

In the matter of Binney & Smith, Inc., common stock, par value $2.50 per share, file No. 1-4745, Securities Exchange Act of 1934, section 12(d).

The above named issuer has filed an application with the Securities and Exchange Commission, pursuant to section 12(d) of the Securities Exchange Act of 1934 and rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of Binney & Smith, Inc. (the "Company") has been listed for trading on the Amex since May 1, 1963. On June 19, 1978 the stock was also listed for trading on the New York Stock Exchange, Inc. ("NYSE") and concurrently therewith, such stock was suspended from trading on the Amex. In making the decision to withdraw its common stock from listing and registration on the Amex, the Company considered the direct and indirect costs and expenses attendant on maintaining a dual listing on both exchanges. The Company does not see any particular advantage in the dual trading of its common stock and believes that dual listing would fragment the market for such stock.

The application relates solely to the withdrawal from listing and registration on the Amex and shall have no effect on the continued listing of such common stock on the NYSE. The Amex has posed no objection in this matter.

Any interested person may, on or before October 6, 1978, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-25874 Filed 9-13-78; 8:45 am]

[8010-01]

[Rel. No. 20703]

OHIO EDISON CO.

Proposed Issuance and Sale of Common Stock Pursuant to Dividend Reinvestment and Stock Purchase Plan; Request for Exemption From Competitive Bidding

SEPTEMBER 8, 1978.

Notice is hereby given that Ohio Edison Co. ("Ohio Edison"), a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration previously filed and amended in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

By order dated December 23, 1977 (HCAR No. 20339), Ohio Edison was authorized to issue and sell not more than 1,000,000 shares of its authorized but unissued common stock, par value $9 per share, through October 31, 1979, pursuant to its Dividend Rein-

vestment and Stock Purchase Plan (the "Plan"). Ohio Edison currently estimates that of such 1,000,000 shares approximately 593,024 remain unsold as of August 30, 1978, and approximately 200,000 shares will remain unsold as of December 31, 1978.

By post-effective amendment Ohio Edison proposes to issue and sell not more than 1,000,000 shares of its authorized but unissued common stock ("Additional Common Stock") pursuant to the Plan through October 31, 1980. It is stated that the common stock remaining to be sold under the previous order will be issued and sold under the Plan before the Additional Common Stock is issued and sold.

The Additional Common Stock will be offered to all of Ohio Edison's common stockholders pursuant to a voluntary plan whereby such stockholders may elect to (a) have dividends on their shares of common stock reinvested or, (b) continue to receive their cash dividends on shares registered in their names and invest by making optional cash payments of not less than $10 per payment nor more than a total of $5,000 per quarter, or (c) invest both their cash dividends and such optional cash payments. No service charge or commission will be paid by participants in connection with purchases under the Plan, and participants will retain all voting rights relating to shares purchased under the Plan. A participant will be able to withdraw from the Plan at any time upon written notice.

The purchase price of shares of common stock purchased with reinvested cash dividends will be an amount equal to 95 percent of the average of the high and low prices for Ohio Edison's common stock, as reported in *The Wall Street Journal* report of NYSE-Composite Transactions, on the investment date as of which the purchase is made. The purchase price of shares purchased with optional cash payments will be an amount equal to 100 percent of such average of the high and low prices. Investment dates will be the last business day of each month. No shares will be sold under the Plan at less than the par value of such shares.

Ohio Edison will announce the Plan to all of its new stockholders by addressing to them a brochure describing the Plan. The continued existence of the Plan will occasionally be brought to the attention of all nonparticipants by a remailing of such brochure. All current participants in the Plan, all stockholders who so request and all stockholders who join the Plan will be sent a copy of a complete prospectus.

The reason for the proposed issuance of the Additional Common Stock is to provide funds for Ohio Edison to continue its ongoing construction program and to repay a portion of its unsecured short term debt. Ohio Edison estimates its total plant additions for 1978 at $381,635,000.

Ohio Edison considers that the issuance and sale of shares of Additional Common Stock through the reinvestment of dividends to be exempted from the requirements of rule 50 by virtue of rule 50(a)(1). With respect to the issuance and sale of shares of Additional Common Stock through optional cash payments, Ohio Edison requests an exemption from the competitive bidding requirements of rule 50 pursuant to rule 50(a)(5).

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. The Public Utilities Commission of Ohio has jurisdiction over the proposed issuance and sale of the Additional Common Stock. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 6, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as further amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application-declaration, as further amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-25875 Filed 9-13-78; 8:45 am]

[8010-01]

[Release No. 10391]

SHEPMYERS INVESTMENT CO. AND DREXEL BURNHAM LAMBERT INC.

Filing of Application Pursuant to Section 10(f) of the Act for an Order of the Commission Exempting Certain Transactions From the Provisions of Section 10(f)

SEPTEMBER 6, 1978.

Notice is hereby given that Shepmyers Investment Co. (the "Fund"), a Pennsylvania corporation, and Drexel Burnham Lambert Inc. (the "Adviser") (hereinafter collectively referred to as the "Applicants") filed an application on May 26, 1978, and an amendment thereto on August 30, 1978, pursuant to section 10(f) of the Investment Company Act of 1940 (the "Act"), for an order of the Commission exempting certain transactions of the Fund from the provisions of section 10(f) of the Act so as to permit the Fund to purchase Municipal Bonds (as hereinafter defined) in public offerings in which the Adviser participates as a principal underwriter, subject to certain conditions specified in the application and set forth below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

The Fund is a diversified, closed-end, management investment company registered under the Act. Its investment objective is to provide shareholders with as high a level of income exempt from Federal income tax as is consistent with the preservation of capital. In seeking this objective, the Fund proposes to invest all of its assets in a portfolio consisting of debt obligations issued by States, territories and possessions of the United States and the District of Columbia and their political subdivisions, duly constituted authorities and corporations, the interest on which is exempt from Federal income tax (such obligations being referred to hereinafter as "Municipal Bonds"). The Adviser acts as investment adviser for the Fund.

The Adviser states that it participates as an underwriter in a substantial number of public offerings of Municipal Bonds. Secton 10(f) of the Act, in pertinent part, provides that no registered investment company shall knowingly purchase or acquire, during the existence of any underwriting or selling syndicate, any security a principal underwriter of which is an officer, director, investment adviser, or employee of such investment company, or is a person of which any such officer, director, investment or employee is an affiliated person. That section further provides that the Commission, by

rules or regulations upon its own motion or by order upon application, may exempt any transaction or classes of transactions from the restrictions contained therein to the extent such exemption is consistent with the protection of investors.

Pursuant to the rulemaking authority granted by section 10(f), the Commission adopted rule 10f-3 in 1958. That rule provides that a purchase of securities by a registered investment company prohibited by section 10(f) of the Act shall be exempt from the provisions of that section if certain conditions are satisfied. The Applicants submit that rule 10f-3 was designed for underwritten offerings of corporate equity and debt securities, whereas they intend to invest primarily in Municipal Bonds. They assert that underwritten offerings of Municipal Bonds are conducted under different terms and conditions than corporate underwritings and for several reasons do not fit within the framework of rule 10f-3. For example, there is no registration requirement for Municipal Bonds under the Securities Act of 1933; such registration is one of the conditions precedent to the availability of the exemption provided for by rule 10f-3. Therefore, the Fund will be precluded from being able to take advantage of the exemption afforded by the rule, and will be unable to purchase Municipal Bonds in public offerings in which the Adviser participates as a "principal underwriter", as such term is defined in secton 2(a)(29) of the Act.

It is the Applicants' contention as stated in its application, that, due to the special nature of the Municipal Bond market and its emphasis on distributions through underwriting syndicates, the Fund must have access to the primary underwriting market in order to obtain best price and execution in the accumulation of portfolio securities. Because of the substantial participation of the Adviser in these underwritings, the Applicants believe that the prohibitions of section 10(f) would, unless modified, prejudice the Fund by precluding access to a significant portion of the Municipal Bond market. The Applicants state that, although there may be a large secondary market in Municipal Bonds, this secondary market lacks the depth and liquidity of the corporate bond or short-term securities market and is more susceptible to sharp price fluctuations.

In order for the Fund to participate in public offerings of Municipal Bonds in which the Adviser is a "principal underwriter", the Applicants seek an order of the Commission exempting its proposed future purchases of Municipal Bonds from section 10(f) on the basis of the terms set forth below, which are discussed in the application. These terms are based upon rule 10f-3 revised for the purposes of the requested exemptive order to reflect the special nature of the Municipal Bond market.

Terms of the Proposed Order

The exemptive order sought by the Applicants would be subject to the following conditions:

(a) The securities to be purchased shall be:

(1) Part of an issue of Municipal Bonds, the interest on which is exempt from Federal income tax, which is being offered to the public;

(2) Purchased at not more than the public offering price prior to the end of the first full business day after the first date on which the issue is offered to the public;

(3) Offered pursuant to an underwriting agreement under which the underwriters are committed to purchase all of the Municipal Bonds being offered, if the underwriters purchase any thereof;

(4) Acquired pursuant to an order (which may be conditional) placed by or for the account of the Fund with an underwriter not earlier than two days after the first public announcement of the offering and prior to the first date on which the issue is offered to the public;

(5) Purchased in an unsolicited transaction originating with the Fund or its investment adviser; and

(6) Purchased in transactions for which records are maintained setting forth the reasons for the purchase and for the sale, if any, of any portfolio securities related to the transaction, which records shall be available for inspection by the Commission.

(b) The gross commission, spread or profit to the principal underwriters shall not exceed 2.5 percent of the principal amount of the issue.

(c) On the date of purchase the issue shall have received an investment grade rating, including conditional or provisional ratings, from Standard & Poor's Corp. or Moody's Investors Service, Inc.; provided, however, if the issuer of the securities to be purchased, or the entity supplying the revenues from which the issue is to be paid, shall have been in continuous operation for less than 3 years, including the operations of any predecessor, then on the date of purchase the issue shall have received a rating of "A" or better from Standard & Poor's Corp. or Moody's Investors Service, Inc.

(d) The principal amount of Municipal Bonds to be purchased by the Fund or by the Fund and any other investment companies having the same investment adviser, shall not exceed 3 percent of the principal amount of the issue being underwritten or $500,000 in principal amount, whichever is greater, but in no event greater than 10 percent of the principal amount of the issue.

(e) The consideration to be paid by the Fund in purchasing the Municipal Bonds being offered shall not exceed 3 percent of the total assets of the Fund; provided, that if such consideration shall exceed $1,000,000, it shall not exceed 1 percent of the Fund's total assets.

(f) The exemptive order shall not be construed to permit transactions which would otherwise be prohibited by section 17 of the Act, and the Fund agrees that the exemptive order will not be applicable to a transaction otherwise prohibited by section 10(f) of the Act unless the Fund does not purchase Municipal Bonds being offered directly or indirectly (including purchases from syndicate managers designated as group sales or otherwise allocated to the account of any person designated in clause (i), (ii) or (iii)), from (i) the Adviser or any affiliated person thereof; (ii) an officer, director, member of an advisory board, investment adviser or employee of the Fund; or (iii) a person of which any such officer, director, member of an advisory board, investment adviser or employee is an affiliated person; the Fund having represented that it will keep its noninterested directors completely informed, and fully aware, of the available alternatives with respect to recapture of the costs of portfolio transactions and having undertaken to take such steps as may be necessary to seek to implement any such recapture, including the filing of applications for exemptions under the Act, if the noninterested directors should determine that recapture is in the best interests of the Fund or if otherwise required by developments in the law.

(g) The purchase of the securities being offered shall have been authorized or approved by a resolution of the board of directors of the Fund, or of a committee composed of at least three members of such board (at least a majority of which must be noninterested persons of the Fund), which resolution shall state that in the judgment of the board or committee, the purchase of securities proposed will meet all the requirements of paragraphs (a) through (f) above and which authorization or approval shall have been supported by the vote (at a meeting or by written consent given without a meeting) of not less than a majority (consisting of at least three persons) of the members of the board of directors or of the committee who were not interested persons of the Fund.

(h) The Fund shall set forth all transactions conducted pursuant to the exemptive order in its quarterly reports filed with the Commission on form N-1Q. In addition, information

as to such transactions shall be contained in the notes to the Fund's published financial statements.

(i) The officers and directors of the Fund and its investment adviser assume the burden of establishing that each transaction made pursuant to the exemptive order is consistent with the purpose of such order which is to assure that the selection of the Fund's portfolio securities is in the interest of the Fund's security holders rather than in the interest of its affiliated persons or in the interest of underwriters, brokers or dealers.

The Applicants state that, as set forth in Investment Company Act Release No. 2797 (December 2, 1958), the conditions to the exemption from section 10(f) contained in rule 10f-3 are designed to permit purchases without an exemptive order where the circumstances are such as to make it unlikely that the purchase will be inconsistent with the protection of investors. The Applicants contend that the exemption sought from the prohibitions of section 10(f) is consistent with the protection of investors. The Applicants further contend that the terms of the exemption sought in the application attempt to incorporate the substantive provisions of rule 10f-3 into a framework taking into account the realities of Municipal Bond underwritings so as to permit effective use of the exemption and at the same time make it unlikely that a purchase thereunder will be inconsistent with the protection of investors.

Notice is further given that any interested person may, not later than October 2, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-25876 Filed 9-13-78; 8:45 am]

[8010-01]

[Release No. 34-15137; File No. SR-MSRB-78-10]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organizations, Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 25, 1978 the abovementioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

On June 15, 1978, the Municipal Securities Rulemaking Board (the "Board") filed with the Securities and Exchange Commission (the "Commission") proposed amendments to sections (e) and (g) of Board rule G-12 on uniform practice (the "proposed amendments"). The Board has filed the following proposed changes to such amendments (the "proposed rule changes").

Rule G-12. Uniform Practice[1]

(a) through (d) No change.

(e) Delivery of Securities

(i) through (viii) No change.

(ix) Delivery of certificates called for redemption. A certificate for which a notice of call has been published *on or* prior to the delivery date shall not constitute good delivery unless securities are identified as "called" at the time of trade or the notice of call is applicable to the entire issue of securities. For purposes of this subparagraph and item (D)(2) of subparagraph G-12(g)(iii), an "entire issue of securities" shall mean securities of the same issuer having the same date of issue, maturity date and coupon rate.

(x) through (xv) No change.

(f) No change.

(g) Rejections and Reclamations.

(i) and (ii) No change.

(iii) (A) through (C) No change.

(D)(1) No change.

(2) not good delivery because notice of call for less than the entire issue of securities was published *on or* prior to the delivery date and the securities were not identified as "called" at the time of trade.

(iv) through (vi) No change.

(h) through (l) No change.

[1] Marked to show changes from proposed rule changes currently filed with the Commission. Italics indicate new language.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes is as follows:

PURPOSE OF PROPOSED RULE CHANGES

Under section (e) of rule G-12, as presently in effect, delivery of a certificate for which a notice of call has been published prior to the trade date does not constitute good delivery if the securities are not identified as "called" at the time of trade. Section (g) of rule G-12, as presently in effect, provides that reclamation may be made, without time limitation, if it is discovered after delivery that a notice of call was published prior to trade date and this was not specified at the time of trade.

The proposed amendments filed with the Commission on June 15, 1978 would modify section (e) of rule G-12 to provide that delivery of a certificate for which a notice of call has been published for less then the entire issue prior to delivery date, as opposed to trade date, does not constitute good delivery unless the securities are identified as "called" at the time of trade. Similarly, the proposed amendments would amend section (g) of rule G-12 to provide for reclamation of called securities in such circumstances.

The proposed rule changes would modify the proposed amendments by providing that, with respect to section (e), delivery of securities would not be good delivery if a notice of call has been published for less than the entire issue on the delivery date, as well as prior to the delivery date. A comparable change would be made in section (g) of rule G-12.

As indicated in the June 15, 1978 filing, the Board believes that modification of sections (e) and (g) of rule G-12 is necessary to reflect more accurately the bargain of the parties to a transaction involving "called" securities. For example, it seems appropriate to assume that the parties to a transaction intend securities that have not been called to be delivered if the securities are not identified as "called" at the time of trade, and the call is not for the entire issue. This assumption would seem valid whether the call is published on or prior to the delivery date. The proposed rule changes therefore modify the proposed amendments to address the situation involving a call published on the delivery date.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

The Board has adopted the proposed rule changes pursuant to section 15B(b)(2)(C) of the Securities Ex-

change Act of 1934, as amended (the "Act"), which authorizes and directs the Board to adopt rules which are:

designed * * * to foster cooperation and coordination with persons engaged in * * * clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

As indicated above, the Board filed proposed amendments to sections (e) and (g) of rule G-12 on June 15, 1978. Such amendments were published by the Commission in the FEDERAL REGISTER on June 29, 1978. In response to a Board notice describing the proposed amendments, the Depository Trust Co. submitted a comment letter to the Board, a copy of which is on file at the offices of the Securities and Exchange Commission and the Board.

Depository Trust Co. expressed support for the proposed amendments, but suggested that the Board consider further amending rule G-12 to provide that the delivery of securities which are called pursuant to a notice published on the delivery date will not be considered "good delivery." As reflected in the proposed rule changes, the Board has determined to adopt the suggestion of the Depository Trust Co.

BURDEN ON COMPETITION

The Board does not believe that the proposed rule changes will impose any burden on competition.

On or before October 19, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by October 5, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 7, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-25879 Filed 9-13-78; 8:45 am]

[8010-10]

[Release No. 34-15138; File No. SR-MSRB-77-12]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organizations, Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 23, 1978 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

On September 20, 1977, the Municipal Securities Rulemaking Board (the "Board") filed with the Securities and Exchange Commission (the "Commission") a series of proposed rules and rule amendments, the general purpose of which was to codify basic standards of fair and ethical business conduct for municipal securities professionals (the "fair practice rules"). The Board filed amendments on February 28, 1978 and June 30, 1978 to certain of the fair practice rules.

The Board has filed amendments to proposed rule G-23 on the activities of financial advisors, one of the fair practice rules. The admendments (hereafter sometimes referred to as the "proposed amendments") effect substantial changes to proposed rule G-23, as originally filed with the Commission. The text of the proposed amendments appears below.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

PURPOSE OF PROPOSED RULE CHANGES

As indicated above, the Board filed its fair practice rules on September 20, 1977. In response to the publication of the fair practice rules in the FEDERAL REGISTER on September 28, 1977, the Commission and the Board received 28 comment letters. See exhibit 2 to amendment No. 1 to form 19b-4A for copies of such letters of comment.

As a result of the extensive comment directed specifically to proposed rule G-23, the Board held two open meetings, on March 3, 1978 in Washington, D.C. and on March 30, 1978 in Denver, Colo., to explore in full the issues raised with regard to proposed rule G-23 by the commentators. Copies of the transcripts of the open meetings have been previously furnished to the Commission staff. On June 8, 1978, after extensive deliberation on the subject, the Board issued for public comment certain draft amendments to proposed rule G-23. The proposed amendments reflect the Board's consideration of the comments on the draft amendments.

In the September 20, 1977 filing, the Board indicated its belief that there is a prima facie conflict of interest when a municipal securities professional acts both as a financial advisor to an issuer of municipal securities and as a purchaser of the issuer's securities. The Board therefore provided in proposed rule G-23 that, in competitive bid situations, a municipal securities professional must obtain the express written consent of the issuer to the purchase of securities by the municipal securities professional in a competitive sale. However, in the negotiated bid situation, the Board prohibited a municipal securities professional from acting in such dual capacity under any circumstances, except with respect to certain short-term issues. The focus of discussion in the comment letters and at the open meetings was on the prohibition in the negotiated sale context.

The Board continues to believe that there is a prima facie conflict of interest when a municipal securities professional acts both as financial advisor to an issuer of municipal securities and as a purchaser of the issuer's securities in a negotiated sale. However, after extensive deliberation, the Board believes that the purpose and intent of rule G-23 can be achieved, without restricting the flexibility of issuers, through an approach which would permit a municipal securities professional to purchase in a negotiated sale the securities of an issuer for whom it has acted as financial advisor, provided that certain conditions are met. These conditions are discussed below.

Specifically, the proposed amendments effect the following changes to proposed rule G-23:

1. *Purpose of the rule.* The proposed amendments add a new section (a) which sets forth a brief statement of the purpose and intent of the Board in adopting proposed rule G-23. The Board believes such a provision is helpful in explaining the Board's goals with respect to the regulation of the

activities of financial advisors under proposed rule G-23.

2. *Definition of financial advisory relationship.* Section (b) of the proposed amendments (section (a) of the proposed rule as filed with the Commission) defines a financial advisory relationship for purposes of the proposed rule. The proposed amendments would clarify the definition of the term by providing examples of the types of services performed by financial advisors. The proposed amendments would also make clear that a municipal securities professional will not be deemed to have a financial advisory relationship with an issuer solely by reason of rendering financial advice to the issuer in the course of acting as an underwriter. Under the proposed amendments, a financial advisory relationship will be deemed to exist in circumstances in which a municipal securities professional renders financial advisory services to an issuer on a continuing basis.

3. *Nonpublic information.* Section (c) of the proposed rule as filed with the Commission prohibits a municipal securities professional from using, for its own benefit or the benefit of another person, nonpublic information obtained in the course of a financial advisory relationship. The proposed amendments would delete this section in its entirety on the basis that it is duplicative of general antifraud rules applicable to transactions in municipal securities.

4. *Underwriting activities.* As noted above, the Board continues to believe that there is a prima facie conflict of interest when a municipal securities professional acts as both financial advisor to an issuer and purchaser of the issuer's securities in a negotiated sale. However, in order to preserve the flexibility of issuers in obtaining financing, the proposed amendments would permit a financial advisor to change capacity subject to certain conditions.

Under the proposed amendments, a financial advisor could purchase a new issue of municipal securities at negotiated sale if the financial advisor terminates in writing the financial advisory relationship with respect to such issue and obtains the express written consent of the issuer, at or after such termination, to the change in capacity.

Further, under the proposed amendments, the municipal securities professional would be required to disclose in writing to the issuer at or before the termination of the financial advisory relationship (1) that there may be a conflict of interest in changing from the capacity of financial advisor to purchaser in a negotiated sale, and (2) the source and anticipated amount of all remuneration to the municipal securities professional with respect to the issue. The municipal securities professional would be required to obtain the express written acknowledgement of the issuer with respect to the receipt of such disclosures and to maintain such consents, disclosures and acknowledgements in a separate file.

The Board believes that the provisions of the proposed amendments requiring disclosure to an issuer and acknowledgement by the issuer will promote informed determinations by issuers concerning the advisability of permitting a financial advisor to purchase the securities of the issuer in a negotiated sale. In view of the changes in section (d) to permit financial advisors to change capacity with respect to negotiated sales of municipal securities, the Board proposes to remove the exemption for short term issues previously provided in section (d).

The provisions of section (d) relating to the purchase of securities at competitive bid would, under the proposed amendments, remain essentially the same as in the proposed rule as filed with the Commission. However, the Board proposes to modify section (d) to require the financial advisor in a competitive bid situation to make available to other prospective bidders, upon request, information which the financial advisor utilizes or expects to utilize in purchasing or selling the securities constituting the issue.

5. *Disclosure to customers.* Section (e) of the proposed rule as filed with the Commission requires a financial advisor who purchases a new issue of municipal securities at competitive bid to disclose in writing to each customer purchasing the securities the existence of the financial advisory relationship. In view of the proposed changes to section (d), the Board proposes to amend section (e) to require the same disclosure in the case of a financial advisor who purchases a new issue of municipal securities at negotiated sale.

6. *Other provisions of the proposed rule.* The requirement in proposed rule G-23 for financial advisory arrangements to be evidenced in a writing which sets forth, among other matters, the basis for compensation to the financial advisory would not be changed by the proposed amendments. The Board proposes to amend section (b), however, to permit parties to enter into a written agreement promptly after, as well as at or prior to, the inception of a financial advisory relationship. In addition, under the proposed amendments, the consent of the issuer with respect to the purchase by a financial advisor of the issuer's securities at competitive bid is not required to be contained in the original agreement relating to the financial advisory relationship, although such consent must be obtained prior to the bid.

Section (g) of the proposed rule as filed with the Commission is modified by the proposed amendments to clarify that the proposed rule is not intended to apply to financial advisory arrangements reduced to writing prior to September 20, 1977, the date proposed rule G-23 was filed with the Commission. However, any written agreement entered into prior to that date which contemplates only a financial advisory relationship would be subject to the requirements of section (d) of the proposed rule with respect to the purchase of the issuer's securities by the financial advisor.

Basis Under the Act for Proposed Rule Changes

The Board has adopted the proposed rule changes pursuant to section 15B(b)(2) of the Securities Exchange Act of 1934, as amended (the "Act"), which authorizes the Board to adopt rules governing transactions in municipal securities effected by brokers, dealers, and municipal securities dealers, and in accordance with the standards set forth in section 15B(b)(2)(C) of the Act, which provides in part that the Board's rules shall

> be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, * * * to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest; and [shall] not be designed to permit unfair discrimination between customers, issuers, municipal securities brokers, or municipal securities dealers * * *.

Comments Received From Members, Participants or Others on Proposed Rule Changes

Proposed rule G-23 was filed with the Commission on September 20, 1977, as one of several fair practice rules. As indicated above, in view of the extensive comment directed specifically to the proposed rule, the Board held two open meetings to discuss the rule and subsequently circulated draft amendments to the proposed rule for public comment. Set forth below is a discussion of the letters of comment received by the Board on the draft amendments.

The following persons submitted letters of comment on the draft amendments:

Roy Romer, Treasurer, State of Colorado
Columbian Securities, Inc. ("Columbian Securities")
The Connecticut Bank and Trust Co. ("Connecticut Bank and Trust")
Hartford National Bank and Trust Co. ("Hartford National Bank")
Hugo Marx & Co. ("Hugo Marx") (2 letters)
Municipal Finance Officers Association (the "MFOA")
Public Securities Association (the "PSA")
Sullivan & Cromwell

John Hahn, Director of Finance of Trumbull, Conn.

Copies of the above letters of comment are on file at the office of the Securities and Exchange Commission and the Board.

The MFOA and the PSA endorsed without reservation the changes reflected in the proposed amendments. In contrast, Connecticut Bank and Trust urged that proposed rule G-23 be rescinded in its entirety.

Roy Romer, Treasurer of the State of Colorado, expressed support for the proposed amendments. However, he suggested that the Board should consider modifying the rule to cover a municipal securities professional who renders financial advisory services without "present expectation of compensation * * * yet then acts as underwriter via negotiation." The Board determined not to adopt this suggestion because it would be difficult to distinguish that situation from the situation involving a municipal securities professional which renders financial advice in the course of acting as an underwriter. As made clear in the proposed amendments to section (b), a financial advisory relationship will not be deemed to exist for purposes of the rule in the latter circumstances.

Sullivan & Cromwell made several specific recommendations concerning the draft amendments. With respect to the provision on negotiated sales, Sullivan & Cromwell suggested that, in lieu of the requirement for a municipal securities professional to disclose in writing that there may be a conflict of interest in changing capacities, a municipal securities professional should be required to disclose that "upon termination, such broker, dealer or municipal securities dealer would no longer be acting on behalf of the issuer as agent subject to the obligations of a financial advisor to the issuer, but rather as a principal, acting and negotiating on its own behalf with respect to the sale." The Board decided to adopt the language contained in the draft amendments, as opposed to the suggested language of Sullivan & Cromwell, because it believes that such language will more effectively apprise an issuer of the possible conflict of interest involved in a municipal securities professional changing from financial advisor to underwriter in the negotiated sale of the securities of the issuer, and therefore enable the issuer to make a more informed determination concerning the advisability of permitting the financial advisor to do so.

Sullivan & Cromwell also suggested that the requirement to disclose to issuers the source and anticipated amount of all remuneration could present compliance problems. In lieu of such a requirement, Sullivan & Cromwell recommended that a municipal securities professional be required to state at the time of termination of its financial advisory role that the compensation it would receive as an underwriter could be substantially greater than that which it would receive solely for its financial advisory services. The Board believes that the requirement to disclose "anticipated amount of all remuneration" would provide more meaningful information to an issuer than the substitute disclosure suggested by Sullivan & Cromwell. Further, since the proposed amendments require disclosure of only the "anticipated" amount of remuneration, the Board believes that municipal securities professionals should not have difficulty in complying with the rule. In those cases in which a municipal securities professional terminates its financial advisory role at an early point in the process of the development of an issue, the municipal securities professional could satisfy the disclosure requirement with respect to anticipated compensation by making appropriate disclosure to the issuer based on the information then known to the professional.

Sullivan & Cromwell and Columbian Securities objected to the requirement in subparagraph (d)(ii)(B) of the draft amendments which would require a municipal securities professional to disclose all material information obtained as a result of a financial advisory relationship and utilized or expected to be utilized in the course of purchasing or selling securities unless such information is made available on a timely basis upon request to other municipal securities professionals interested in bidding on the issue. The Board believes that such disclosure is appropriate and necessary to assure that a municipal securities professional which has acted as a financial advisor does not obtain an unfair competitive advantage over other municipal securities professionals in acquiring the securities of an issuer by reason of information obtained in the course of acting as a financial advisor.

Sullivan & Cromwell also made several suggestions of a clarifying or technical nature. As reflected in the proposed amendments, the Board adopted several of them.

Mr. Hahn, the director of finance of Trumbull, Conn., expressed concern regarding the application of the rule to bond anticipation notes ("bans"). He specifically questioned whether under the draft amendments a municipal securities professional which resigns and purchases an issue of bans in a negotiated sale could subsequently act as financial advisor in connection with the renewal of the notes or the bond issue with respect to which the notes were issued.

Proposed rule G-23 would not preclude the municipal securities professional in the circumstances described above from acting as a financial advisor in connection with the renewal of the notes of the bond issue. The proposed rule is intended to apply on an issue-by-issue basis. The Board considers bans a separate issue from the bonds with respect to which they are issued.

Mr. Hahn also suggested that the Board consider exempting certain note issues:

> * * * any issue of municipal securities having a term of 1 year or less if the aggregate face amount of the issue does not exceed $1 million, or if the term of the issue does not exceed 90 days or if the dealer or municipal securities dealer represents to the issuer in writing that it is purchasing the issue for its own account and not for purposes of resale.

Similarly, Hartford National Bank recommends that small interim financings and negotiated sales of securities by an issuer in emergency situations be exempted.

The Board believes that the disclosure and consent requirements of proposed rule G-23 should apply to all issues. Also, since the proposed amendments would permit financial advisors to change capacity, the Board believes that it is not necessary to provide an exemption for certain issues, as it did in the proposed rule as previously filed with the Commission.

Burden on Competition

The Board is of the opinion that the proposed amendments will not impose any burden on competition among brokers, dealers, or municipal securities dealers not necessary or appropriate in furtherance of the purposes of the Act.

On or before October 19, 1978 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L

Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by October 5, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 7, 1978.

RULE G-23 ACTIVITIES OF FINANCIAL ADVISORS [1]

(a) Purpose. The purpose and intent of this rule is to establish ethical standards and disclosure requirements for brokers, dealer, and municipal securities dealers who act as financial advisors to issuers of municipal securities.

(b) [(a)] Financial advisory relationship. For purposes of this rule, a financial advisory relationship shall be deemed to exist when a broker, dealer, or municipal securities dealer renders or enters into an agreement to render financial advisory or consultant services to or on behalf of an issuer *with respect to a new issue or issues of municipal securities, including advice with respect to the structure, timing, terms and other similar matters* concerning *such issue or issues* [a new issue of municipal securities], for a fee or other compensation or in expectation of such compensation for the rendering of such services. *Notwithstanding the foregoing, a financial advisory relationship shall not be deemed to exist when, in the course of acting as an underwriter, a municipal securities dealer renders advice to an issuer, including advice with respect to the structure, timing, terms and other similar matters concerning a new issue of municipal securities.*

(c) [(b)] Basis of compensation. Each [agreement entered into by a broker, dealer, or municipal securities dealer concerning a] financial advisory relationship shall be evidenced *by* [in] a writing entered into [at or] prior to, *upon or promptly after* the inception of the financial advisory relationship (or promptly after the creation or selection of the issuer if the issuer does not exist or has not been determined at the time the relationship commences). Such writing shall set forth the basis of compensation for the financial advisory services to be rendered, including provisions relating to the deposit of funds with or the utilization of fiduciary or agency services offered by such broker, dealer, or municipal securities dealer or by a person controlling, controlled by, or under common control with such broker, dealer, or municipal securities dealer in connection with the rendering of such financial advisory services. The requirement for a writing shall become effective on ———— [90 days after the date of approval by the Commission].

[(c) Nonpublic information. No broker, dealer, or municipal securities dealer shall make use of material, nonpublic information obtained in the course of a financial advisory relationship with an issuer, in connection with the purchase, sale, or exchange of securities of such issuer, whether for the benefit of such broker, dealer, or municipal securities dealer, or any other person.]

(d) Underwriting Activities. No broker, dealer, or municipal securities dealer that has a financial advisory relationship with respect to a new issue of municipal securities shall [:] *acquire as principal either alone or as a participant in a syndicate or other similar account formed for the purpose of purchasing, directly or indirectly, from the issuer all or any portion of such issue, or arrange for such acquisition or participation by a person controlling, controlled by, or under common control with such broker, dealer, or municipal securities dealer, unless*

(i) if such issue is to be sold by the issuer on a negotiated basis [acquire as principal or participate in a syndicate or other similar account formed for the purpose of purchasing, directly or indirectly, from the issuer all or any portion of the issue, or arrange for such acquisition or participation by a person controlling, controlled by, or under common control with such broker, dealer, or municipal securities dealer; or]

(A) the financial advisory relationshp with respect to such issue has been terminated in writing and at or after such termination the issuer has expressly consented in writing to such acquisition or participation in the purchase of the securities on a negotiated basis;

(B) the broker, dealer, or municipal securities dealer has expressly disclosed in writing to the issuer at or before such termination that there may be a conflict of interest in changing from the capacity of financial advisor to purchaser of the securities with respect to which the financial advisory relationship exists and the issuer has expressly acknowledged in writing to the broker, dealer or municipal securities dealer receipt of such disclosure; and

(C) the broker, dealer or municipal securities dealer has expressly disclosed in writing to the issuer at or before such termination the source and anticipated amount of all remuneration to the broker, dealer or municipal securites dealer with respect to such issue in addition to the compensation referred to in section (c) of this rule, and the issuer has expressly acknowledged in writing to the broker, dealer or municipal securities dealer receipt of such disclosure; or

(ii) if such issue is to be sold by the issuer at competitive bid, [acquire as principal or participate in a syndicate or other similar account formed for the purpose of purchasing, directly or indirectly, from the issuer all or any portion of the issue unless:]

(A) *the issuer has expressly consented in writing prior to the bid* [the writing referred to in section (b) above includes the express written consent of the issuer] to such acquisition or participation, and

(B) all material information concerning the issue or the issuer thereof *obtained* [known to such broker, dealer, or municipal securities dealer] as a result of the financial advisory relationship *and utilized or expected to be utilized by such broker, dealer, or municipal securities dealer in the course of purchasing or selling the securities constituting such issue* has been *made available* [disseminated] on a timely basis *upon request* to other brokers, dealers, and municipal securities dealers [reasonably expected to be] interested in bidding for the issue.

The limitations *and requirements* set forth in [paragraph (ii) of] this section (d) shall also apply to any broker, dealer, or municipal securities dealer controlling, controlled by, or under common control with the broker, dealer, or municipal securities dealer having a financial advisory relationship. [This section (d) shall not apply to any issue of municipal securites having a final stated maturity of fewer than 366 days, other than bond anticipation notes.] The use of the term "indirectly" in this section (d) shall not preclude a broker, dealer, or municipal securities dealer who has a financial advisory relationship with respect to a new issue of municipal securities from purchasing such securities from *an underwriter* [a syndicate], either for its own trading account or for the account of customers, except to the extent that such purchase is made to contravene the purpose and intent of this rule. *Each broker, dealer, and municipal securities dealer subject to the provisions of this section (d) shall maintain a copy of the written disclosures, acknowledgements and consents required by this section in a separate file and in accordance with the provisions of rule G-9).*

(e) Disclosure to customers. If a broker, dealer, or municipal securities dealer acquires new issue municipal se-

[1] Italic indicate new language; brackets indicate deletions.

curities or participates in a syndicate or other account that acquires new issue municipal securites in accordance with *section (d)* [paragraph (d) (ii)] of this rule, such broker, dealer, or municipal securities dealer shall disclose [in writing, at or before the completion of the transaction,] the existence of the financial advisory relationship *in writing* to each customer who purchases such securities from such broker, dealer, or municipal securities dealer, *at or before the completion of the transaction with the customer.*

(f) Applicability of State or Local Law. Nothing contained in this rule shall be deemed to supersede any more restrictive provision of state or local law applicable to the activities of financial advisors.

(g) Non-Applicability of Rule to Prior Written Agreements. *This rule shall not apply to any written agreement entered into prior to September 20, 1977 [the date of filing of this rule with the Commission] which expressly permits a broker, dealer or municipal securities dealer to act in a manner or capacity prohibited by this rule, but this rule shall apply to any extension or renewal of any such agreement.* [This rule shall not apply to any written agreement entered into prior to ————, [the date of filing of this rule with the Commission], but shall apply to any extension or renewal of any such agreement.]

[FR Doc. 78-25880 Filed 9-13-78; 8:45 am]

[8010-01]

[Release No. 34-15131; File No. SR-NASD-78-8]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 23, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

TEXT OF PROPOSED RULE CHANGE

The following is the full text of proposed new part XII of schedule D of article XVI of the Association's bylaws. (New language is indicated by italics.)

XII

PROCEDURES FOR ACCESS TO THE NASDAQ SYSTEM BY NON-NASDAQ MARKET MAKERS

These procedures permit a registered NASDAQ market maker, upon approval by the Corporation, to enter quotations into the NASDAQ System on behalf of another market maker who does not subscribe to Level 3 NASDAQ service.

A. *Definitions:*

1. *An "access market maker" is a member of the Association who does not subscribe to Level 3 NASDAQ service, but is or intends to be a market maker in a security for which quotations are displayed on the NASDAQ System.*

2. *An "entering subscriber" is a registered NASDAQ market maker who has entered into an arrangement with an access market maker to enter quotations in the NASDAQ System on behalf of such access market maker.*

B. *The entering subscriber may enter quotations in the NASDAQ System on behalf of an access market maker only upon submission and approval by the Association of the following:*

1. A fully executed copy of the access arrangement agreement which shall contain all agreements and conditions concerning the access arrangement.

2. An application for registration as an access market maker for each security.

C. *Access market makers and entering subscribers shall be limited to one access arrangement in each security.*

D. *Quotations displayed by the entering subscriber on behalf of the access market maker shall be accompanied by the entering subscriber's market maker identifier and a special symbol designating that an access arrangement exists. The identity of the access market maker must be made available by the entering subscriber upon request.*

E. *All transactions resulting from the display of quotations in the NASDAQ System by the entering subscriber shall be executed by the entering subscriber and he shall be responsible for the transaction. Both the entering subscriber and the access market maker shall be subject to and be responsible for compliance with the provisions of Schedule D.*

F. *Access market makers shall pay to the Corporation an access fee of $100 per month for the first security and $75 per month for each additional security which is subject to an approved access arrangement.*

NASD's STATEMENT OF PURPOSE OF PROPOSED RULE CHANGE

Proposed new part XII of schedule D permits non-NASDAQ market makers to gain access to NASDAQ level 3 service through NASDAQ market makers. Under the proposal, an "access market maker" may display his quotations in the NASDAQ System through an "entering subscriber," a registered NASDAQ market maker who agrees to enter quotations on behalf of the access market maker. Both the access market maker and the entering subscriber will be subject to compliance with schedule d. All transactions will be executed by the entering subscriber, who will assume full responsibility for the transactions. A special symbol disclosing that an access arrangement exists will accompany the entering subscriber's quotation, and the identity of the access market maker must be made available upon request.

Each access arrangement will be required to be registered with and approved by the Association. Furthermore, access market makers and entering subscribers will be limited to one access arrangement in each security. Access market makers will be charged an access fee by the Association for each security under an approved access arrangement.

NASD's STATEMENT OF BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

Section 15A(b)(11) provides that the rules of a national securities association shall include provisions governing the form and content of quotations relating to securities sold otherwise than on a national securities exchange which may be distributed or published by any member or person associated with a member, and the persons to whom such quotations may be supplied. Such rules relating to quotations shall be designed to produce fair and informative quotations, to prevent fictitious or misleading quotations, and to promote orderly procedures for collecting, distributing, and publishing quotations.

Proposed new part XII of schedule D has been approved by the Board of Governors under the authority granted to it by article XVI, section 3 of the Association's bylaws as a means of carrying out the purposes of the Act.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

Seven (7) comment letters were received from the membership regarding proposed new part XII of schedule D. The members who responded uniformly objected to what they considered the prohibitive cost of access service.

NASD's STATEMENT REGARDING BURDEN ON COMPETITION

Several of the comments received criticized the proposal as imposing an undue burden on competition. The Association's response to this criticism is

that, far from constituting a burden on competition, the proposal will actually enhance competition. Currently, non-NASDAQ market makers are not permitted access to the NASDAQ System for market making activities. The proposed access service will permit non-NASDAQ market makers to display their quotations in the NASDAQ system through NASDAQ market makers and therefore increase competition among market makers. Furthermore, the Association believes that, based upon the cost of NASDAQ terminals and the expenses involved in operating a trading department, the $100 fee for access service is reasonable.

On or before October 19, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by October 5, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 6, 1978.

[FR Doc. 78-25881 Filed 9-13-78; 8:45 am]

[8010-01]

[Release No. 34-15125; File No. SR-NYSE-78-47]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 21, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED AMENDMENTS

The proposed amendments allow a member organization whose sole qualifying member has ceased to be associated therewith to continue its status as a member organization for a specified period of time.

STATEMENT OF PURPOSE OF PROPOSED AMENDMENTS

The Exchange constitution and rules allow a member organization whose sole qualifying member has died, to remain a member organization for 60 days or such longer period as the Exchange may determine if the member is engaged in active military or political service.

The proposed amendments extend the permitted time period for retention of member organization status from 60 to 90 days, and expand the provisions to be applicable in any situation where the sole qualifying member ceases to be associated with the member orgainization. The member organization must continue to comply with Exchange rules, and would continue to be regulated by the Exchange as a member organization. The Exchange would have the authority to extend the 90-day time period, up to an additional 90 days, where necessary for the completion of legal requirements (e.g., appointment of executor, receipt of will or tax waivers, etc.) necessary for the transfer of the membership, or where an arbitration proceeding has already been commenced to resolve a dispute arising from an a-b-c agreement (a financing arrangement for purchase of a membership) relating to such membership.

STATEMENT OF BASIS UNDER ACT

The basis under the Act for the proposed amendments is sections 3(a)(3)(A)(iv) and 6(b)(5).

The proposed amendments are consistent with section 6(b)(5) in that they provide for the protection of investors and the public interest by allowing a member organization which has lost its sole qualifying member to continue as a member organization with minimal interruption.

The proposed amendments are also consistent with section 3(a)(3)(A) which defines a member of a national securities exchange as " * * * any registered broker or dealer which agrees to be regulated by such exchange and with respect to which the exchange undertakes to enforce compliance with the provisions of this title the rules and regulations thereunder, and its own rules * * *".

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, AND OTHERS

No comments were solicited or received.

STATEMENT OF BURDEN ON COMPETITION

The proposed amendments will impose no burden on competition.

On or before October 19, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submission should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by October 5, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 1, 1978.

[FR Doc. 78-25882 Filed 9-13-78; 8:45 am]

[8010-01]

[Release No. 34-15130; File No. SR-NYSE-78-49]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 21, 1978, the above-mentioned self-regulatory organization filed with the Secu-

rities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED AMENDMENTS

The proposed amendments allow an a-b-c member to continue to transact business on the floor during any time period allowed for the exercise of option (a), (b) or (c) of an a-b-c agreement. (Upon termination of an a-b-c agreement, a member must: retain the membership and pay the member organization the amount necessary to purchase another membership (option a); sell the membership and pay the proceeds to the member organization (option b); or transfer the membership to a person designated by the member organization for a nominal consideration (option c)).

EXCHANGE'S STATEMENT OF PURPOSE OF PROPOSED RULE CHANGE

The proposed amendments permit a member, whose membership is financed by his member organization pursuant to an a-b-c agreement and who ceases to be associated with the financing member organization, to transact business as an individual member on the floor during any period allowed for the exercise of option (a), (b) or (c).

In certain situations where the resolution of a-b-c agreement provisions have become protracted, members have been permitted to transact business on the floor provided another member or member organization guaranteed the members trades. The proposed amendments extend the provisions to all a-b-c members, codify the practice in exchange rules and set forth the specific criteria for so acting.

To so act, the member must be a broker/dealer registered with the Securities and Exchange Commission and must comply with the exchange's financial responsibility rule (rule 325(e)). The financial responsibility rule would afford the member organization participant to the a-b-c agreement, which retains a financial interest in the membership until option (a), (b) or (c) is exercised, protection to the extent that claims resulting from the member's transaction of business on the floor would first be satisfied by the $25,000 guarantee requirement. In addition, the member would be restricted to functioning as an individual member (so-called "two-dollar broker"). This restriction results from the operation of the "use and proceeds" agreement in which each member associated with a member organization pledges the use of his membership to the organization and agrees that the proceeds from the transfer of the membership shall be available for the protection of creditors of the organization and generally as an asset of the organization. To allow a member to associate with another member organization prior to the exercise of a-b-c agreement options would be to permit such a member to pledge the use of his membership and the proceeds of transfer thereof with two member organizations, and would diminish the protection which the agreement seeks to provide the creditors and customers of each member organization.

EXCHANGE'S STATEMENT OF BASES UNDER THE ACT

The basis under the Act for the proposed amendments is sections 6(b)(5), 6(b)(7), and 6(c)(3)(A).

Compliance with the financial responsibility rule and the limitation to functioning as an individual member are standards which are consistent with section 6(b)(5) in that they are designed to protect the interests of customers and the public by assuring that members and member organizations with whom they deal have adequate financial responsibility and operational capability pursuant to section 6(c)(3)(A).

Exchange rules deem a membership to be a personal franchise vested solely in the member regardless of the manner in which the membership is financed. A member who is no longer associated with the member organization participant to an a-b-c agreement, remains a member if he elects to retain the membership (option a) or until he sells (option b) or transfers (option c) the membership. To deny a member access to the floor during this transition period solely because he is no longer associated with a particular member organization, would be inconsistent with the Act because: Section 6(b)(7) of the Act which requires that the rules of an exchange provide fair procedures for any limitation of any natural person with respect to access.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED AMENDMENTS

No comments were solicited or received.

EXCHANGE'S STATEMENT OF BURDEN ON COMPETITION

No burden on competition will be imposed by the proposed amendments.

On or before October 19, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by October 5, 1978.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: September 6, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-25883 Filed 9-13-78; 8:45 am]

[8010-01]

[Release No. 34-15136; File No. SR-Amex-78-19]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 28, 1978 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a rule change as follows:

EXCHANGE'S STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Article III, section 8 of the Constitution of the American Stock Exchange Inc. (the "Amex") is amended by the addition of a new subparagraph (j) (*Italics* indicate new material):

Secrecy in Voting

(j) Whenever any action, including the election of a person to any position or office, is to be taken by the vote of the regular members of the Exchange, secrecy in voting shall be preserved.

After the proxies have been tabulated and the inspectors have certified all results, the proxies shall be sealed by the inspectors and retained by the exchange, sealed.

PURPOSE OF THE PROPOSED RULE CHANGE

Amex states that the purpose of the proposed amendment is to establish a general constitutional requirement that membership votes, including elections, be by secret ballot.

BASIS UNDER THE ACT

Amex believes the amendment is consistent with section 6(b)(3) of the Act, in that it formalizes a procedure which contributes to fair representation of Amex members in the selection of the Board of Governors and the administration of its affairs.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGE

Amex states that no comments were solicited or received from members or any other persons concerning this amendment.

BURDEN ON COMPETITION

The Amex has determined that no burden on competition will be imposed by the proposed rule change.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by October 5, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 7, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-25877 Filed 9-13-78; 8:45 am]

[8010-01]

[Release No. 34-15133; File No. SR-MSE-78-20]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on August 11, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

This filing presents an Option Floor Procedure Manual for the Midwest Stock Exchange, Inc. The manual includes descriptive procedures for complying with various existing rules of the Exchange. It also includes copies of forms used, and discusses interpretations to those rules.

Attached as exhibit A is the complete text of the "Options Floor Procedure Manual".

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the Options Floor Procedure Manual is to clarify existing rules of the Exchange by showing examples, procedures for compliance, forms to be used and interpretations of those Rules.

The basis for this rule proposal is section 6(b)(5) of the Act, which provides that the rules of the Exchange be designed to promote just and equitable principles of trade.

The Midwest Stock Exchange, Inc. has neither solicited nor received any comments.

The Midwest Stock Exchange, Inc. believes that no burdens have been placed on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by October 5, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 7, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-25878 Filed 9-13-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

[Public Notice CM-8/104]

ADVISORY COMMITTEE TO U.S. SECTION, INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION

Meeting

The Advisory Committee to the U.S. Section, International North Pacific Fisheries Commission, will meet on September 26, 1978, at the Federal Building, Juneau, Alaska, at 8:30 a.m. The meeting will discuss the 1978 protocol to the International Convention for the High Seas Fisheries of the North Pacific Ocean, surveillance of foreign fishing fleets, the progress of fisheries research, the Alaska salmon fisheries, and fishery developments as they affect the International North Pacific Fisheries Commission. The meeting on September 26 from 8:30 a.m. until noon will be open to the public.

Requests for further information on the meeting should be directed to Mr. Carl Price, Pacific Fisheries Officer, Room 3214 (OES/OFA/FA), U.S. Department of State, Washington, D.C. 20520. Mr. Price can be reached by telephone on 202-632-2883.

Dated: September 11, 1978.

BENOIT BROOKENS II,
Special Assistant to the Deputy Assistant Secretary for Oceans and Fisheries Affairs.

[FR Doc. 78-25950 Filed 9-13-78; 8:45 am]

[4710-07]

[CM-8/100]

STUDY GROUP 5 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 5 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on October 6, 1978, from 9:30 a.m. until 12:30 p.m., in the Aspen Room, National Telecommunications and Information Administration, Department of Commerce, 1325 G Street NW., Washington, D.C.

Study Group 5 deals with propagation of radio waves (including radio noise) at the surface of the Earth, through the nonionized regions of the Earth's atmosphere, and in space where the effect of ionization is negligible. The purpose of the meeting is preparation for the special preparatory meeting for the 1979 World Administrative Radio Conference and the International Study Group 5 meeting.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the chairman.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone 202-632-2592.

Dated: September 5, 1978.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc. 78-25835 Filed 9-13-78; 8:45]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 78-088]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats, and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from September 27, 1977, to May 19, 1978 (list No. 1-78). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

KAPOK LIFE PRESERVER

Approval No. 160.002/67/0, model 3, adult kapok life preserver, USCG specification subpart 160.002. Elvin Salow Co., 273-285 Congress Street, Boston, Mass. 02210, no longer manufactures certain kapok life preservers and approval No. 160.002/67/0 was therefore terminated effective February 6, 1978.

Approval No. 160.002/68/0, model 5, child kapok life preserver, USCG specification subpart 160.002. Elvin Salow Co., 273-285 Congress Street, Boston, Mass. 01120, no longer manufactures certain kapok life preserver and approval No. 160.002/68/0 dated February 6, 1973, was therefore terminated effective February 6, 1978.

CORK RING LIFE BUOY

Approval No. 160.009/15/0, 30-inch cork ring life buoy, USCG specification subpart 160.009 and drawing No. 3401/3/68 dated March 14, 1968, and USCG letter dated April 23, 1968. Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, no longer manufactures certain cork ring life buoy and approval No. 160.009/15/0 dated February 2, 1973, was therefore terminated effective February 2, 1978.

GAS MASK

Approval No. 160.011/22/1, type WUG-N1W universal gas mask, Bureau of Mines approval No. 1443A consisting of BM-1443A canister, BM-1432 harness, and BM-1623 facepiece. Willson Products Division ESB Inc., Second and Washington Streets, Reading, Pa. 19063, no longer manufactures certain gas mask and approval No. 160.011/22/1 dated February 2, 1973, was therefore terminated effective February 2, 1978.

Approval No. 160.011/23/1, type WUG-N2W universal gas mask, Bureau of Mines approval No. 1445A, consisting of BM-1445A canister, BM-1432 or BM-1444 harness, and BM-1423 facepiece. Willson Products Division ESB Inc., Second and Washington Streets, Reading, Pa. 19603, no longer manufactures certain gas mask and approval No. 160.011/23/1 dated February 2, 1973, was therefore terminated effective February 2, 1978.

UNICELLULAR PLASTIC RING LIFE BUOY

Approval No. 160.050/51/0, 30-inch unicellular plastic ring life buoy, USCG specification subpart 160.050 and drawing No. 8431-1-68 dated January 30, 1968. Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, no longer manufactures certain unicellular plastic ring life buoy and approval No. 160.050/51/0 dated February 2, 1973, was therefore terminated effective February 2, 1978.

Approval No. 160.050/49/0, 30-inch unicellular plastic ring life buoy, USCG specification subpart 160.050, Cal-June Corp. letter dated October 22, 1967, and drawing No. R dated January 25, 1968. Cal-June Corp., P.O. Box 9551, North Hollywood, Calif. 91606, no longer manufactures certain unicellular plastic ring life buoy and approval No. 160.050/49/0 dated November 16, 1972, was therefore terminated effective November 16, 1977.

Approval No. 160.050/59/0, 30-inch model No. CGX-30 unicellular plastic ring life buoy, USCG specification subpart 160.050, Cal-June Corp. letter dated October 22, 1967, and September 17, 1968, and drawing No. RX dated September 1, 1968. Cal-June Corp., P.O. Box 9551, North Hollywood, Calif. 91606, no longer manufactures certain unicellular plastic ring life buoy and approval No. 160.050/59/0 dated August 2, 1973, was therefore terminated effective March 9, 1978.

UNICELLULAR PLASTIC FOAM WORK VEST

Approval No. 160.053/14/0, unicellular plastic foam work vest, drawing Nos. 20, 21, and 22, and bill of materials dated May 21, 1963, Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, and 12th and Graham Streets, Emporia, Kans. 66801 no longer manufactures certain unicellular plastic foam work vest and approval No. 160.053/14/0 dated January 4, 1973, was therefore terminated effective January 4, 1978.

Approval No. 160.053/25/0, style Nos. 228 and 229, unicellular plastic foam, cloth-covered work vest, Tapatco drawing Nos. 282-1, 282-2, and 282-3 dated February 11, 1965. Outdoor Supply Co., Inc., Oxford, N.C. 27565, no longer manufactures certain unicellular plastic foam work vest and

approval No. 160.053/25/0 dated February 2, 1973, was therefore terminated effective February 2, 1978.

UNICELLULAR PLASTIC FOAM LIFE PRESERVER

Approval No. 160.055/56/1, nonstandard model 8115, adult molded cloth-covered unicellular plastic foam life preserver, drawing no. 8115/10/67, revision 2 dated March 25, 1968. Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, no longer manufactures certain unicellular plastic foam life preserver and approval No. 160.055/56/1 dated January 8, 1974, was terminated effective January 8, 1978.

Approval No. 160.055/57/0, type II, model 8116, child molded cloth-covered unicellular plastic foam life preserver, drawing No. 8115/10/67, revision 2 dated March 25, 1968. Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avene, Brooklyn, N.Y. 11201, no longer manufactures certain unicellular plastic foam life preserver and approval no. 160.055/57/0 dated February 2, 1973, was therfore terminated February 2, 1978.

WATER SPRAY-TYPE FIRE EXTINGUISHING SYSTEMS

Approval No. 162.036/2/0, Bete water spray system for tank vessel pumprooms, nozzle model Nos. N3S, N3WS, N5S, and N5WS, layout drawing Nos. 4S-453B, 4S-454B, 4S-455B, 4S-456B, all revised May 5, 1958. Bete Fog Nozzle, Inc., 309 Wells Street, Greenfield, Mass. 01301, approval No. 162.036/2/0 dated January 3, 1973, expired and was terminated effective January 3, 1978.

NONCOMBUSTIBLE MATERIAL

Approval No. 164.009/51/0, "Glasweld" and "quasal" cement-asbestos board-type noncombustible materials as described in National Bureau of Standards Report No. TG10210-2023:PF3450 dated May 20, 1958. Champion International U.S. Plywood Division, 777 Third Avenue, New York, N.Y. 10017, approval No. 164.009/51/0 dated April 12, 1973, was terminated effective April 12, 1978.

INTERIOR FINSISH

Approval No. 164.012/5/0, CCC-W408a, type II, mediumweight coated, quality V-275, UL Serial A 34741, vinyl-coated fabric wall covering (Vicrtex) manufactured by L. E. Carpenter & Co., Wharton, N.J. 07885, expired and was terminated January 2, 1978.

Approval No. 164.012/7/0, CCC-W-408a, type I, lightweight coated, quality V-152, UL Serial A 34730, vinyl-coated fabric wall covering (Victrtex) manufactured by L. E. Carpenter & Co., Wharton, N.J. 07885, expired and was terminated January 2, 1978.

Approval No. 164.012/7/0, CCC-W-408a, type I, lightweight laminate, quality VW-73 (1), UL Serial F 22215, vinyl-coated fabric wall covering (Vicrtex) manufactured by L. E. Carpenter & Co., expired and was terminated January 2, 1978.

Approval No. 164.012/8/0, CCC-W-408a, type I, lightweight laminated plus tedlar, quality VR-74 (R), UL Serial F 9531, vinyl-coated fabric wall covering (Vicrtex) manufactured by L. E. Carpenter & Co., expired and was terminated January 2, 1978.

Dated: September 1, 1978.

H. H. BELL,
Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc. 78-25907 Filed 9-13-78; 8:45 am]

[4910-14]

[CGD 78-087]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR chapter I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motor boats and other recreational vessels, and on the artificial island and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from September 27, 1977, to May 19, 1978 (list No. 1-78). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LIFE FLOAT

Approval No. 160.027/40/5, 4.17' x 3.0' (8" x 8½" body section) rectangular life float, fibrous glass, reinforced neoprene latex shell with unicellular plastic foam core, or, alternate construction of unicellular plastic foam core, wrapped with waterproof vinyl coated cotton tape and sealed with fire retardant urethane coatings. Six-person capacity, identified by drawing No. 4 LF revised July 23, 1974, drawing No. 4 LF supplement dated July 29, 1977. Manufactured by the Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla., effective date September 14, 1977 (supersedes approval No. 160.027/40/5 dated September 14, 1972.)

Approval No. 160.027/41/5, 6.17' x 3.67' (10" x 9¼" body section) rectangular life float, fibrous glass, reinforced neoprene latex shell with unicellular plastic foam core, or, alternate construction of unicellular plastic foam core, wrapped with waterproof vinyl coated cotton tape and sealed with fire retardant urethane coatings, 12-person capacity, identified by drawing No. 4 LF revised July 23, 1974, drawing No. 4 LF supplement dated July 29, 1977 (to show alternate platform construction) effective September 14, 1977, manufactured by the Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560. (Supersedes approval No. 160.027/41/5.)

LIFEBOAT DAVIT

Approval No. 160.032/213/0, type MRD 8.0 gravity davit and launching cradle; approved for a maximum working load of 17,700 pounds per set (8,850 lb per davit head) using single-part falls; identified by general arrangement drawing F103185, revision A dated March 21, 1977, and drawing list D402520, undated. Manufactured by Watercraft America, Inc., P.O. Box 307, Mims, Fla. 32754, effective March 7, 1978 (supersedes approval No. 160.032/213/0 dated September 6, 1977, to include comments in "Remarks" below).

Approval No. 160.032/214/0, type 6.5M A-frame fixed gravity davit; approved for a maximum working load of 11,200 pounds per set (5,600 lb per arm) using one-part falls; identified by Schat Davits, Ltd., general drawing list dated November 16, 1977. Manufactured by Watercraft America, Inc., P.O. Box 307, Mims, Fla. 32754, effective February 15, 1978.

Approval No. 160.032/216/0, type SPG (L) MKII gravity pivot davit; approved for a maximum working load of 11,200 pounds per set (5,600 lb per arm) using 2-part falls; identified by Schat Davits, Ltd., general arrange-

ment drawing F-103561, revision A dated September 26, 1977, and drawing list D-402886 dated December 6, 1977. Manufactured by Watercraft America, Inc., P.O. Box 307, Mims, Fla. 32754, effective March 7, 1978.

Approval No. 160.032/217/0, Type SS2810 survival capsule launching system (winch-typé); approved as an alternate to a lifeboat davit for a maximum working load of 11,000 lbs. on a single fall; identified by general arrangement drawing SS2810 dated August 18, 1977. Manufactured by Whittaker Corp., 5159 Baltimore Drive, La Mesa, Calif. 92041, effective March 7, 1978.

MECHANICAL DISENGAGING APPARATUS (FOR LIFEBOATS)

Approval No. 160.033/66/1, Viking on-load release gear, approved for a maximum working load of 8,517 lbs. per hook, identified by 26' on-load release gear arrangment drawing 8.0 EL-015A dated March 6, 1978, and drawing list dated March 23, 1978. Manufactured by Watercraft America, Inc., P.O. Box 307, Mims, Fla. 32754, effective May 8, 1978 (supersedes approval No. 160.033/66/0 dated November 16, 1977, to show revised working load).

Approval No. 160.033/60/4, Rottmer Type, releasing gear, approved for a maximum working load of 15,000 lbs. per hook, identified by disengaging apparatus drawing No. 9090-111 revision E dated June 11, 1976. Manufactured by Whittaker Corp., 5159 Baltimore Drive, La Mesa, Calif. 90242, effective March 30, 1978 (supersedes approval No. 160.033/60/4 dated April 9, 1973, to show revised drawing).

LIFEBOAT

Approval No. 160.035/105/3, Class 1, 48-person capacity, 26.0' x 9.0' x 3.8' steel, motor-propelled lifeboat, identified by general arrangement and construction drawing No. 26-001-1 revision B dated February 11, 1978. Built with wooden or fibrous glass reinforced plastic (FRP) removable interior. Manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, N.Y. 11231, effective March 3, 1978 (supersedes approval No. 160.035/105/2 dated December 14, 1972, to show addition of alternate engine).

Approval No. 160.035/443/5, Class 1 lifeboat, motor-propelled 74-person capacity, 30.0' x 10.0' x 4.33' fibrous glass reinforced plastic by general arrangement drawing No. P-30-1M, revision K dated December 13, 1977, and drawing list P-30-MP dated December 12, 1977. Manufactured by Marine Safety Equipment Corp., Foot of Wyckoff Road, Farmingdale, N.J. 07727, effective February 8, 1978. (Supersedes approval No. 160.035/443/4 to show optional engine.)

Approval No. 160.035/475/1, Class 1, motor-propelled lifeboat, 44-person capacity, fibrous glass reinforced plastic (FRP), totally enclosed (covered), without radio cabin or searchlight, identified by general arrangement drawing No. 8EL-101 revision 7 dated March 11, 1977, and 8 meter enclosed lifeboat approved drawing list dated July 21, 1977. Manufactured by Watercraft America, Inc., P.O. Box 307, Mims, Fla. 32754, effective September 1, 1977. (Supersedes approval No. 160.035/475/0 dated February 13, 1975, to show effect of modifications.)

Approval No. 160.035/485/0, Class 1, 21.03' x 8.08' x 2.93' fibrous glass reinforced plastic (FRP), totally enclosed (covered) motor-propelled lifeboat, without radio cabin or searchlight, 23-person capacity, identified by constructional arrangement drawing No. 6.5 KL-122A, dated October 3, 1977, and 6.5 meter (21 ft.) class 1 lifeboat drawing list dated November 11, 1977. Manufactured by Watercraft America, Inc., P.O. Box 307, Mims, Fla. 32754, effective November 21, 1977.

Approval No. 160.035/465/1, 14.0' diameter x 4.8' depth fibrous glass reinforced plastic (FRP) motor-propelled, totally enclosed survival capsule, 28-person capacity, as alternate for lifeboat, inflatable liferaft or lifeboat, identified by general arrangement drawing No. 9091-101 dated June 1, 1974, except that Xenon blinker is optional item. Manufactured by Whittaker Corp., 5159 Baltimore Drive, La Mesa, Calif. 92042, effective March 30, 1978 (supersedes approval No. 160.035/465/1 dated April 11, 1973, to show revised laminating procedure and optional blinker).

Approval No. 160.035/480/3, Model CA2801, 14.0' diameter x 4.8' depth fibrous glass reinforced plastic (FRP) motor-propelled totally enclosed survival capsule fitted with Farymann S30M engine 28-person capacity, as alternate for lifeboat, inflatable liferaft or lifefloat, identified by master drawing list for model CA2801, revision B dated August 4, 1975. Manufactured by Whittaker Corp., Survival Systems Division, 5159 Baltimore Drive, La Mesa, Calif. 92042, effective November 4, 1977 (supersedes approval No. 160.035/480/3 dated January 12, 1977, to show revision of master drawing list).

Approval No. 160.035/483/1, Model CA5001, 19.75' x 14.0' x 5.12' fibrous glass reinforced plastic (FRP) motor-propelled, totally enclosed survival capsule fitted with Perkins 4.154 diesel engine, 50-person capacity, as alternate for lifeboat, inflatable liferaft or life float, identified by master drawing list for Model CA5001, revision C dated August 1977 and general arrangement drawing CA5001-101 revision C dated March 31, 1977. Manufactured by Whittaker Corp, 5159 Baltimore Drive, La Mesa, Calif. 92041, effective November 8, 1977. (Supersedes approval No. 160.035/483/1 dated January 12, 1977, to show updated drawing list.)

Approval No. 160.035/486/0, Model CA5003, 19.75' x 14.0' x 5.12' fibrous glass reinforced plastic (FRP) motor-propelled, totally enclosed survival capsule, approved as equivalent to totally enclosed (covered) motor-propelled lifeboat, without radio cabin or searchlight (class 1), 50-person capacity, identified by master drawing list for model CA5003, dated August 1977, and general arrangement drawing CA5003-101, dated March 7, 1977. Manufactured by Whittaker Corp., 5159 Baltimore Drive, La Mesa, Calif. 92041, effective November 8, 1977.

HAND ORANGE SMOKE DISTRESS SIGNAL

Approval No. 160.037/15/0, International hand-held orange smoke distress signal, catalog No. CG-3234, drawing. CP-4335-1-1, dated March 15, 1977. Manufactured by Kilgore Corp., Toone, Tenn. 38381, also produced for Olin Corp. under approval No. 160.037/15/0, effective October 27, 1977.

Approval No. 160.037/14/0, Kilgore's International hand-held orange smoke distress signal, Kilgore drawing. CP-4335-1-1, dated March 15, 1977. Manufactured by Kilgore Corp., Toone, Tenn. for Olin Corp., identical to 160.037/15/0 except for labelling, effective October 27, 1977.

FIRST-AID KIT

Approval No. 160.041/5/0, first-aid kit, model G-12, assembly drawing No. B-12596, dated September 9, 1952, with substitute eye dressing packet, catalog No. 2132. Manufactured by Mine Safety Appliances Co., 3880 Meadowbrook Road, Murraysville, Pa. 15668, effective December 13, 1977. (Supersedes approval No. 160.041/5/0 dated January 3, 1973, to show change of address of manufacturer and substitute eye dressing.

Approval No. 160.041/6/0, first-aid kit, model No. 24 L.B., assembly drawing No. 1-24-LB, revised January 14, 1953, marking drawing No. 2-24-LB revised January 14, 1953. Manufactured by Pac-Kit Safety Equipment Division, K. W. Graffin Co., 100 Pearl Street, Norwalk, Conn. 07850, effective November 2, 1977. (Supersedes approval No. 160.041/6/0 dated October 6, 1977, to change of address of manufacturer.)

UNICELLULAR PLASTIC RING LIFE BUOYS

Approval No. 160.050/48/1, model No. G-20, 20-inch white, becket-type polystyrene foam core ring life buoy, covered with unicellular plastic foam and coated with vinyl, manufactured in accordance with USCG specification

subpart 160.050, Cal-June, Inc., drawing for 20-inch becket-type ring life buoy, dated January 12, 1978, and procedure covering production and bill of materials dated February 13, 1978, file No. 160.050/48. Manufactured by Cal-June, Inc., P.O. Box 9551, North Hollywood, Calif. 91606, effective March 3, 1978. (Supersedes approval No. 160.050/48/0, dated November 1972, to show changes in construction and color restriction.)

Approval No. 160.050/50/1, type IV PFD, model G-24, 24-inch, white, becket-type polystyrene foam core ring life buoy, covered with unicellular plastic foam and coated with vinyl, manufactured in accordance with USCG specification subpart 160.050; Cal-June, Inc., drawing for 24-inch becket-type ring life buoy dated, January 12, 1978, and procedure covering production and bill of materials dated February 13, 1978, file No. 160.050/105; and Cal-June letter dated February 13, 1978, file No. 160.050/48. Manufactured by Cal-June, Inc., P.O. Box 9551, North Hollywood, Calif. 91606, effective March 3, 1978. (Supersedes approval No. 160.050/50/0, dated November 15, 1972, to show changes in construction and color restriction.)

Approval No. 160.050/60/1, type IV PFD, 24-inch white, becketless polystyrene foam core ring life buoy, model No. GX-24, covered with unicellular plastic foam and coated with vinyl manufactured in accordance with USCG specification subpart 160.050; Cal-June, Inc., drawing for 20-inch becketless ring life buoy dated February 27, 1978, and procedure covering production and bill of materials dated February 3, 1978, both file No. 160.050/102 and Cal-June letter dated February 13, 1978, file No. 160.050/60. Manufactured by Cal-June, Inc., P.O. Box 9551, North Hollywood, Calif. 91606, effective March 7, 1978. (Supersedes approval No. 160.050/61/0, dated August 2, 1973, to show change in construction and color restriction.)

Approval No. 160.050/102/0, type IV PFD, model No. GX-20, 20-inch becketless polystyrene foam core ring life buoy, covered with unicellular plastic foam and coated with vinyl, manufactured in accordance with USCG specification subpart 160.050; Cal-June Inc., drawing for 20-inch becketless ring life buoy, dated February 27, 1978; procedure covering production and bill of materials, dated February 3, 1978. Manufactured by Cal-June, Inc., P.O. Box 9551, North Hollywood, Calif. 91609, effective February 15, 1978.

Approval No. 160.050/103/0, type IV, model GX-24, 24-inch becketless polystyrene foam core ring life buoy, covered with unicellular plastic foam and coated with vinyl, manufactured in accordance with USCG specification subpart 160.050; Cal-June, Inc., drawing for 24-inch becketless ring life buoy dated February 27, 1978, procedure covering production and bill of materials dated February 3, 1978. Manufactured by Cal-June, Inc., P.O. Box 9551, North Hollywood, Calif. 96109, effective February 15, 1978.

Approval No. 160.050/104/0, type IV PFD, model No. GX-30, 30-inch becketless polystyrene foam core ring life buoy, covered with unicellular plastic foam and coated with vinyl, manufactured in accordance with USCG specification subpart 160.050; Cal-June, Inc., drawing for 30-inch becketless ring life buoy dated February 27, 1978, procedure covering production and bill of materials, dated February 3, 1978. Manufactured by Cal-June, Inc., P.O. Box 9551, North Hollywood, Calif. 91609, effective February 15, 1978.

Approval No. 160.050/105/0, type IV PFD, model No. G-20, 20-inch becket-type polystyrene foam core ring life buoy, covered with unicellular plastic foam and coated with vinyl, manufactured in accordance with USCG specification subpart 160.050; Cal-June, Inc., drawing for 20-inch becket-type buoy dated January 12, 1978, procedure covering production and bill of materials, dated February 3, 1978. Manufactured by Cal-June, Inc., P.O. Box 9551, North Hollywood, Calif. 91609, effective March 2, 1978.

Approval No. 160.050/106/0, type IV PFD, model No. G-24, 24-inch becket-type polystyrene foam core ring life buoy, covered with unicellular plastic foam and coated with vinyl, manufactured in accordance with USCG specification subpart 160.050; Cal-June, Inc., drawing for 24-inch becket-type buoy dated January 12, 1978, procedure covering production and bill of materials, dated February 3, 1978. Maufactured by Cal-June, Inc., P.O. Box 9551, North Hollywood, Calif. 91609, effective March 2, 1978.

Approval No. 160.050/107/0, type IV PFD, model No. G-30, 30-inch becket-type polystyrene foam core ring life buoy, covered with unicellular plastic foam and coated with vinyl, manufactured in accordance with USCG specification subpart 160.050; Cal-June, Inc., drawing for 30-inch becket-type buoy dated January 12, 1978, procedure covering production and bill of materials, dated February 3, 1978. Manufactured by Cal-June, Inc., P.O. Box 9551, North Hollywood, Calif. 91609, effective March 2, 1978.

Inflatable Liferaft

Approval No. 160.051/60/1, type 20 MC MK 3, davit-launched inflatable liferaft, 20-person capacity, identified by drawing 5RA1097, revision A, dated March 3, 1977, and specification RFD-US-500, revision No. 3, dated December 27, 1974. Manufactured by B. F. Goodrich, Engineered Systems Co., Union, W. Va. 24983, effective October 28, 1977. (Supersedes approval No. 160.051/60/0 dated February 13, 1975, to show design revision.)

Approval No. 160.051/71/1, 4-person inflatable life raft with toroidal stabilizing device identified by general arrangement drawing SPC-MM-4, revised February 28, 1978. Manufactured by Switlik Parachute Co., Inc., 1325 East State Street, Trenton, N.J. 08607, effective March 2, 1978. (Supersedes approval No. 160.051/71/0, dated September 17, 1976, to show design change.)

Desalter Kits

Approval No. 160.058/4/0, type 183, desalter kit, seawater, metal container and contents identified by Revere Supply Co. Inc., drawing D-761-100, dated March 3, 1976, and specification dated, August 24, 1977. Manufactured by Revere Supply Co., Inc., 603-607 West 29th Street, New York, N.Y. 10001, effective October 11, 1977.

Fishing Tackle Kit

Approval No. 160.061/6/0, model FL-214, emergency fishing tackle kit, container drawing, dated October 5, 1977. Alternate zip lock vinyl pouch container identified as model FL-214P, container drawing, dated October 5, 1977. Manufactured by F&L Packing Corp., 681 Main Street, Belleville, N.J. 07109, effective November 3, 1977.

Approval No. 160.061/4/1, model RSCF-182 emergency fishing tackle kit, container drawing No. A-731-03, revision A dated November 17, 1977 and list of drawings dated February 27, 1973. Manufactured by Revere Supply Co. Inc., 603-607 West 29th Street, New York, N.Y. 10001, effective February 15, 1978. (Supersedes approval No. 160.061/4/0 dated April 3, 1973 to show revised container drawing.)

Launching Device for Inflatable Life Rafts

Approval No. 160.063/1/1, type R-50-B single-armed davit with W-50-M pedestal winch; approved for a maximum working load of 5,000 lbs by a one-part fall; identified by general arrangement drawing. D1-E-267 revision A dated January 21, 1975 and drawing lists (2) revision A dated January 21, 1975. Manufactured by Marine Safety Equipment Corp., Foot of Wyckoff Road, Farmingdale, N.J. 07727, effective December 13, 1977. (Supersedes approval No. 160.063/1/0 dated February 13, 1975 to show alternate winch subassembly.)

Marine Buoyant Device

Approval No. 160.064/1341/0, type III PFD, adult large, model No. 901, vinyl dipped unicellular plastic foam

"Water Ski Vest" manufactured in accordance with USCG specification subpart 160.064 and Fabrionics, Inc. approval No. 160.064/1230 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 174 (sec. 2). Manufactured by Fabrionics, Inc., P.O. Box 1061, Tolono, Ill. 61880, for American Marine Products Inc. (private label listee) effective November 22, 1977.

Approval No. 160.064/1287.0, child small (30-50 lbs.), model 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with USCG Specification Subpart 160.064 and America's Cup Inc., approval No. 160.064/1023 (revision No. — in effect on date of manufacture) and UL/MD report file No. 69 (sec. 2) Manufactured by America's Cup Inc., 1443 Potrero, South El Monte, Calif. 91733, for O'Brien International Inc., (private label listee), effective September 20, 1977.

Approval No. 160.064/1287/0, child small (30-50 lbs.), model 505, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and America's Cup Inc., approval No. 160.064/1033 (revision No.— in effect on date of manufacture) and UL/MD report file No. MQ 69 (sec. 2). Manufactured by America's Cup Inc., 1443 Potrero, South El Monte, Calif. 91733, for O'Brien International Inc. (private label listee), effective September 20, 1977.

Approval No. 160.064/1288/0, child medium, model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with USCG specification subpart 160.064 and America's Cup Inc., approval No. 160.064/1035 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 69 (sec. 2). Type III PFD, manufactured by America's Cup Inc., 1443 Potrero, South El Monte, Calif. 91733, for O'Brien International Inc., (private label listee) effective September 20, 1977.

Approval No. 160.064/1289/0, type III PFD, adult X-small, model No. 505, cloth covered unicellular plastic foam "Buoyant Vest" manufactured in accordance with USCG specification subpart 160.064 and America's Cup Inc. approval No. 160.064/1034 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 69 (sec. 2). Manufactured by America's Cup Inc., 1443 Petrero, South El Monte, Calif. 91733, for O'Brien International, Inc. (private label listee), effective September 20, 1977.

Approval No. 160.064/1290/0, type III PFD, adult small, model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with USCG Specification Subpart 160.064 and America's Cup Inc. approval No. 160.064/634 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 69 (sec. 2), effective September 20, 1977.

Approval No. 160.064/1292/0, type III PFD, model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with USCG specification subpart 160.064 and America's Cup Inc. approval No. 160.064/635 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 69 (sec. 2). Manufactured by America's Cup Inc., 1443 Potrero, South El Monte, Calif. 91733, for O'Brien International, Inc. (private label listee), effective September 20, 1977.

Approval No. 160.064/1293/0, type III PFD, model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with USCG specification subpart 160.064 and America's Cup Inc. approval No. 160.064/75- (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 69 (sec. 2). Manufactured by America's Cup Inc., 1443 Potrero, South El Monte, Calif. 91733, for O'Brien International, Inc. (private label listee) effective September 20, 1977.

Approval No. 160.064/1354/0, type III PFD, model No. 200CM child medium, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Texas Recreation approval No. 160.064/325 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 3 (sec. 5). Manufactured by Texas Recreation, Texas Watercrafters Division, Wichita Falls, Tex. 76307, for O'Brien International (private label listee), effective October 11, 1977.

Approval No. 160.064/1355/0, type III PFD, model No. 200CL child large, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Texas Recreation approval No. 160.064/327 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 3 (sec. 5). Manufactured by Texas Recreation, Texas Watercrafters Division, Wichita Falls, Tex. 76307, for O'Brien International (private label listee), effective October 11, 1977.

Approval No. 160.064/1356/0, type III PFD, model No. 200S adult small, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Texas Recreation approval No. 160.064/328 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 3 (sec. 5). Manufactured by Texas Recreation, Texas Watercrafters Division, Wichita Falls, Tex. 76307, for O'Brien International (private label listee), effective October 11, 1977.

Approval No. 160.064/1357/0, type III PFD, model No. 200M adult medium, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Texas Recreation approval No. 160.064/329 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 3 (sec. 5). Manufactured by Texas Recreation, Texas Watercrafters Division, Wichita Falls, Tex. 76307, for O'Brien International (private label listee) effective October 11, 1977.

Approval No. 160.064/1358/0, type III PFD, model No. 200L adult large, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Texas Recreation approval No. 160.064/330 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 3 (sec. 5). Manufactured by Texas Recreation, Texas Watercrafters Division, Wichita Falls, Tex. 76307, for O'Brien International (private label listee), effective October 11, 1977.

Approval No. 160.064/1359/0, type III PFD, model No. 200XL adult XL, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactrured in accordance with USCG specification subpart 160.064 and Texas Recreation approval No. 160.064/399 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 3 (sec. 5). Manufactured by Texas Recreation, Texas Watercrafters Division, Wichita Falls, Tex. 76307, for O'Brien International (private label listee), effective October 11, 1977.

Approval No. 160.064/1360, type III PFD, model No. 200XXL adult XXL, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Texas Recreation approval No. 160.064/1064 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 3 (sec. 5). Manufactured by Texas Recreation, Texas Watercrafters Division, Wichita Falls, Tex. 76307, for O'Brien International (private label listee) effective October 11, 1977.

Approval No. 160.064/1431/0, type III PFD, model No. 1200 child medium, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and UL/MD report file No. MQ 24. Manufactured by Quality Built Products Co., 1832 East Commercial Street, Springfield, Mich. 65803, effective November 14, 1977.

Approval No. 160.064/1432/0, type III PFD, model No. 1200 adult small, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and UL/MD report file No. MQ 24. Manufactured by Quality Built Products Co., 1832 East Commercial Street, Springfield, Mich. 65803, effective November 14, 1977.

Approval No. 160.064/1433/0, type III PFD, model No. 1200 adult medium, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and UL/MD report file No. MQ 24. Manufactured by Quality Built Products Co., 1832 East Commercial Street, Springfield, Mich. 65803, effective November 14, 1977.

Approval No. 160.064/1434/0, type III PFD, model No. 1200 adult large, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and UL/MD report file No. MQ 24. Manufactured by Quality Built Products Co., 1832 East Commercial Street, Springfield, Mich. 65803, effective November 14, 1977.

Approval No. 160.064/1435/0, type III PFD, model No. 1200 adult X-large, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and UL/MD report file No. MQ 24. Manufactured by Quality Built Products Co., 1832 East Commercial Street, Springfield, Mich. 65803, effective November 14, 1977.

Approval No. 160.064/1322/0, type III PFD, model No. 4030 child medium, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Fabrionics Inc. approval No. 160.064/636 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 174 (sec. 1). Manufactured by Fabrionics Inc., P.O. Box 1061, Tolono, Ill. 61880, for Red Head Brand Corp. (private label listee), effective November 22, 1977.

Approval No. 160.064/1323/0, type III PFD, model No. 4031 adult small, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Fabrionics Inc. approval No. 160.064/1016 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 174 (sec. 2). Manufactured by Fabrionics Inc., P.O. Box 1061, Tolono, Ill. 61880, for Red Head Brand Corp. (private label listee), effective November 22, 1977.

Approval No. 160.064/1324/0, type III PFD, model No. 4032 adult medium, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Fabrionics Inc. approval No. 160.064/1017 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 174 (sec. 2). Manufactured by Fabrionics Inc., P.O. Box 1061, Tolono, Ill. 61880, for Red Head Brand Corp. (private label listee), effective November 22, 1977.

Approval No. 160.064/1325/0, type III PFD, model No. 4033 adult large, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Fabrionics Inc. approval No. 160.064/1018 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 174 (sec. 2). Manufactured by Fabrionics Inc., P.O. Box 1061, Tolono, Ill. 61880, for Red Head Brand Corp. (private label listee), effective November 22, 1977.

Approval No. 160.064/1326/0, type III PFD, model No. 4034 adult large, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Fabrionics Inc. approval No. 160.064/1230 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 174 (sec. 2). Manufactured by Fabrionics Inc., P.O. Box 1061, Tolono, Ill. 61880, for Red Head Brand Corp. (private label listee), effective November 22, 1977.

Approval No. 160.064/1327/0, type III PFD, model No. 4035 adult universal, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Fabrionics Inc. approval No. 160.064/1096 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 174 (sec. 3). Manufactured by Fabrionics Inc., P.O. Box 1061, Tolono, Ill. 61880, for Red Head Brand Corp. (private label listee), effective November 22, 1977.

Approval No. 160.064/1328/0, type III PFD, model No. 754 child medium, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Fabrionics Inc. approval No. 160.064/636 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 174 (sec. 1). Manufactured by Fabrionics Inc., P.O. Box 1061, Tolono, Ill. 61880, for Buddy Schoellkopf Products Inc. (private label listee), effective November 22, 1977.

Approval No. 160.064/1329/0, type III PFD, model No. 755 adult small, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Fabrionics Inc. approval No. 160.064/1016 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 174 (sec. 2). Manufactured by Fabrionics Inc., P.O. Box 1061, Tolono, Ill. 61880, for Buddy Schoellkopf Products Inc. (private label listee), effective November 22, 1977.

Approval No. 160.064/1330/0, type III PFD, model No. 756 adult medium, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Fabrionics Inc. approval No. 160.064/1017 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 174 (sec. 2). Manufactured by Fabrionics Inc., P.O. Box 1061, Tolono, Ill. 61880, for Buddy Schoellkopf Products Inc. (private label listee), effective November 22, 1977.

Approval No. 160.064/1331/0, type III PFD, model No. 757 adult large, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Fabrionics Inc. approval No. 160.064/1018 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 174 (sec. 2). Manufactured by Fabrionics Inc., P.O. Box 1061, Tolono, Ill. 61880, for Buddy Schoellkopf Products Inc. (private label listee), effective November 22, 1977.

Approval No. 160.064/1332/0, type III PFD, model No. 758 adult large, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Fabrionics Inc. approval No. 160.064/1230 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 174 (sec. 2). Manufactured by Fabrionics Inc., P.O. Box 1061, Tolono, Ill. 61880, for Buddy Schoellkopf Products Inc. (private label listee), effective November 22, 1977.

Approval No. 160.064/1333/0, type III PFD, model No. 759 adult universal, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with USCG specification subpart 160.064 and Fabrionics Inc. approval No. 160.064/1096 (revision No. — in effect on date of manufacture) and UL/MD report file No. MQ 174 (sec. 2). Manufactured by Fabrionics Inc., P.O. Box 1061, Tolono, Ill. 61880, for Buddy Schoellkopf Products Inc. (private label listee), effective November 22, 1977.

Approval No. 160.064/1343/0, type III PFD, model No. 5514 adult S/M, cloth covered unicellular plastic foam "Trapeze Vest", manufactured in accordance with USCG specification subpart 160.064 and UL/MD report file No. MQ 289. Manufactured by Soniform Inc., 8400 Alvarado Road, La Mesa, Calif. 92041, effective August 30, 1977.

Approval No. 160.064/1344/0, type III PFD, model No. 5515 adult M/L, cloth covered unicellular plastic foam "Trapeze Vest", manufactured in accordance with USCG specification subpart 160.064 and UL/MD report file No. MQ 289. Manufactured by Soniform Inc., 8400 Alvarado Road, La Mesa, Calif. 92041, effective August 30, 1977.

Approval No. 160.064/1283/0, type III PFD, model No. 1100 adult small, cloth covered unicellular plastic foam "Yachting Jacket", manufactured in accordance with USCG specification subpart 160.064 and America's Cup Inc. approval No. 160.064/221 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (sec. 1). Manufactured by America's Cup Inc., 1443 Potrero, South El Monte, Calif. 91733, effective September 19, 1977.

Approval No. 160.064/1284/0, type III PFD, model No. 1100 adult medium, cloth covered unicellular plastic foam "Yachting Jacket", manufactured in accordance with USCG specification subpart 160.064 and America's Cup Inc. approval No. 160.064/222 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (sec. 1). Manufactured by America's Cup Inc., 1443 Potrero, South El Monte, Calif. 91733, for Utica Duxbak Corp. (private label listee), effective September 19, 1977.

Approval No. 160.064/1285/0, type III PFD, model No. 1100 adult large, cloth covered unicellular plastic foam "Yachting Jacket", manufactured in accordance with USCG specification subpart 160.064 and America's Cup Inc. approval No. 160.064/223 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (sec. 1). Manufactured by America's Cup Inc., 1443 Potrero, South El Monte, Calif. 91733 for Utica Duxbak Corp. (private label listee), effective September 19, 1977.

Approval No. 160.064/1286/0, type III PFD, model No. 1100 X-large, cloth covered unicellular plastic foam "Yachting Jacket", manufactured in accordance with USCG specification subpart 160.064 and America's Cup Inc. approval No. 160.064/226 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (sec. 1). Manufactured by America's Cup Inc., 1443 Potrero, South El Monte, Calif. 91733 for Utica Duxbak Corp. (private label listee), effective September 19, 1977.

Approval No. 160.064/1361/0, type III PFD, model No. 1100 adult XX-large, cloth covered unicellular plastic foam "Yachting Jacket", manufactured in accordance with USCG specification subpart 160.064 and America's Cup Inc. approval No. 160.064/640 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (sec. 1). Manufactured by America's Cup Inc., 1443 Potrero, South El Monte, Calif. 91733 for Utica Duxbak Corp., Utica, N.Y. (private label listee) effective September 19, 1977.

Approval No. 160.064/469/1, type III PFD, model S9762 child small (30-50 lbs.), vinyl dipped unicellular plastic foam "Ski, Swim, and Jump Vest", manufactured in accordance with USCG specification subpart 160.064 and UL/MD report file No. MQ 106. Manufactured by Wellington Puritan Mills, Inc., Monticello Highway, Madison, Ga. 30650, effective September 2, 1977 (supersedes approval No. 160.064/469/0 dated February 23, 1973, to show model No. and weight range change).

Approval No. 160.064/471/1, type III PFD, model No. S9764 adult medium, vinyl dipped unicellular plastic foam "Ski, Swim, and Jump Vest", manufactured in accordance with USCG specification subpart 160.064 and UL/MD report file No. MQ 106. Manufactured by Wellington Puritan Mills, Inc., Monticello Highway, Madison, Ga. 30650, effective September 2, 1977 (supersedes approval No. 160.064/471/0 dated February 23, 1973, to show model change).

Approval No. 160.064/472/1, type III PFD, model S9765 adult large, vinyl dipped unicellular plastic foam "Ski, Swim, and Jump Vest", manufactured in accordance with USCG specification subpart 160.064 and UL/MD report file No. MQ 106. Manufactured by Wellington Puritan Mills, Inc., Monticello Highway, Madison, Ga. 30650, effective September 2, 1977 (supersedes approval No. 160.064/472/0 dated February 23, 1973, to show model change).

Approval No. 160.064/471/1, type III PFD, model No. S9766 adult X-large, vinyl dipped unicellular plastic foam "Ski, Swim, and Jump Vest", manufactured in accordance with USCG specification subpart 160.064 and UL/MD report file No. MQ 106. Manufactured by Wellington Puritan Mills, Inc., Monticello Highway, Madison, Ga. 30650, effective September 2, 1977.

Approval No. 160.064/1374/0, type III PFD, model No. S9763 adult small, vinyl dipped unicellular plastic foam "Ski, Swim, and Jump Vest", manufactured in accordance with USCG specification subpart 160.064 and UL/MD report file No. MQ 106. Manufactured by Wellington Puritan Mills, Inc., Monticello Highway, Madison, Ga. 30650, effective September 2, 1977.

Fire Protective Systems

Approval No. 161.002/6/0, type RB smoke detector system eight (8) through forty-eight (48) lines (drawing SK-122753 wiring diagram, drawing SK-134355 schematic) identified by part numbers. Manufactured by Walter Kidde & Co. Inc., Belleville, N.J. 07109, effective December 15, 1977.

Floating Electric Water Light

Approval No. 161.010/8/0, Automatic Lite Co., Save-U-Lite, model WL003 floating electric water light with mounting bracket. Manufactured by the Automatic Lite Co. Inc., 900 North Iris Avenue, Baltimore, Md. 21205, effective September 15, 1977.

Approval No. 161.010/9/0, model 375, guest man-overboard light. Case, drawing 061176 Rev. E (sheet 2), lens, drawing No. 61076 Rev. C, schematic operating data and test reports submitted with letters dated July 5, and August 9, 1977. Effective November 9, 1977.

Class A EPIRB

Approval No. 161.011/8/0, "Vespir" (PN 15-01-002), class A float-free, emergency position indicating radio beacon (EPIRB). Manufactured by Leigh Systems Inc., 6081 Court Street Road, Syracuse, N.Y. 13206, effective December 13, 1977.

Approval No. 161.011/1/0, model EB-2BW Whaler (PN 750082), class A, float-free, emergency position indicating radio beacon. Manufactured by Martech Inc., P.O. Box 1539, Fort Lauderdale, Fla. 33302, effective March 21, 1978.

Pressure Vacuum Relief Valve

Approval No. 162.017/119/0, Martin Hi-Jet Mark III system "C" and junior system "C" high velocity pressure-vacuum relief valve consisting of one high velocity pressure vent, one low velocity pressure vent, and one vacuum vent. Valve construction consists of expox coated mild steel housing with stainless steel valve seats, bearing surfaces, and bushings. Manufactured by Wilson Walton International Inc., 66 Hudson Street, Hoboken, N.J. 07030, effective November 22, 1977.

Halon 1301 Fixed Fire Extinguishing System

Approval No. 162.029/11/0, Sea Fire Marine Model 75M, Preengineered Halon 1301 extinguishing system unit, stored pressure type, identical to that described in Underwriters Laboratories, Inc., report 75NK10159, file EX3080, dated September 16, 1977. Manufactured by Sea Fire Marine Products, 4139 Sunset Lane, Northbrook, Ill. 60062, effective March 7, 1978.

Deck Covering

Approval No. 164.006/23/0, DEX-O-MAGNABOND No. 1 composite mastic and magnesite type deck covering

identical to that described in National Bureau of Standards test report No. TP 367-116; FR2395 dated July 11, 1945, approved for use with other insulating material as meeting class A-15 requirements in the thickness of DEX-O-TEX No. 1 underlay one-fourth inch plus magnasite overlay three-eighths inch. Manufactured by Crossfield Products Corp., 140 Valley Road, Roselle Park, N.J. 07204, effective October 4, 1977.

BULKHEAD PANELS

Approval No. 164.008/92/0, "Asahi Marilite G-P" inorganic composition board type bulkhead panel identical to that described in Underwriters Laboratories, Inc., report R7709-2 (77NK3407) dated September 12, 1977, approved as meeting class B-15 requirements in a 19 mm thickness. To be used as a component in A-15 construction only. Drawing forms part of this approval. Manufactured by Asahi Asbestos Co., Ltd., 10-6, 7-Chome, Ginza, Chuo-Ku, Tokyo, Japan, effective March 31, 1978.

NONCOMBUSTIBLE MATERIAL

Approval No. 164.009/77/0, "Pabco Precision Molded Super Caltemp Type 'A'" calcium silicate type, identical to that described in Fiberboard Paper Products Corp. letter dated October 15, 1964, and National Bureau of Standards test report No. FR 3937, approved in densities from 11.5 to 13.5 pounds per cubic foot. Manufactured by Fiberboard Corp., 55 Francisco Street, San Francisco, Calif. 94135, effective September 16, 1977.

Approval No. 164.009/104/0, "Foamglas" cellulated glass type noncombustible material identical to that described in National Bureau of Standards letter file No. 10.2/10/2, FP2628 dated August 25, 1948, Pittsburgh Corning letter dated June 5, 1967, and USCG letter 5946/164/009/104 dated June 9, 1967, approved in a 7 through 10 pound per cubic foot density. All contact areas are to be coated with U.S. Gypsum Co's. Hydrocal B-11 when installed in areas subject to vibration or when used to insulate piping. Manufactured by Pittsburgh Corning Corp., Three Gateway Center, Pittsburgh, Pa. 15222, effective February 7, 1978. (Reinstates and supersedes approval No. 164.009/104/0 terminated April 3, 1977.)

Dated: September 1, 1978.

H. H. BELL,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 78-25908 Filed 9-13-78; 8:45 am]

[4910-06]

Federal Railroad Administration

[Docket No. FRA 511-78-1]

GUARANTEE OF OBLIGATIONS

Receipt of Application

Project. Notice is hereby given that the Chicago & North Western Transportation Co. ("C. & N.W.") and its wholly owned subsidiary Western Railroad Properties, Inc. ("WRPI"), both having their principal business office at 400 West Madison Street, Chicago, Ill. 60606 ("applicants") have filed an application with the Federal Railroad Administration ("FRA") under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 831, to secure a commitment by the United States to guarantee obligations and other evidence of indebtedness issued and to be issued by applicants in the principal amount of $531,894,000. Although loan arrangements have not been completed at this time, applicants propose to offer as part of the security for the guarantee a first lien on 519 miles of trackage between Shawnee, Wyo., and Fremont, Nebr., and on 173 miles of trackage between Fremont, Nebr., and Nevada, Iowa.

The guarantee sought by applicants will be used to cover:

(1) Loans to WRPI for (a) $50 million as C. & N.W.'s share of the construction costs for a 106-mile rail line to be owned jointly by WRPI and Burlington Northern Inc., extending from the Atlantic Richfield Co.'s Coal Creek Mine in the Southern Powder River Basin to Shawnee, Wyo., (b) $1,796,000 in interest payments on interim construction loans for these costs pending approval of this application, and (c) $3,750,000 for contingencies in connection with these costs;

(2) Loans to WRPI for (a) $2,096,000 for construction of four relay tracks and a setout track at Bill, Wyo., and a holding track and setout track at Shawnee, Wyo., (b) $332,030,000 for the rehabilitation and improvement of 519 miles of existing track presently owned by C. & N.W., extending from Shawnee, Wyo., to Fremont, Nebr., including installation of locomotive and car shops, headquarters, and maintenance-of-way facilities at Chadron, Nebr., and track, bridge, and traffic control work, and (c) $35,435,000 for contingencies in connection with these costs;

(3) Loans to C. & N.W. for (a) $57,991,000 in operating deficits and capitalized interest incurred in the early years of the project until revenues from traffic are sufficient to cover these costs, and (b) $12,296,000 for contingencies in connection with these costs; and

(4) Existing mortgage indebtedness of C. & N.W. totaling $36,500,000 under its Chicago & North Western Railway Co. 3 percent first mortgage bonds series B, due January 1, 1989.

Justification for project. The applicants state that the project is justified by the present and future demand for rail services. The project will, according to applicants, permit by 1990 up to 33-unit coal trains (including both loaded and empty trains) to travel each day over the Southern Powder River Basin-Fremont track to and from various electric generating plants located in the Midwest, Southwest, South, and Southeast. The applicants state that the project will consequently make an important contribution to the current national effort to generate a greater proportion of electrical demand from clean-burning coal by providing for an additional transportation route for low-sulfur coal and by assuring that transportation prices for low-sulfur coal will be kept at competitive levels. The applicants also state that the project will enable C. & N.W. to transport increased freight tonnage economically and efficiently at higher speeds and under safer conditions than at present. In addition, the applicants state that financing is required for operating deficits and capitalized interest in the early years of the project until the project generates revenues sufficient to cover project-related costs. Finally, the applicants state that a Federal guarantee of C. & N.W.'s existing mortgage indebtedness will permit applicants to offer to the United States as security for its guarantee a first lien on the project facilities and will permit C. & N.W. to remove burdensome contractual restraints on its normal business.

Comments. Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal 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 taken into consideration by the FRA in evaluating the application. However, formal acknowledgment of the 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. 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Dated: September 7, 1978.

Comment closing date: November 13, 1978.

CHARLES SWINBURN,
Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc. 78-25894 Filed 9-13-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

WASHINGTON STATE COMMISSION ON EQUIPMENT

Denial of Petition for Rulemaking

This notice sets forth reasons for denial of a petition for rulemaking to amend 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment.* It is published in accordance with section 124 of the National Traffice and Motor Vehicle Safety Act which provides that the National Highway Traffice Safety Administration must grant or deny such petitions within 120 days, and that if a petition is denied the reasons for it shall be published in the FEDERAL REGISTER (sec. 124(d)).

On February 10, 1978, the Washington State Commission on Equipment petitioned for an amendment of Motor Vehicle Safety Standard No. 108 "that FMVSS 108 be amended to permit retaining existing headlamp standards * * * for a 36-month trial period so that these headlamps can be properly evaluated under the unique weather and road conditions of this State."

This was the second petition from the Commission for an amendment of Federal lighting requirements to permit the sale of European-type unsealed headlamps. Notice of denial of the first petition was published in the FEDERAL REGISTER on May 1978 (43 FR 19313). Because of the public interest in European headlighting systems as reflected in comments to docket No. 78-5 (on increasing headlamp candlepower output), NHTSA believes that the response to the petition should not merely be summarized in this notice but set forth in detail. Portions of its letter of August 1, 1978, follow:

Currently, the National Traffic and Motor Vehicle Safety Act of 1966, does not permit NHTSA to promulgate regulations which would be limited to one specific region. Thus, we could not grant the Commission's request even if we were so inclined. However, we are aware of the debate that has been going on for some time with respect to the utility and effectiveness of sealed beam headlights compared to those manufactured without sealed beams.

The ECE standards are sufficiently vague and subjective to permit substandard products to be sold. The National Traffic and Motor Vehicle Safety Act requires that safety standards be stated in "objective terms." As currently written, there is no way that the ECE headlight standards could be adopted without major revision to fulfill these statutory requirements. These revisions would require a very large commitment of agency resources.

Substantively then, the issue we must address is whether such a commitment of Government resources would result in any improvement in safety. At this juncture, we are not able to conclude that the revision of our lighting standard to permit sale of nonsealed beam halogen headlights would result in any safety improvement at all. Further, most of the scenarios we envision could lead to some reduction in safety.

Our conclusion on the safety effect of this question was reached after considering two major factors, photometrics (including beam pattern), and durability. We also believe that consideration must be devoted to consumer costs.

Photometrics. Photometrics covers both the intensity of the headlights as well as the beam patterns produced. Currently, under the ECE standard, headlights on upper beam can be rated up to 300,000 candlepower. A recent amendment to FMVSS 108 has raised the American ceiling to 150,000 candlepower from the present 75,000 limit. This 150,000 candlepower will provide maximized seeing distance without a major safety detriment of excessive glare produced by still higher candlepower of the ECE regulation.

With respect to beam patterns, for all intents and purposes, the upper beam ECE pattern requirements are so close to the requirements of FMVSS 108 that there is no discernable difference, and the proposed 150,000 candlepower more closely alines the intensity of each system. On the low beam, the patterns do differ, but actual night driving tests on both systems indicate no definitive safety advantage of either pattern, although there clearly are consumer preferences for one or the other. Further, ECE headlamps have higher intensities on the lower beam, lighting the roadway close to the front of the vehicle and producing higher veiling glare than the U.S. pattern. This veiling glare cannot contribute to safety and may detract from it.

Durability. Durability addresses issues of performance of the headlighting system while in use.

With respect to sustained uniformity of quality of the lighting output, sealed lamps are superior to the unsealed ECE lamps. With a sealed beam headlamp, almost by definition, the reflector can never deteriorate. With nonsealed beam lamps, moisture can corrode a reflector. Data from Germany show that upwards of 5 percent of all German motorists' headlamps are rejected in their biennial inspection because of reflector deterioration. While we cannot currently prove that a reduction in lighting quality invariably is linked to an increasing number of accidents, it would be reasonable to conclude that it doesn't contribute to an improvement in highway safety.

The second durability issue is properly aimed headlights. Misaimed headlights obviously provide a lower quality of lighting and increased glare than do properly aimed lights. Vehicle headlamp misaim is one of the major vehicle inspection rejection causes. With American headlights, there is a requirement that they be capable of being aimed with simple to use and objective mechanical aimers. ECE headlights must be optically or visually aimed, which is more difficult and subjective. Further, headlamp reflectors are subject to damage from improperly installed bulbs. The mechanical aim capability should reduce the misaim problem.

Finally, the last durability issue is ease of replacement. The limitations in the U.S. FMVSS are such that original equipment manufacturers and aftermarket suppliers are limited to four configurations of sealed headlights. While this places design restrictions on the manufacturer, the safety benefits from low cost widely available headlights permit broken lamps to be replaced conveniently. Under the ECE standards, any headlight configuration is permitted. While ECE has standardized the halogen bulbs, the same does not hold true for the lens or the reflector. This might require larger inventories resulting in higher prices and frequent problems with local availability of ECE headlight replacements.

This would make the replacement of headlights more difficult and could result in increased driving with broken headlights.

While not necessary to our decision on the petition, we also considered consumer costs. One of the byproducts of the relatively limited number of headlamp configurations that are permitted to be manufactured under U.S. standards is that costs are held down. When a headlight is inoperative, it can be replaced for less than $5 at a local repair shop. This is far less expensive than the European situation where nonstandardization has led to much higher costs. Thus, the consumer's costs are low and hopefully, this encourages him to replace defective headlights.

Based upon our analysis, there is no advantage to revising FMVSS 108 to permit the sale of ECE lamps, and in fact the European experience indicates that there may be some safety degradation.

In consideration of the foregoing I respectfully deny the petition of February 10, 1978, by the Commission on Equipment. * * * In view of this decision, there does not appear to be any useful purpose now in holding the hearing you requested.

The interest of the State of Washington in better headlighting has, over the past year, acted constructively as a catalyst to NHTSA in according priority treatment to improve headlamp photometrics, and we believe that all motorists should be grateful for your interest.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec. 106, Pub. L. 93-492, 88 Stat. 1482 (15 U.S.C. 1410a); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on September 7, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-25659 Filed 9-13-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on Thursday, October 19, 1978 at 8 a.m. the Denver Regional Office Station Committee on Educational Allowances shall, in the Hearing Room of the Denver Veterans Administration Regional Office, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in LaVonne's Academy of Beauty, 2162 South Colorado Boulevard, Denver, Colo. 80222, and LaVonne's Academy of Beauty, 828 East 104th Avenue, Thornton, Colo. 80229 (formerly located at 1565 Glenarm Place, Denver, Colo. 80202) should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: September 6, 1978.

N. B. ALVERSON,
Director, VA Regional Office, Denver Federal Center, Denver, Colo.

[FR Doc. 78-25895 Filed 9-13-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Decisions Volume No. 28]

DECISION-NOTICE

Decided: September 5, 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. Protestants 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. 1, Members Carleton, Joyce, and Jones. (Review Board Member Joyce not participating).

H. G. HOMME, Jr.,
Acting Secretary.

MC 200 (Sub-306F), filed June 23, 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, transporting: *Printed matter*, serving Kokomo, IN, as an intermediate and off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Indianapolis, IN, or Kansas City, MO.)

MC 270 (Sub-4F), filed June 30, 1978. Applicant: EGGLESTON TRANSPORTATION, INC., R.D. 1, Corinth, NY 12822. Representative: Richard Rueda, 135 North Fourth 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* (except commodities in bulk), between the facilities of Scott Paper Co., (1) at or near Philadelphia and Chester, PA, and (2) at or near Fort Edward and Albany, NY. (Hearing site: Philadelphia, PA, or Camden, NJ.)

NOTE.—The person or persons who it appears may be engaged 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 unnecessary.

MC 720 (Sub-54F), filed August 8, 1978. Applicant: BIRD TRUCKING CO., INC., P.O. Box 227, Waupun, WI 53963. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities of Aunt Jane Foods, Inc., at or near Croswell, MI, to those points in the United States in and east of MN, IA, NE, CO, OK, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Madison, WI, or Detroit, MI.)

MC 720 (Sub-55F), filed August 8, 1978. Applicant: BIRD TRUCKING CO., INC., P.O. Box 227, Waupun, WI 53963. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Coloma, MI, to points in IL, MN, OH, and WI. (Hearing site: Detroit, MI, or Madison, WI.)

MC 2505 (Sub-2F), filed August 2, 1978. Applicant: LOTT MOTOR LINES, INC., West Cayuga Street, P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles, aluminum ingots, aluminum sheet metal, aluminum plate, aluminum scrap, and aluminum industrial foil*, between Oswego, NY, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract with Alcan Aluminum Corp., of Cleveland, OH. (Hearing site: Cleveland, OH, or Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 21866 (Sub-104F), filed June 29, 1978. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automotive parts*, and (2) *materials* used in the manufacture of automotive parts (except in bulk), between the facilities of Ford Motor Co., in MI and OH, on the one hand, and, on the other, points in NJ and VA. (Hearing site: Washington, DC, or Philadephia, PA.)

MC 26396 (Sub-188F), filed June 29, 1978. Applicant: POPELKA TRUCKING CO., INC., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drilling mud and additives*, from points in Big Horn County, WY, to ports of entry on the international boundary line between the United States and Canada in MT. Condition: Prior receipt from applicant of an affidavit setting forth its appropriate complementary Canadian authority or explaining why no such Canadian authority is necessary. (Hearing site: Billings, MT.)

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 26396 (Sub-189F), filed June 29, 1978. Applicant: POPELKA TRUCKING CO., INC., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic pipe fittings*, from McPherson, KS, to points in IA. (Hearing site: Wichita, KS, or Billings, MT.)

MC 35890 (Sub-46F), filed July 19, 1978. Applicant: BLODGETT FURNITURE SERVICE, INC., 5650 Foremost Drive SE., Grand Rapids, MI 49508. Representative: Ronald C. Nesmith, P.O. Box 4403, Chicago, IL 60680. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Appliances, and parts, supplies, and accessories for appliances*, from the facilities of the Maytag Co. at or near Newton, IA, to points in CT, DE, IN, KY, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC. (Hearing site: Chicago, IL, or Washington, DC.)

MC 41406 (Sub-86F), filed July 5, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel tubing*, from the facilities of Bull Moose Tube Co., at or near Gerald, MO, to points in AR, IA, IL, IN, KS, MI, OH, OK, and WI; and (2) *materials and equipment* used in the manufacture and distribution of steel tubing, from points in MI to the facilities of Bull Moose Tube Co., at or near Gerald, MO. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 42487 (Sub-877F), filed July 17, 1978. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenberg, P.O. Box 3062, Portland, OR 97208. 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, those requiring special equipment, and assembled automobiles), (1) between the terminal facilities of Consolidated Freightways Corp. of Delaware, at Peru, IL, and Rockford, IL, over U.S. Hwy 51, serving no intermediate points, and (2) between the terminal facilities of Consolidated Freightways Corp. of Delaware, at Peru, IL, and El Paso, IL, over U.S. Hwy 51, serving no intermediate points. (Hearing site: Washington, DC, or Chicago, IL.)

MC 48441 (Sub-14F), filed July 18, 1978. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. 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: *Paper articles, plastic articles, and materials and supplies* used in the manufacture and distribution of paper articles and plastic articles (except commodities in bulk), (1) from Chicago, IL, to points in WI, and (2) from Shelbyville, IL, to points in IN and OH. (Hearing site: Chicago, IL, or Washington, DC.)

MC 52460 (Sub-219F), filed July 11, 1978. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are used by automotive service stations* (except commodities in bulk, and commodities which because of size or weight require the use of special equipment) from the facilities of Gulf Oil Co.-U.S., in Fulton County, GA, to points in AR, CO, KS, LA, MO, NM, OK, and TX. (Hearing site: Houston, TX.)

MC 52704 (Sub-174F), filed May 30, 1978, previously noticed in the FEDERAL REGISTER issue of July 20, 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) *Refrigerated vending machines*, and (2) *parts* for refrigerated vending machines, from the facilities of Cavalier Corp., at Chattanooga, TN, to points in AL, FL, GA, and MS. (Hearing site: Atlanta, GA.)

NOTE: This republication includes *parts* for refrigerated vending machines as a commodity.

MC 57239 (Sub-36F), 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 the facilities of Ford Motor Co., at or near Milan, MI, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Detroit, MI, or Indianapolis, IN.)

MC 57239 (Sub-37F), 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 the facilities of Penny Products, Inc., at or near Trafalgar, IN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Detroit, MI, or Indianapolis, IN.)

MC 59150 (Sub-133F), filed July 19, 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: *Composition board* and *lumber,* from the facilities of Georgia Pacific Corp., at or near Russellville, SC, to points in FL, GA, NC, TN, and VA. (Hearing site: Atlanta, GA.)

MC 59150 (Sub-135F), 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: *Lumber,* (1) from points in NC to points in TN, KY, FL, SC, GA, and VA, (2) from points in GA to points in TN, KY, SC, NC, and VA, (3) from points in VA to points in NC, SC, TN, KY, GA, and FL, (4) from points in SC to points in VA, NC, TN, KY, and GA, (5) from points in TN to points in NC, SC, GA, and FL, and (6) from points in AL to points in FL and GA. (Hearing site: Jacksonville, FL, or Columbia, SC.)

MC 61403 (Sub-258F), filed July 21, 1978. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11-W, P.O. Box 969, Kingsport, TN 37662. Representative: W.C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, NY 10017. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from the facilities of Dow Chemical Co., at or near Dalton and Tildale, GA, to points in MN, WI, IL, KY, TN, MS, LA, AL, FL, GA, SC, NC, VA, IN, OH, MI, PA, NY, WV, MD, DE, NJ, CT, MA, RI, NH, VT, ME, and DC. (Hearing site: Washington, DC.)

MC 69492 (Sub-63F), filed June 28, 1978. Applicant: HENRY EDWARDS, d.b.a., HENRY EDWARDS TRUCKING CO., P.O. Box 97, Clinton, KY 47301. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. 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, and household goods as defined by the Commission), between Hichman, KY, on the one hand, and, on the other, points in AR, IL, KY, MO, and TN, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Jackson or Memphis, TN.)

MC 69833 (Sub-133F), filed July 20, 1978. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue NW., 6th floor, Grand Rapids, MI 49503. Representative: Harry Pohlad (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from Allenport, PA, to points in OH, WI, and those in the lower Peninsula of MI. (Hearing site: Pittsburgh, PA, or Columbus, OH.)

MC 71652 (Sub-20F), filed July 10, 1978. Applicant: BYRNE TRUCKING, INC. P.O. Box 1124 Medford, OR 97501. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Compressed wood fiberboard,* and (2) *materials* used in the installation of compressed wood fiberboard from the plant site of Kaiser Cement & Gypsum Corp., at or near St. Helens, OR, or points in CA. (Hearing site: San Francisco, CA, or Portland, OR.)

MC 71652 (Sub-21F), filed July 10, 1978. Applicant: BYRNE TRUCKING, INC., 4669 Crater Lake Highway, Medford, OR 97501. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fiberglass materials, fiberglass products, fibrous glass mineral wool products, fibrous glass textile materials, fibrous glass textile products,* and *roofing materials,* from the facilities of Owens-Corning Fiberglas Corp., at or near Santa Clara, CA, to points in OR, WA, and ID. (Hearing site: San Francisco, CA, or Portland, OR.)

MC 79687 (Sub-20F), filed July 17, 1978. Applicant: WARREN C. SAUERS CO., INC., 200 Rochester Road, Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass bottles, and materials* used in the manufacture or distribution of glass bottles, from the facilities of Foster-Forbes Glass Co., division of National Can Corp., in Cornplanter Township, PA, to the facilities of Vlasic Foods, Inc., at Millsboro, DE. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 90870 (Sub-8F), filed August 3, 1978. Applicant: RIECHMANN ENTERPRISES, INC., Route 2, Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from Madison, IL, to points in AR, IA, KS, KY, and MO. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 103926 (Sub-73F), filed July 3, 1978. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, P.O. Box 947, Mableton, GA 30059. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Mechanical press brakes, hydraulic press brakes and hydraulic shears,* which because of size or weight require the use of special equipment, from the facilities of Hydra Tool Co., at or near Greenwood, MS, to points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MO, NJ, NC, OH, OK, PA, SC, TN, TX, VA, WV, and DC, and (2) *materials and equipment* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Jackson, MS, or Memphis, TN.)

MC 105813 (Sub-243F), filed July 24, 1978. Applicant: BELFORD TRUCKING CO., INC., 1759 Southwest 12th Street, P.O. Box 2009, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. To operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by producers and distributors of alcoholic beverages 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 AL, FL, GA, SC, NC, and TN. (Hearing site: Chicago,IL.)

MC 106195 (Sub-20F), filed August 1, 1978. Applicant: CLARK BROS. TRANSFER, INC., P.O. Box 388, Norfolk, NE 68701. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from the facilities of Norfolk Iron & Metal Co., at or near Norfolk, NE, to points in CO, IL, IN, IA, KS, MN, MO, UT, WI, and WY. (Hearing site: Omaha, NE.)

MC 106920 (Sub-76F), filed August 1, 1978. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, OH 45869. Representative: David C. Venable, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *foodstuffs and nonnutritive sweetner* (except commodities in bulk), from Baltimore, MD, Philadelphia, PA, Pitman, NJ, and New York, NY, to points in IL, IN, KY, MI, MO, OH, and WI. (Hearing site: New York, NY.)

MC 107403 (Sub-1101F), filed July 19, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *liquid chemicals* (except bromine), in bulk, in tank vehicles, from the facilities of Dow Chemical U.S.A., in Columbia County, AR, to points in KY, LA, IL, KS, MS, MO, OK, TN, and TX. (Hearing site: Washington, DC.)

MC 107403 (Sub-1102F), filed July 20, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* between Paris, KY, on the one hand, and, on the other, points in the United States. (Hearing site: Washington, DC.)

MC 107403 (Sub-1103F), filed July 20, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry chemicals,* in bulk, in tank vehicles, from Alpine, AL, to points in GA, SC, NC, and TN. (Hearing site: Washington, DC.)

MC 107743 (Sub-46F), filed July 24, 1978. Applicant: SYSTEM TRANSPORT, INC., P.O. Box 3456 T.A., Spokane, WA 99220. Representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products,* (1) between points in OR, WA, asnd CA, and (2) between points in OR, WA, and CA, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada at points in WA, restricted to the transportation of traffic moving in foreign commerce to points in British Columbia. 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: Portland, OR.)

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 conditiopns 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 108340 (Sub-32F), filed August 8, 1978. Applicant: HANLEY TRUCK LINE, a corporation, P.O. Box 485, Cornelius, OR 97113. Representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Machinery, dry kilns, machinery and dry kiln parts and components, and fabricated steel,* from the facilities of Moore Oregon/Canada, at or near Portland, OR, and the facilities of Irvington-Moore Division, U.S. Natural Resources, Inc., at or near Tigard, OR, to points in WA, ID, MT, and those points in CA in and north of Medocino, Lake, Colusa, Sutter, and Placer Counties. (Hearing site: Portland, OR.)

MC 110380 (Sub-10F), filed August 7, 1978. Applicant: BERSCHENS OF MADISON, INC., 120 West Verona Avenue, Verona, WI 53593. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe* and (2) *materials and supplies* used in the installation of plastic pipe and conduit, (except commodities in bulk), from points in Rock County, WI, to points in IL, IN, IA, MI, MN, MO, and OH. (Hearing site: Madison or Milwaukee, WI.)

MC 110525 (Sub-1253F), filed August 3, 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: *Dry talc,* in bulk, in tank vehicles, from Johnson, VT, to New Castle, DE. (Hearing site: New York, NY.)

MC 110525 (Sub-1254F), filed August 2, 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: *Petroleum lubricating oil and hydraulic systems fluid,* in bulk, in tank vehicles, from Carrollton, GA, to points in AR, NC, SC, TN, and VA. (Hearing site: Atlanta, GA.)

MC 111231 (Sub-240F), filed May 3, 1978, previously published as Sub-235F on July 18, 1978, and republished as corrected this issue. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials* (except in bulk), from Memphis, TN, to points in OK, AR, KS, IL, MO, IN, OH, KY, and IA, restricted to the transportation of traffic originating at the named origin. (Hearing site: Washington, DC.)

NOTE.—The purpose of this republication is to indicate the correct Sub-240F, in lieu of Sub-235F which was previously published on July 18, 1978.

MC 112713 (Sub-216F), filed July 20, 1978. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: David B. Schneider (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), (1) between Dallas, TX, and Shreveport, LA, over U.S. Hwy 80, serving all intermediate points, and serving Kilgore, TX, as an off-route point, (2) between Gladewater and Mineola, TX: From Gladewater over U.S. Hwy 271 to Tyler, TX, then over U.S. Hwy 69 to Mineola, and return over the same route, serving all intermediate points, and (3) between Baxter Springs, KS, and Marshall, TX: From Baxter Springs over U.S. Hwy 166 to junction U.S. Hwy 166 and Interstate Hwy 44, then over Interstate Hwy 44 to junction Interstate Hwy 44 and U.S. Hwy 71, then over U.S. Hwy 71 to Texarkana, TX, then over U.S. Hwy 59 to Marshall, TX, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. (Hearing site: Dallas, TX or Washington, DC.)

MC 113063 (Sub-8F), filed July 21, 1978. Applicant: RALPH H. BURNS & SONS, INC., P.O. Box 38, Hillsboro, WV 24946. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fuel oil, asphaltic concrete, and liquid asphaltic*, and (2) *by-products* of the commodities named in (1) above, from Catlettsburg, KY, to points in Fayette, Greenbrier, Mercer, Pocahontas, Raleigh, Randolph, and Summers Counties, WV. (Hearing site: Charleston, WV.)

MC 114274 (Sub-50F), filed July 10, 1978. Applicant: VITALIS TRUCK LINES, INC., 137 Northeast 48th Street Place, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals, toilet preparations, shampoo, such commodities as are dealt in by grocery and hardware stores, packaging materials* (except commodities in bulk); and (2) *materials used in the manufacture of the commodities in (1) above* (except commodities in bulk), (A) between Fort Madison, IA, on the one hand, and, on the other, points in AR, CA, CT, CO, GA, ID, IL, IN, KS, KY, MA, MI, MN, MO, ME, NJ, NV, NY, ND, OH, OR, PA, SD, TN, TX, UT, WI, and WY, and (B) from points in MA, CT, NY, NJ, and PA, to points in MO, IL, IN, MI, and IA (except Fort Madison). (Hearing site: Chicago, IL or Des Moines, IA.)

NOTE.—In view of the findings in MC 114274 (Sub-38) 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 114301 (Sub-96F), filed July 19, 1978. Applicant: DELAWARE EXPRESS CO., A Delaware corporation, P.O. Box 97, Elkton, MD 21921. Representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, between Elkton, MD, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, ME, MA, MD, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, and WV. (Hearing site: Washington, DC or Baltimore, MD.)

MC 114569 (Sub-239F), filed August 8, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese* (1) from points in WI and the Upper Peninsula of MI to points in CT, MD, MA, RI, and PA; and (2) from Fredericksburg and Preston, IA to points in CT, DE, MA, RI, and those in VA east of the Chesapeake Bay. (Hearing site: Harrisburg, PA or Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 114569 (Sub-240F), filed August 14, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except frozen foods and commodities in bulk, in tank vehicles) from Philadelphia, PA, and points in NY, NJ, MA, RI, CT, MD, DE, and those in VA east of the Chesapeake Bay, to points in AZ, AR, CO, KS, KY, LA, IL, IN, IA, MI, MN, MS, MO, NE, NM, ND, OH, OK, SD, TN, TX, WI, and WY; and (2) *frozen foods* from Philadelphia, PA, and points in NY, NJ, MA, RI, CT, MD, DE, and those in VA east of the Chesapeake Bay, to points in AR, CO, IA, KS, KY, LA, MI, MN, MS, MO, NE, NV, NM, ND, OK, SD, TN, TX, WI, and WY. (Hearing site: Harrisburg, PA or Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 115570 (Sub-15F), filed August 10, 1978. Applicant: WALTER A. JUNGE, INC., 3818 Southwest 84th Street, Tacoma, WA 98491. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, from Longview, WA, to points in CA, ID, and NV, under a continuing contract with North Pacific Paper Corp., of Longview, WA. (Hearing site: Seattle, WA).

MC 116725 (Sub-26F), filed July 31, 1978. Applicant: INDIAN VALLEY ENTERPRISES, INC., 855 Maple Avenue, Harleysville, PA 19438. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in section B of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, from the facilities of Wilsey Bennett Co., at or near Oklahoma City, OK, to points in PA, NJ, and NY, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations.

MC 117686 (Sub-214F), filed July 3, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, and materials* used in the sale of toilet preparations, from the facilities of LaMaur, Inc., at or near Minneapolis, MN, to points in AL, AR, FL, GA, KY, KS, LA, MO, MS, OK, TN, and TX. (Hearing site: Minneapolis, MN or Omaha, NE.)

MC 117765 (Sub-243F), filed July 24, 1978. Applicant: HAHN TRUCK LINE, INC., 1100 South MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the facilities of Bowater Southern Paper Corp., at or near Calhoun, TN, to points in IL, IA, KS, MN, MO, NE, ND, SD, and WI. (Hearing site: Oklahoma City, OK).

MC 118142 (Sub-179F), filed July 10, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in and used by producers and distributors of alcoholic beverages, liquor, and wines (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 NC, SC, GA, FL, AL, MS, LA, TX, NM, CO, KS, OK, MO, NE, and CA. (Hearing site: Louisville, KY, or Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 118142 (Sub-181F), filed June 29, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food*, from the facilities of Southland Frozen Foods, Inc., at or near Plant City, FL, to points in GA, KY, MI, MO, NJ, PA, TN, and WI. (Hearing site: Miami, FL, or Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 118159 (Sub-280F), filed August 7, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., a Louisiana Corp., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in or used by manufacturers and distributors of footwear from points in MA, IN, TN, GA and FL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX; and (2) *equipment* and *materials* used in the manufacture and distribution of footwear (except comodities in bulk), in the reverse direction. (Hearing site: Miami, FL.)

MC 118696 (Sub-16F), filed June 27, 1978. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46324. Representative: Carl L. Steiner, 39 South La Salle Street Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kitchen cabinets and vanities*, and (2) *accessories* for the commodities named in (1), from Union City, IN, to points in DE, KS, ME, MN, ND, NE, NH, SD, VT, and WV. (Hearing site: Indianapolis, IN.)

MC 119656 (Sub-40F), filed June 30, 1978. Applicant: NORTH EXPRESS, INC., 219 Main Street, Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, or irregular routes, transporting: *Welding electrodes*, from the facilities of Chemetron Corp., at or near Montecello, IN, to Milwaukee and New Berlin, WI, and points in OH, IL, and those in the Lower Peninsula of MI. (Hearing site: Chicago, IL.)

MC 119774 (Sub-94F), filed July 12, 1978. Applicant: EAGLE TRUCKING CO., a corporation, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. To operate as a *common carrier*, by motor vehicle, or irregular routes, transporting: *Plastic pipe* from the facilities of PLEXCO, at or near Fairfield, IA, to points in AR, KS, LA, NM, OK, and TX. (Hearing site: Chicago, IL, or Dallas, TX.)

MC 119789 (Sub-503F), filed July 26, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heating and air conditioning equipment*, (2) *parts* for the commodities in (1) above, and (3) *recreational equipment*, from Wichita, KS, to points in AL, FL, GA, MS, and SC. (Hearing site: Wichita, KS.)

MC 120910 (Sub-13F), filed June 30, 1978. Applicant: SERVICE EXPRESS, INC. P.O. Box 1009, Tuscaloosa, AL 35401. Representative: William P. Jackson, Jr. 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phenolic resins, and compounds and products of phenolic resins* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Reichhold Chemicals, Inc., at or near Tuscaloosa, AL, to points in IL, IN, MI, OH, PA, and WI. (Hearing site: Birmingham, AL.)

MC 121006 (Sub-4F), filed June 14, 1978. Applicant: GADSDEN TRUCK LINE, INC. 1708 Mount Zion Avenue, Gadsden, AL 35901. Representative: John P. Carlton, 727 Frank Nelson Building, Birmingham, AL 35203. To operate as a *common carrier*, by motor vehicle, transporting: (A) over irregular routes, (1) *Iron and steel articles*, between the facilities of (a) Republic Steel Corp., and (b) Hanna Steel Corp., in Etowah County, AL, on the one hand, and, on the other, points in GA, MS, NC, SC, and TN, and (2) *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), (a) between Gadsden, AL, and points in Etowah, Cherokee, DeKalb, Jackson, Marshall, Madison, Morgan, Cullman, Blount, Jefferson, Shelby, Talladega, Cleburne, Clay, Randolph, Calhoun, St. Clair, those in Limestone east of U.S. Hwy 31 and on and south of U.S. Hwy 72, those in Coosa on and north of U.S. Hwy 280, those in Walker on and east of AL State Hwy 69, and those in Tallapoosa on and north of AL State Hwy 22, Counties, AL, and (b) between Gadsden, AL, on the one hand, and, on the other, Decatur, Mobile, and Montgomery, AL; (B) over regular routes, (3) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and personal effects) (a) between Birmingham and Gadsden, AL, from Birmingham over Interstate Hwy 59 to junction U.S. Hwy 278, then over U.S. Hwy 278 to Gadsden, AL, and return over the same route, serving no intermediate points, and (b) between Gadsden, AL, and the AL-GA State line, over U.S. Hwy 78, serving no intermediate points. (Hearing site: Gadsden or Birmingham, AL.)

NOTE.—Applicant states that the purpose of this application is to provide new service in interstate commerce as described in (1) above, and to convert his certificate of registration MC-121006 (Sub-1), to a certificate of public conveneince and necessity.

MC 121060 (Sub-69F), filed August 11, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. 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: *Construction materials, and materials and supplies*, used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of the Celotex Corp., at or near Dubuque, IA, on the one hand, and on the other, points in IL, IN, MI, KY, OH, and MO. (Hearing site: Tampa, FL.)

MC 121060 (Sub-70F), filed August 10, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. 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: *Construction materials, and materials and supplies*, used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of the Celotex Corp., at or near Sunbury, PA, on the one hand, and, on the other, points in OH, WV, IN, IL, MI, KY, TN, VA, NC, SC, GA, FL, AL, and MS. (Hearing site: Tampa, FL.)

MC 121066 (Sub-8F), filed June 14, 1978. Applicant: NEBRASKA TRANSPORT CO., INC., P.O. Box 621, Scottsbluff, NE 69361. Representative: Lavern R. Holdeman, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in containers, between the facilities of Great

Western Sugar Co., at or near Ovid, CO, on the one hand, and, on the other, points in NE, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Denver, CO or Lincoln, NE.)

MC 123061 (Sub-97F), filed July 20, 1978. Applicant: LEATHAM BROTHERS INC., 46 Orange Street, P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 310 South Main, Salt Lake City, UT 84101. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes and sheets*, from the facilities of Boise Cascade Corp., at or near Nampa, ID, to points in NV. (Hearing site: Salt Lake City, UT or Boise, ID.)

MC 123675 (Sub-6F), filed July 28, 1978. Applicant: SOLDIER BROS. ABT LINE, INC., 614 Paine Avenue, Toledo, OH 43605. Representative: Arthur R. Cline, 420 Security Building, Toledo, OH 43604. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts and stampings*, from Fort Wayne, IN, to Toledo, OH. (Hearing site: Columbus, OH or Lansing, MI.)

MC 124170 (Sub-100F), filed July 26, 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: *Such commodities as are dealt in by health and beauty aid distributors*, from Detroit, MI, to points in AZ, AR, CA, CO, ID, IA, KS, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY. (Hearing site: Detroit, MI or Washington, DC.)

MC 124284 (Sub-4F), filed July 10, 1978. Applicant: WALKER TRANSFER INC., P.O. Box 1154, Durham Road, Roxboro, NC 27573. Representative: Mark Galloway, 25 Abbitt Street, P.O. Box 601, Roxboro, NC 27573. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood molding and hardwood lumber*, from the facilities of Pat Brown Lumber Corp., at or near Roxboro, NC, to points in AL, AR, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MS, MI, MA, MO, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WV, WI, and DC, under a continuing contract with Pat Brown Lumber Corp., of Lexington, NC. (Hearing site: Raleigh, NC or Richmond, VA.)

MC 124692 (Sub-212F), filed July 10, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass tanks* from Denver, CO, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 125470 (Sub-32F), filed August 2, 1978. Applicant: MOORE'S TRANSFER, INC., Rural Route 4, P.O. Box 1151, Norfolk, NE 68701. 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*, from the facilities of Norfolk Iron & Metal Co., at or near Norfolk, NE, to points in CO, IL, IN, IA, KS, MI, MN, MO, MT, ND, OK, SD, TX, UT, WI, and WY. (Hearing site: Norfolk or Lincoln, NE.)

MC 126844 (Sub-53F), filed July 24, 1978. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Road, Vineland, NJ 08360. Representative: Terrence D. Jones, 2033 K Street NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, 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), and (2) *foodstuffs* (except the commodities in (1) above and commodities in bulk), from the facilities used by Geo. A. Hormel & Co., at or near Scottsbluff and Fremont, NE, Ottumwa, IA, Austin, MN, and the facilities of the Spencer Packing Co., at or near Schuyler, NE, to points in CT, DE, MD, MA, NJ, NY, PA, RI, and DC. (Hearing site: Washington, DC.)

MC 127303 (Sub-44F), filed July 19, 1978. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. 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: *Glass containers* from Streator, IL, to points in MI, IN, KY, and TN. (Hearing site: Chicago, IL, or Washington, DC.)

MC 128273 (Sub-311F), filed July 19, 1978. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. 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 and converters of paper and paper products* (except commodities in bulk), from Chillicothe and Schooleys, OH, to points in AZ, AR, CA, CO, ID, IA, KS, LA, MS, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY. (Hearing site: Columbus, OH, or Washington, DC.)

MC 128343 (Sub-41F), filed July 19, 1978. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, RI 02814. Representative: Ronald N. Cobert, Suite 501, 1730 M Street NW., Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Games and toys*, from Central Falls and Pawtucket, RI, Los Angeles, CA, and Seattle, WA, to points in the United States (except AK and HI); (2) *school supplies, art supplies, and hobby supplies*, from Shelbyville, TN, to points in the United States (except AK and HI), 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), in the reverse direction, under a continuing contract with Hasbro Industries, Inc., of Pawtucket, RI. (Hearing site: Providence, RI, or Boston, MA.)

MC 129950 (Sub-3F), filed August 9, 1978. Applicant: CONSOLIDATED TRUCK SERVICE, INC., 1 Scout Avenue, South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) *such commodities as are dealt in by department stores*, and (2) *equipment and supplies* used in the conduct of the business named in (1) above (except commodities in bulk and foodstuffs), between New York, NY, on the one hand, and, on the other, points in MN, under a continuing contract with Belscot Retailers, Inc., of Secaucus, NJ. (Hearing site: New York, NY, or Washington, DC.)

MC 133095 (Sub-194F), filed July 28, 1978. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hair care toiletries and hair care equipment*, from Cheshire, CT, Saddle Brook and Lakewook, NJ, and points in Kings, Queens, Nassau, and Suffolk Counties, NY, to Atlanta, GA, Dallas, TX, Chicago, IL, Portland, OR, and Camarillo and Los Angeles, CA, restricted to the transportation of traffic originating at or destined to the facilities of Clairol, Inc. (Hearing site: Boston, MA, or Washington, DC.)

MC 133565 (Sub-14F), filed July 27, 1978. Applicant: TRUE TRANSPORT, INC., 15 Stockston Street, Newark, NJ 07105. Representative: Charles J. Wil-

liams, 1815 Front Street, Scotch Plains, NJ 07076. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, from Windsor, VT, to New York, NY, restricted to the transportation of traffic having a subsequent movement by water. (Hearing site: New York, NY.)

MC 133591 (Sub-45F), filed July 17, 1978. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from points in Jefferson County, CO, to points in MO; and (2) *containers and materials* for recycling, in the reverse direction. (Hearing site: Denver, CO.)

NOTE.—Dual operations may be involved in this proceeding.

MC 133591 (Sub-46F), filed July 19, 1978. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cough drops and confectionery*, from the facilities of Luden's Inc., at or near Reading, PA, to points in TX, CO, NM, UT, AZ, NV, CA, ID, OR, and WA. (Hearing site: Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 133655 (Sub-117F), filed July 31, 1978. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 East Commercial Boulevard, Fort Lauderdale. FL 33308. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal feed* (except in bulk), from the facilities of Sunshine Feed Mills, Inc., at or near Red Bay, AL, and Tupelo, MS, to points in IL, IN, KY, MD, NY, OH, OK, PA, TX, and WV. (Hearing site: Chicago, IL.)

MC 133920 (Sub-16F), filed August 9, 1978. Applicant: HOWARD SHEPPARD, INC., Tennile Road, Sandersville, GA 31082. Representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, GA 30349. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbide lime slurry*, in bulk, in tank vehicles, from Atlanta, Macon, Waycross, and Albany, GA, to Pontotoc, MS. (Hearing site: Sandersville, GA.)

MC 134922 (Sub-269F), filed July 10, 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: *Confectionery* (except in bulk, in vehicles equipped with mechanical refrigeration), from Elizabeth and Hackettstown, NJ, and Elizabethtown, PA, to points in OH and MI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 138420 (Sub-28F), filed August 8, 1978. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., P.O. Box 147, Cleveland, WI 53015. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the facilities of Fall River Canning Co., at or near Markesan and Cambria, WI, and the facilities of Gale Packing, Inc., at or near Galesville WI, to points in IN, MN, MI, MO, KY, OH, PA, TN, and those points in IL south of U.S. Hwy 136. (Hearing site: Madison or Milwaukee, WI.)

MC 138869 (Sub-12F), filed June 5, 1978, previously noticed in the FEDERAL REGISTER issue of July 18, 1978. Applicant: W. T. MYLES TRANSPORTATION CO., a corporation, P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbing fittings and fixtures*, and (2) *equipment, materials, and supplies*, for the commodities in (1), from Ferguson, KY, to points in AL, AR, AZ, CT, DE, FL, GA, IL, IN, IA, KS, LA, MA, MD, ME, MI, MN, MS, MO, NC, NM, ND, NH, NJ, NY, NE, OH, OK, PA, RI, SC, SD, TN, TX, WI, VA, VT, WV, and DC, under a continuing contract with Crane Co., of New York, NY. (Hearing site: Atlanta, GA.)

NOTE.—Dual operations may be involved in this proceeding. This republication includes plumbing fittings, fixtures, materials, and supplies.

MC 138869 (Sub-13F), filed June 2, 1978, previously noticed in the FEDERAL REGISTER issue of July 20, 1978. Applicant: W. T. MYLES TRANSPORTATION CO., a corporation, P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbing fittings, and fixtures*, and (2) *equipment, materials, and supplies*, for the commodities in (1), from Alliance, OH, to points in the United States (except AK, HI, OR, WA, and WY), under a continuing contract with Crane Co., of New York, NY. (Hearing site: Atlanta, GA.)

NOTE.—Dual operations may be involved in this proceeding. This republication includes plumbing fittings and equipment as commodities.

MC 139193 (Sub-87F), filed July 24, 1978. Applicant: ROBERTS & OAKE, INC., P.O. Box 1356, Sioux Falls, SD 57101. 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) *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 and commodities in bulk), from the facilities of John Morrell & Co., at or near East St. Louis, IL, St. Louis, MO, and Cincinnati, OH, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, and (2) *such commodities* as are dealt in by meat-packing houses (except hides and commodities in bulk), in the reverse direction, under a continuing contract with John Morrell & Co., of Chicago, IL. (Hearing site: Washington, DC, or Chicago, IL.)

MC 139193 (Sub-88F), filed July 24, 1978. Applicant: ROBERTS & OAKE, INC. P.O. Box 1356, Sioux Falls, SD 57101. 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) *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 and commodities in bulk), from the facilities of John Morrell & Co., at or near East St. Louis, IL, St. Louis, MO, and Cincinnati, OH, to points in AL, FL, GA, NC, and SC, and (2) *such commodities* as are dealt in by meat packers (except hides and commodities in bulk), in the reverse direction, under a continuing contract with John Morrell & Co., of Chicago, IL. (Hearing site: Washington, DC, or Chicago, IL.)

MC 139420 (Sub-42F), filed July 24, 1978. Applicant: ART GREENBERG d.b.a. GLACIER TRANSPORT, P.O. Box 428, Grand Forks, ND 58201. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen confections and dietetic frozen desserts*, from Grand Forks, ND, to

points in AZ, CA, CO, IL, IN, IA, KS, NE, NV, NM, SD, WA, WI, and WY; and (2) *yogurt dairy creamers, and plastic milk containers,* from points in CO to points in ND, SD, MN, WI, IL, IN, CA, and NV. (Hearing site: Grand Forks or Fargo, ND.)

MC 139495 (Sub-37F), filed July 31, 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: *Foodstuffs,* from points in ID, OR, UT, and WA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Portland, OR.)

MC 139495 (Sub-372F), filed August 1, 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: (1) *Footwear, footwear accessories, and display cases* and (2) *materials and supplies* used in the distribution of footwear, from the facilities of the Meldisco Shoe Division of Melville Shoe Corp., at or near Morrow, GA, to points in AR, KS, LA, MS, OK, and TX. (Hearing site: Washington, DC.)

MC 139495 (Sub-373F), filed August 2, 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: *Footwear, footwear, accessories, and display cases and materials and supplies* used in the distribution of footwear, from the facilites of the Meldisco Shoe Division of Melville Shoe Corp., at or near Huntington, IN, to points in IA, KS, MN, MO, NE, ND, and SD. (Hearing site: Washington, DC.)

MC 140024 (Sub-117F), filed June 29, 1978. Applicant: J. B. MONTGOMERY, INC., 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: *Drugs, toilet preparations, health care products, alumina calcined, and magnesium hydroxide* (except in bulk), in vehicles equipped with mechanical refrigeration, (1) from Philadelphia, PA, Lakewood, NJ, Friendship, NC, and Lewes, DE, to points in the United States (except AL, AK, CT, DE, DC, FL, GA, HI, ME, MD, MA, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, and WV), (2) from Reno, NV, to points in PA, and (3) from San Leandro, CA, to points in GA, IN, and PA, restricted in (1), (2), and (3) to the transportation of traffic originating at the named origins. (Hearing site: Philadelphia, PA, or Washington, DC)

MC 140033 (Sub-60F), filed July 19, 1978. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: D. Paul Stafford, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75245. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Confectionery and cough drops,* from the facilities of Luden's, Inc., at or near Reading, PA, to points in AL, AR, LA, MS, OK, TN, and TX. (Hearing site: Philadelphia, PA or Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 140755 (Sub-55F), filed July 31, 1978. Applicant: BRAY TRANSPORTS, INC., a Colorado corporation, 1401 North Little Street, P.O. Box 270, Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, from the facilities of Chevron Chemical Co., at or near Friend, KS, to points in CO, NE, OK, TX, and WY. (Hearing site: Dallas, TX.)

MC 140820 (Sub-6F), filed August 10, 1978. Applicant: A & R TRANSPORT, INC., 2996 North Illinois 71, Rural Route No. 3, Ottawa, IL 61350. Representative: James R. Malder, 120 West Madison Street, Suite 718, Chicago, IL 60602. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Acids,* from DePue, IL, to points in IL, IA, IN, KS, KY, MI, MO, OH, and WI. (Hearing site: Chicago, IL.)

MC 140820 (Sub-7F), filed August 15, 1978. Applicant: A & R TRANSPORT, INC., 2996 North Illinois 71, Rural Route No. 3, Ottawa, IL 61350. Representative: James R. Madler, 120 West Madison Street, Suite 718, Chicago, IL 60602. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dicalcium phosphate,* in bulk, from Marseilles, IL, to points in IL, IA, IN, KS, KY, MI, MN, NE, OH, and WI. (Hearing site: Chicago, IL.)

MC 141076 (Sub-19F), filed July 3, 1978. Applicant: ROGERS MOTOR LINES, INC., P.O. Box 388D2, R.F.D. No. 2, Hackettstown, NJ 07848. 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: *Oleomargarine, shortening, and salad dressings,* from the facilities of The Miami Margarine Co., at or near Cincinnati, OH, to points in CI, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC. (Hearing site: Cincinnati, OH.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 141357 (Sub-5F), filed July 17, 1978. Applicant: SHANUS, INC., 232 First Street North, Minneapolis, MN 55401. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coal and coke,* between points in MN, restricted to the transportation of traffic having a prior movement by rail. (Hearing site: Minneapolis, MN.)

MC 141436 (Sub-2F), filed July 5, 1978. Applicant: HARKER'S TRANSPORTATION, INC., P.O. Box 1308, LeMars, IA 51031. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* (except in bulk), from LeMars, IA, to points in AR, NM, OK, TN, and TX; and (2) *materials and equipment* used in the manufacture and distribution of frozen foods (except commodities in bulk), from points in AR, NM, OK, TN, and TX, to Sioux City, Orange City, Marshalltown, and LeMars, IA, under a continuing contract with Harker's Wholesale Meat, Inc., of LeMars, IA. (Hearing site: Omaha, NE.)

MC 141550 (Sub-5F), filed July 6, 1978. Applicant: HOPPY LINES, INC., 420 Devonshire Drive, Brea, CA 92521. Representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Wax, polish, cleaning fluids, and paint* (except commodities in bulk), from the facilities of B.A.F. Industries, d.b.a. Burford Auto Finishes, at or near Santa Ana, CA, to Denver, CO, Indianapolis, IN, Muskegon, MI, Cortland, NY, Cincinnati, OH, and Oklahoma City, OK; and (2) *buffing pads,* from Cincinnati, OH, to the facilities of B.A.F. Industries, d.b.a. Burford Auto Finishes, at or near Santa Ana, CA, under a continuing contract with B.A.F. Industries, d.b.a. Burford Auto Finishes, of Santa Ana, CA. (Hearing site: Los Angeles, CA.)

MC 141694 (Sub-5F), filed July 13, 1978. Applicant: HARCO CARRIERS, INC., 1808 Ford Road, Minnetonka, MN 55343. Representative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. To operate as a *common carrier,* by motor vehicle, over irregular routes, trans-

porting: *Ceramic tile,* from the facilities of Kate-Lo, Inc., at or near Brooklyn Park, MN, to Omaha, NE, Wichita, KS, Tulsa and Oklahoma City, OK, San Antonio, TX, Des Moines, IA, Kansas City and Springfield, MO, Tontitown and Little Rock, AR, Memphis, TN, Wheaton and Bloomington, IL, Indianapolis, IN, and Middleburg, Heights, OH. (Hearing site: Minneapolis or St. Paul, MN.)

MC 142364 (Sub-3F), filed July 12, 1978. Applicant: KENNETH SAGELY d.b.a. Sagely Produce, 2802 Kibler Road, Van Buren, AR 72956. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Fencing, fencing materials, wire, and wire products* from the facilities of Bekaert Steel Wire Corp., at or near Van Buren, AR, to points in AZ, CA, CO, CT, DE, FL, ID, MD, MI, MN, MT, NV, NJ, NM, NY, NC, ND, OR, PA, RI, SC, SD, UT, VA, WA, WV, WI and WY; (2) *steel rods* from the facilities of Georgetown Steel Co., at or near Beaumont, TX, to the facilities of Bekaert Steel Wire Corp., at or near Van Buren, AR; and (3) *steel wire carriers* from points in the United States (except AR, AK, and HI), to the facilities of Bekaert Steel Wire Corp., at or near Van Buren, AR. (Hearing site: Fort Smith, AR or Tulsa, OK.)

MC 142516 (Sub-12F), filed July 5, 1978. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plastic film, plastic bags, and polyethene;* and (2) *materials* used in the manufacture and sale of the commodities named in (1) above (except in bulk), from Jersey City, Kearny, and Elizabeth, NJ, to points in the United States (except AK and HI), under continuing contracts with Armin Corp., of Jersey City, NJ. (Hearing site: New York, NY or Washington, DC.)

MC 142606 (Sub-8F), filed July 3, 1978. Applicant: WESCO TRANSPORTATION, INC., 2222 West Garvey, Suite L, West Covina, CA 91790. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Furniture parts,* (1) from Georgetown, KY, to Vernon, CA, and (2) from Delaplain, KY, to points in AZ, CA, CO, MA, MN, MO, NJ, OR, and TX, under continuing contracts with Hoover Universal, Inc., Spring Systems Division, of Ann Arbor, MI. (Hearing site: Los Angeles, CA.)

MC 142715 (Sub-16F), filed July 28, 1978. Applicant: LENERTZ, INC., 411 Northwestern National Bank, South St. Paul, MN 55101. Representative: Andrew R. Clarke, 1000 First National Bank Building Minneapolis, MN 55402 To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near Fort 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: Chicago, IL.)

MC 143284 (Sub-3F), filed July 5, 1978. Applicant: IVAN WEHRLE, d.b.a. WEHRLE GRAIN CO., Box 36, Mulberry Grove, IL 62262. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Feed* (1) between Vandalia, IL, and Montgomery City, MO, and (2) from Vandalia, IL, to Dexter and Gray Summit, MO, restricted to the transportation of traffic originating at the facilities of Ralston Purina Co., at or near Vandalia, IL, and Montgomery City, MO. (Hearing site: St. Louis, MO.)

MC 143610 (Sub-11F), filed July 24, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Woodworking hand tools, automatic door-operating equipment, steel strapping, builders' hardware, industrial hardware, and drapery hardware,* from Farmington, New Britain, and Wallingford, CT, to points in AZ, AR, CA, CO, IL, IN, KS, LA, MI, MO, NE, NV, NM, OH, OK, OR, TX, UT, and WA, under a continuing contract with the Stanley Works, of New Britain, CT. (Hearing site: New Britain, CT or Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 143794 (Sub-6F), filed July 10, 1978. Applicant: EAST-WEST MOTOR FREIGHT, INC., 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: (1) *Central heating* and *air conditioning units, furnaces, air coolers, water evaporators, condensing units,* and *compressors,* and (2) *parts, equipment,* and *supplies* used in the manufacture and installation of the commodities in (1) above, from the facilities of Heil-Quaker Corp., in Davidson County, TN, to points in AZ, CA, CO, IA, NE, NV, ND, OR and SD, under continuing contracts with Heil-Quaker Corp., of Nashville, TN. (Hearing site: Atlanta, GA.)

MC 144190 (Sub-2F), filed July 16, 1978. Applicant: STORY, INC., Route 1, Box 122, Henegar, AL 35978. Representative: John W. Cooper, Suite 200, Woodward Building, 1927 1st Avenue, North, Birmingham, AL 35203. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Rugs and carpeting,* from Chatsworth and Calhoun, GA, and points in Catoosa and Whitfield Counties, GA, to points in CA, OR, WA, CO, AZ, UT, WY, ID, MT, and IA. (Hearing site: Dalton, GA or Chattanooga, TN.)

MC 144246 (Sub-4F), filed June 29, 1978. Applicant: LARSEN TRUCKING CO., a corporation, 7703 Sunset Street, Ralston, NE 68127. Representative: Kenneth P. Weiner, 608 Executive Building, Omaha, NE 68102. To operate as a *common carrier,* by motor vehicle, over irregular 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 and commodities in bulk), from the facilities of Dugdale Packing Co., at or near Darr, NE, to Webster City, IA. (Hearing site: Omaha, NE.)

MC 144513 (Sub-3F), filed July 19, 1978. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster Street, Lodi, OH 44252. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Construction and maintenance materials and supplies* (except commodities in bulk and commodities which because of size and weight require the use of special equipment), from the facilities of Republic Powdered Metals, Inc., at or near Medina, OH, and Gilroy, CA, to points in the United States (except AK and HI), and (2) *materials and equipment* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk and commodities which because of size and weight require the use of special equipment), in the reverse direction, restricted to the transportation of traffic originating at the named origins and destined to the indicated des-

tinations. (Hearing site: Cleveland, OH.)

NOTE:—Dual operations may be at issue in this proceeding.

MC 144740 (Sub-2F), filed July 19, 1978. Applicant: L. G. DeWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street, NW., Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from the facilities of Pet Inc., at or near Chambersburg and Allentown, PA, to points in CA, OR, and WA, under a continuing contract with Pet Inc., of St. Louis, MO. (Hearing site: Washington, DC.)

MC 144828F, filed May 24, 1978, and previously noticed in the FEDERAL REGISTER issue of July 18, 1978. Applicant: FEPCO TRUCKING, INC., 2699 Caladium Drive, NE, Atlanta, GA 30345. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard, paperboard, or pulpboard containers* (except corrugated), between Detroit, MI, and the facilities of Mead Packaging, Division of the Mead Corp., at or near Chicago, IL, under a continuing contract with the Mead Corp., of Dayton, OH. (Hearing site: Atlanta, GA.)

NOTE.—(1) The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission, and consummated, or do not require Commission approval.

(2) The purpose of this republication is to correct the commodity description from boxes to containers.

MC 144865 (Sub-1F), filed July 31, 1978. Applicant: JASCO TRUCKING, INC., 202 94th Street SW., Albuquerque, NM 97105. Representative: David C. Olson, 20 First Plaza No. 405, P.O. Drawer 965, Albuquerque, NM 87103. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the facilities of National King Cole Mine, at or near Hesperus, CO, to the facilities of Ideal Basic Industries, at or near Tijeras, NM, under a continuing contract with Ideal Basic Industries, of Denver, CO. (Hearing site: Albuquerque, NM or Denver, CO.)

MC 144906F, filed June 16, 1978. Applicant: NORTH OPERATING COMPANY, a corporation, 39 Little Brook Road, Springfield, NJ 07081. Representative: John L. Alfano, 550 Mamaroneck Avenue Harrison, NY 10528. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated cartons*, (2) *corrugated sheets*, and (3) *pulpboard*, in rolls, from the facilities of Weyerhaeuser Co., at or near Closter, NJ, to points in CT, NJ, NY, and PA, under a continuing contract with Weyerhaeuser Co., of Tacoma, WA. (Hearing site: New York, NY.)

NOTE.—The person or persons who appear to be engaged 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 unnecessary. Dual operations may be at issue in this proceeding.

MC 144996F, filed July 3, 1978. Applicant: D. H. SHARRER & SON, INC. Route 2, Box C, New Oxford, PA 17350. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed ingredients*, in bulk, in dump vehicles, from Philadelphia, PA, Baltimore, MD, and points in NJ, to the facilities of H. J. Baker & Bros., Inc., at or near Robbins, NC; and (2) *animal and poultry feed and feed ingredients*, in bulk, in dump vehicles, from the facilities of H. J. Baker & Bros., Inc., at or near Robbins, NC, to points in DE, MD, and PA. (Hearing site: Washington, DC.)

MC 145032F, filed July 10, 1978. Applicant: NATIONAL TRANSPORTATION SERVICES, INC., P.O. Box 3291, Lubbock, TX 79410. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, trailer chassis, and containers* (except those designed to be drawn by passenger automobiles), in truckaway service, and (2) *parts* for the commodities named in (1) above, between the facilities of the Budd Co., Trailer Division, at or near Ridgeway, VA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC or Philadelphia, PA.)

MC 145034F, filed July, 10, 1978. Applicant: SKY TRUCKING CO., a corporation, 2136 Hancock, San Diego, CA 92110. Representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, CA 90010. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except classes A and B explosives and articles of unusual value), in containers or in trailers, between Los Angeles, CA, on the one hand, and, on the other, points in San Diego County, CA, restricted to the transportation of traffic having an immediately prior or subsequent movement by water. (Hearing site: Los Angeles CA.)

MC 145059 (Sub-3F), filed June 23, 1978. Applicant: SPINELLI BROS. TRUCKING, INC., 55 Wade Boulevard, Millville, NJ 08332. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, toilet preparations, health care products, magnesium hydroxide, and alumina calcinade* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (1) from Philadelphia, PA, Lakewood, NJ, and Lewes, DE, to points in AZ, AR, CA, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI, CO, and WY, and (2) from Reno, NV, San Leandro, CA, and Round Rock, TX, to Philadelphia, PA, and Lakewood, NJ. (Hearing site: Philadelphia, PA or Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 145110F, filed July 24, 1978. Applicant: WILLAMETTE INDUSTRIES, INC., Trucking Division, P.O. Box G, Beaverton, OR 97005. Representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ink, adhesives, and paper products*, from the facilities of Western Kraft, Bag Division, at or near Beaverton, OR, to points in CA, under a continuing contract with Western Kraft, Bag Division, of Beaverton, OR. (Hearing site: Portland, OR.)

NOTE.—In view of the Geraci and Toto policies (see, e.g., 43 FR 33945) (8-2-78), the carrier must satisfy the Commission that its operations will not result in objectionable private and for-hire operations.

MC 145130F, filed August 1, 1978. Applicant: ATICO TRANSPORT, INC., 6700 South LeClaire Avenue, Chicago, IL 60638. 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, container parts and attachments, 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), between the facilities of Natico, Inc., at or near (a) Bound Brook and Pennsauken, NJ, (b) Florence, KY, and (c) Chicago, IL, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC, restricted to the transportation of traffic originating at the named origins and destined

to the indicated destinations. (Hearing site: Washington, DC.)

MC 145146F, filed June 23, 1978. Applicant: STEVE RUNYON, d.b.a. RUNYON TRUCKING, Route 1, Box 10, Bidwell, OH 45614. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25516. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Athens, Hocking, Jackson, Lawrence, and Vinton Counties, OH, to West Columbia and Clifton, WV. (Hearing site: Columbus, OH.)

NOTE.—Dual operations may be at issue in this proceeding.

BROKER AUTHORITY

MC 12613 (Sub-7F), filed June 15, 1978. Applicant: WAYNE'S HERITAGE TOURS OF AMERICA, INC., Greyhound Terminal, 28 North Perry Square, Erie, PA 16501. Representative: Jeremy Kahn, Suite 733 Investment Building, Washington, DC 20005. To engage in operation, in interstate or foreign commerce, as a *broker*, at Pittsburgh and Erie, PA, in arranging for the transportation, by motor vehicle, of: *Passengers and their baggage*, in special and charter operations, between points in the United States (including AK and HI). (Hearing site: Pittsburgh, PA.)

NOTE.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in Tauck Tours, Inc., Extension—New York, NY, 54 MCC 291 (1954).

[FR Doc. 78-25769 Filed 9-13-78; 8:45 am]

[7035-01]

[Decisions Volume No. 29]

DECISION-NOTICE

Decided: August 31, 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 pertinent 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 Number 2, Members Boyle, Eaton, and Liberman.

H. G. HOMME, Jr.,
Acting Secretary.

MC 8948 (Sub-113F), filed August 14, 1978. Applicant: WESTERN GILLETTE, INC., a California corporation, P.O. Box 471, Akron, OH 44309, Representative: William O. Turney, Suite, 1010, 7101 Wisconsin Avenue, Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Fredonia, AZ, to Salt Lake City, UT. (Hearing site; Salt Lake City, UT.)

MC 11207 (Sub-438F), filed July 18, 1978. Applicant: DEATON, INC., a Delaware corporation, 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: *Iron and steel articles* (except commodities which by reason of size or weight require the use of special equipment), from the facilities of Lamson & Session Co, at or near Birmingham, AL, to points in TX. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 19157 (Sub-52F), filed July 17, 1978. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, NY 12306. Representative: Paul Montarello (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware* (except commodities in bulk and those which because of size or weight require the use of special equipment), between Youngstown, OH, on the one hand, and, on the other, points in CT, DE, ME, MA, MD, NJ, NH, NY, PA, RI, VT, WV, and DC. (Hearing site: Columbus, OH, or Washington, DC.)

MC 35706 (Sub-12F), filed July 10, 1978. Applicant: ATSL, INC., 6801 State Road, Philadelphia, PA 19135. Representative: Steven M. Tannenbaum, 135 North Fourth Street, Philadelphia, PA 19106. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, and (2) *materials* used in the manufacture of paper and paper products (except in

bulk), between the facilities of Scott Paper Co., at or near (a) Philadelphia and Chester, PA, and (b) Fort Edward and Albany, NY. (Hearing site: Philadelphia, PA, or Camden, NJ.)

MC 59531 (Sub-108F), filed July 20, 1978. Applicant: AUTO CONVOY CO., a limited partnership, 3020 South Haskell Avenue, Dallas, TX 75223. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Motor vehicles,* in secondary movements, in truckaway service, between points in TX, NM, and AZ. (Hearing site: Dallas, TX.)

MC 59531 (Sub-109F), filed July 20, 1978. Applicant: AUTO CONVOY CO., a limited partnership, 3020 South Haskell Avenue, Dallas, TX 75223. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Motor vehicles,* in secondary movements, in truckaway service, between points in TX, AR, LA, and OK. (Hearing site: Dallas, TX.)

MC 59531 (Sub-110F), filed July 20, 1978. Applicant: AUTO CONVOY CO., a limited partnership, 3020 South Haskell Avenue, Dallas, TX 75223. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Motor vehicles,* in secondary movements, in truckaway service, between points in TX, OK, CO, KS, and MO. (Hearing site: Dallas, TX.)

MC 61977 (Sub-9F), filed July 19, 1978. Applicant: ZERKLE TRUCKING CO., an Ohio corporation, 2400 Eighth Avenue, Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Flat glass,* from the facilities of Fourco Glass Co., at Clarksburg and Jerry Run, WV, to points in AR, KS, MO, OK, and TX. (Hearing site: Charleston, WV.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 79687 (Sub-19F), filed July 17, 1978. Applicant: WARREN C. SAUERS CO., INC., 200 Rochester Road, Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Glass containers,* (2) *accessories for glass containers,* and (3) *materials, equipment, and supplies* used in the manufacture and distribution of glass containers,from the facilities of Thatcher Glass Manufacturing Co., Division of Dart Industries, Inc., (a) at Wharton, NJ, to Aspers and Schenley, PA, and those points in the Lower Peninsula of MI, (b) in Hamilton County, OH, and at Lawrenceburg, IN, to points in DE, MD, NJ, and NY, and (c) at Elmira and Horseheads, NY, to Louisville, KY. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 94201 (Sub-162F), filed July 24, 1978. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, AL 35203. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Marble, limestone, soapstone, and talc,* from points in Talladega County, AL, to those points in the United States in and east of TX, AR, MO, IA, and MN. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 94265 (Sub-277F), filed August 4, 1978. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Route 460, Windsor, VA 23487. Representative: John J. Capo, Suite 212, 5299 Roswell Road, NE., Atlanta, GA 30342. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Peter Eckrich & Sons, Inc., in Allen Township, MI, to points in AL, GA, NC, SC, and TN, restricted to the transportation of traffic originating at the above named origin. (Hearing site: Chicago, IL, and Washington, DC.)

MC 95084 (Sub-121F), filed July 5, 1978. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, IA 50246. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Steel construction forms,* and (2) parts and accessories for steel construction forms between the facilities of Economy Forms Corp., at (a) Atlanta, GA, (b) Columbus, OH, (c) Dallas, TX, (d) Des Moines, IA, (e) Fresno, CA, (f) Kent, WA, and (g) Metuchen, NJ, on the one hand, and, on the other, points in the United States (except AK, and HI); and (2) *iron and steel articles,* from Chicago, Federal, and Granite City, IL, Detroit, MI, and Toledo, OH, to the facilities of Economy Forms Corp., at Des Moines, IA. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 95540 (Sub-1029F), filed August 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: (1) *Such commodities as are dealt in by grocery business houses,* and (2) *materials, equipment, and supplies* used in the conduct of the businesses named in (1) above, from Cincinnati and Columbus, OH, to St. Louis, MO, and Peoria, IL. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 100597 (Sub-8F), filed July 21, 1978. Applicant: FAIRFIELD TRUCKING, INC., Route 5, Box 480, Pine Bluff, AR 71601. Representative: Harry E. Dixon, Jr., P.O. Box 4319, Monroe, LA 71203. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Particleboard, lumber, and lumber products,* (1) from Lillie and Winnfield, LA, to points in AR, OK, and TX, and (2) from Huttig, AR, to points in OK and TX. (Hearing site: Monroe, LA, and or Little Rock, AR.)

MC 106398 (Sub-822F), filed August 10, 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: (1) *Buildings, and parts and fixtures for buildings,* and (2) *materials and supplies* used in the manufacture, installation, and erection of the commodities in (1) above, from Warrenton, MO, to points in CO, ID, MT, ND, OK, OR, TX, UT, WA, and WY. (Hearing site: St. Louis, MO.)

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 100666 (Sub-404F), filed July 10, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Ground clay,* from Quality, GA, to points in AL, AR, AZ, CO, IA, KS,

MO, MS, OK, TN, and TX. (Hearing site: Dallas, TX, or Memphis, TN.)

MC 100666 (Sub-405F), filed July 10, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lath*, from the facilities of the Ceco Corp., at or near Broadview, IL, to points in OK. (Hearing site: Chicago, IL.)

MC 106674 (Sub-331F), filed July 10, 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: *Lumber and particleboard*, from Louisville, KY, to points in KY and IN, restricted to the transportation of traffic having an immediately prior movement by water. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107496 (Sub-1151F), filed July 10, 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: *Fertilizer, feed, and feed ingredients*, in bulk, in tank or hopper-type vehicles, from points in Holt County, MO, to points in IA, KS, MN, MO, NE, and SD. (Hearing site: Des Moines, IA, or Kansas City, MO.)

MC 108340 (Sub-33F), filed August 14, 1978. Applicant: HANEY TRUCK LINE, a corporation, P.O. Box 485, Cornelius, OR 97113. Representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the facilities of Blitz Weinhard Brewing Co., at Portland, OR, to Longview, Centralia, Pasco, Wenatchee, Moses Lake, and Walla Walla, WA, and to points in ID. (Hearing site: Portland, OR.)

MC 108676 (Sub-124F), 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: *Steel sheets, and steel coils*, from the facilities of Feralloy Corp., at Birmingham AL, to those points in the United States in and east of TX, OK, MO, IA, and MN. (Hearing site: Birmingham, AL, or Nashville, TN.)

MC 109708 (Sub-91F), filed August 11, 1978. Applicant: INDIAN RIVER TRANSPORTATION CO., a corporation, d.b.a. INDIAN RIVER TRANSPORT, INC., P.O. Box AG, Dundee, FL 33838. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape concentrate*, in bulk, in tank vehicles, from points in CA, to points in NY, PA, and FL. (Hearing site: Los Angeles, CA, or Omaha, NE.)

MC 109708 (Sub-92F), filed August 11, 1978. Applicant: INDIAN RIVER TRANSPORT CO., a corporation, d.b.a. INDIAN RIVER TRANSPORT, INC., P.O. Box AG, Dundee, FL 33838. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice concentrates*, in bulk, in tank vehicles, from Weslaco, TX, to points in MI and FL. (Hearing site: Dallas, TX or Omaha, NE.)

MC 110663 (Sub-10F), filed July 26, 1978. Applicant: R. CONLEY, INC., 6891 Seneca Street, Elma, NY 14059. Representative: Robert V. Giarrniny, 900 Midtown Tower, Rochester, NY 14604. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, between points in PA, NJ, and OH, on the one hand, and, on the other, those points in NY on and west of Interstate Hwy 81, under continuing contract(s) with (a) Pierce Glass Co., of Port Allegany, PA, and (b) the Continental Group, Inc., of Greenwich, CT. (Hearing site: Rochester or Buffalo, NY.)

NOTE.—Dual operations are at issue in this proceeding.

MC 111231 (Sub-243F), filed July 26, 1978. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springfield, AR 72764. Representative: John C. Everett, P.O. Box A, 140 East Buchanan, Prairie Grove, AR 72753. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberglass products, fiberglass materials, plastic materials, and plastic products* (except plastic bottles), and (2) *materials, supplies, and equipment* used in the manufacture and distibution of commodities named in (1) above (except commodities in bulk), between the facilities of Owens-Corning Fiberglass Corp., in Franklin and Licking Counties, OH, on the one hand, and, on the other, points in AR, IL, KS, LA, MS, NE, OK, TN, TX, and MO. (Hearing site: Toledo, OH or Cleveland, OH.)

MC 111545 (Sub-255F), filed August 3, 1978. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, between points in CA, on the one hand, and, on the other, those points in the United States in east of MN, IA, NE, KS, OK, and TX. (Hearing site: San Francisco, CA or Atlanta, GA.)

MC 111941 (Sub-26F), filed July 24, 1978. Applicant: PIERCETON TRUCKING COMPANY, INC., P.O. Box 233, Laketon, IN 46943. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, from Indianapolis, IN, to Columbus, OH. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 113362 (Sub-334F), filed July 11, 1978. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 1105½ Eighth Avenue NE., P.O. Box 429, Austin, MN 55912. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except in bulk), from West Reading and Wyomissing, PA, to Cleveland and Cincinnati, OH, Detroit, MI, Indianapolis, IN, Chicago, IL, St. Louis and Kansas City, MO, Omaha, NE, Minneapolis, MN, Memphis, TN, and Dallas, TX, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Washington, D.C.)

MC 113855 (Sub-440F), filed July 10, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., a North Dakota corporation, 2450 Marion Road SE, Rochester, MN 55901. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-cut log buildings*, and (2) *materials* and *supplies* used in the construction, installation, and erection of the commodities in (1) above, from points in Surry County, NC, to points in the United States (except AK, NC, and HI). (Hearing site: Washington, D.C.)

MC 114045 (Sub-503F), filed July 11, 1978. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as applicant). To oper-

ate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in TX, to points in CT, DE, IL, IN, KY, ME, MD, MI, NH, NJ, NY, OH, MA, PA, RI, VT, VA, WV, WI, and DC. (Hearing site: Dallas, TX.)

MC 114273 (Sub-419F), filed July 24, 1978. Applicant: CRT, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. core, (Same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel shot*, (except in bulk, in tank vehicles), from Hamilton, OH, and Mt. Pleasant, PA, to points in WI, and those points in the Lower Peninsula of MI on and east of a line beginning at the OH/MI State Line and extending along U.S. Hwy 127 to junction U.S. Hwy 27, then along U.S. Hwy 27 to junction Interstate Hwy 75, then along Interstate Hwy 75 to Mackinow City; (2) ceramics *foundry products and ceramic foundry supplies*, (except commodities in bulk, in tank vehicles), from Columbus, OH, to Milwaukee, WI, and (3) *silicon carbide* (except in bulk, in tank vehicles), from Niagara Falls, NY, to points in IL, IA, MN, and WI, restricted in (1), (2), and (3) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. Condition: In view of the findings in No. MC-11473 (Sub-147 and 252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-420F), filed July 24, 1978. Applicant: CRT, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. core, (Same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel nails and staples, steel, plastic and nylon strapping and seals, and pneumatic hand tools*, and (2) *parts and accessories* used in the installation of the commodities named in (1) above, from Chicago, IL, Cincinnati, OH, Downingtown, PA, New York, NY, and Philadelphia, PA, to the facilities of Carlson Stapler and Shippers Supply Inc., at Denver, CO, Minneapolis, MN, Omaha, NE, and Wichita, KS, restricted to the transportation of traffic destined to the named destinations. CONDITION: In view of the finding in No. MC 114273 (Sub-147 and 252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-421F), filed July 24, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper articles, plastic bags, and plastic sheeting*, from Richmond, VA, to Cleveland and Youngstown, OH, and (2) *Paper and paper articles*, (a) from Franklin, VA, to Waukegon, IL, and (b) from Clinton, IA, to Columbus, OH. Condition: In view of the findings in No. MC-114273 (Sub-147 and 252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-422F), filed July 24, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Iron and steel articles*, and (b) *wheels, rims, spindles, hub caps, and grease caps* (except iron and steel articles), between Romulus, MI, and Davenport, IA, and (2) iron and steel articles, from Cleveland, OH, to points in IL, IN, IL, and NE. Condition: In view of the findings in No. MC-114273 (Sub-147 and 252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-423F), filed July 24, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from the facilities of Champion International Corp., at or near Cincinnati and Hamilton, OH, to points in CO, and (2) *commodities* used in the manufacture of paper and paper products, (except commodities in bulk, in tank vehicles), from points in CO, to the facilities of Champion International Corporation, at or near Cincinnati and Hamilton, OH, restricted in (1) and (2) above to the transportation of traffice originating at the named originis and destination to the indicated destination. Condition: In view of the findings in No. MC-114273 (Sub-147 and 252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-424F), filed July 24, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (Same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except commodities in bulk, in tank vehicles), from Danbury and New Milford, CT, to Chicago, IL. Condition: In view of the findings in No. MC-114273 (Sub-147 and 252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, D.C.)

MC 114273 (Sub-425F), filed July 24, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (Same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of General Foods Corp., at Dover, DE, to Chicago, IL, Kansas City, MO, and St. Paul, MN, restricted to the transportation of traffic originating at the named origin. Condition: In view of the findings in No. MC-114273 (Sub-147 and 252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition

for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, D.C.)

MC 114273 (Sub-426F), filed July 24, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (Same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1)(a) *Iron and steel articles,* (b) *vehicle wheels, vehicle bands, and vehicle rings,* and (c) *parts for the commodities* in (1)(b) above, from Detroit, Lansing, and Wyandotte, MI, to Kewanee, IL; and (2) *iron and steel articles,* from (a) Marysville, MI, to Ida Grove, IA, and (b) from Portage, IN, to East Moline, IL. Condition: In view of the findings in No. MC-114273 (Sub-147 and 252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, D.C.)

MC 114273 (Sub-427F), filed July 24, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fiberboard corrugated boxes,* (1) from Philadelphia, PA to St. Paris, OH, and Des Moines, IA, and (2) from St. Paris, OH, to Des Moines, IA, Chicago, IL, Kansas City, KS, Minneapolis, MN, Dallas, Ennis, and Houston, TX, and Gretna, LA. Condition: In view of the findings in MC 114273 (Sub-147 and Sub-252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 124273 (Sub-428F), filed July 24, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paints, shellac, and caulking compounds* (except commodities in bulk, in tank vehicles), from Tipp City and Dayton, OH, to Dallas, TX. Condition: In view of the findings in MC 114273 (Sub-147 and Sub-252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issuance, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-429F), filed July 24, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Zinc, zinc oxide, and zinc articles* (except commodities in bulk, in tank vehicles), from Palmerton, PA, to Chicago, IL; and (2) *titanium dioxide* (except in bulk, in tank vehicles), from Dayton, Edison, Hoboken, Linden, Sayreville, and South Amboy, NJ, to Chicago, IL, Des Moines, IA, and Lincoln, NE. Condition: In view of the findings in MC 114273 (Sub-147 and Sub-252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-430F), filed July 24, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Containers, container closures,* and (2) *accessories, materials, and supplies* used in the distribution of containers and container closures, from Dunkirk, IN, to points in IA, KS, MN, MO, and NE. Condition: In view of the findings in MC 114273 (Sub-147 and Sub-252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-431F), filed July 24, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Chemicals and cleaners,* from Milford, CT, to Chicago, IL. Condition: In view of the findings in MC 114273 (Sub-147 and Sub-252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-432F), filed July 24, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Chemicals* except in bulk, in tank vehicles), from Chicago, IL, to Crete, NE, Kansas City and Topeka, KS, Macedonia, OH, and St. Paul, MN; and (2) *petroleum and petroleum products* (except commodities in bulk, in tank vehicles), from Cincinnati, OH, and Freedom, Pa, to points in IA, KS, MN, MO, and NE. Condition: In view of the findings in MC 114273 (Sub-147 and Sub-252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-433F), filed July 24, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* (except in bulk), from the facilities of Michigan Natural Storage, at or near Grand Rapids, MI, and Lake Odessa Canning, at Lake Odessa, MI, to Bettendorf, IA, Bonner Springs, KS, Chicago, IL, Kansas City, KS, Richmong, VA, and points in Cumberland County, NJ. Condition: In view of the findings in MC 114273 (Sub-147 and Sub-252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-434F), filed July 26, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets* (except in bulk, in tank vehicles), from points in Vanderburgh County, IN, to points in CO, IA, IL, KS, MI, MN, MO, NE, NC, OH, PA, SC, TN, TX, VA, WV, and WI. Condition: In view of the findings in MC 114273 (Sub-147 and Sub-252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-435F), filed July 26, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen bakery goods*, from the facilities of Midwest Biscuit, at or near Burlington, IA, to points in CO, NM, OK, TX, and those points in KS on and west U.S. Hwy 81, restricted to the transportation of traffic originating at the named origin and destinated to the named destinations. Condition: In view of the findings in MC 114273 (Sub-147 and Sub-252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-436F), filed July 26, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antimonial lead*, from the facilities of Gould, Inc., at Omaha, NE, to Burlington and Manchester, IA, Detroit, MI, Kankakee, IL, Philadelphia, PA, Vincennes, IN, and Zanesville, OH, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. Condition: In view of the findings in MC 114273 (Sub-147 and Sub-252), of which official notice is taken, the certificate to be issued here shall be limited in point of time to a period expiring 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable regulations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114457 (Sub-414F), filed July 17, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric ranges and microwave ovens*, and (2) commodities used in the manufacture and distribution of the commodities in (1) above, between the facilities of Litton Microwave Cooking Products, Litton Systems, Inc., at Minneapolis, MN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Paul, MN, or Chicago, IL.)

MC 114457 (Sub-417F), filed July 17, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in packages, from the facilities used by Atalanta Corp., at (a) Jersey City, NJ, (b) New York, NY, and (c) Philadelphia, PA, to Burlington, IA, Chicago, IL, Lawrence, KS, and Los Angeles, CA, and points in IN, MI, MN, OH, and WI. (Hearing site: New York, NY, Chicago, IL, or St. Paul, MN.)

MC 114457 (Sub-418F), filed July 17, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and woodpulp*, from Calhoun, TN, to points in KY. (Hearing site: Nashville, TN, or St. Paul, MN.)

MC 115311 (Sub-293F), filed July 21, 1978. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, particleboard, wallboard, composition board, poles, piling, pallets, timbers, and crossties*, from points in AR, LA, MS, OK, TN, and TX, to those points in the United States in and east of TX, OK, KS, NE, IA, and WI. (Hearing site: New Orleans, LA.)

MC 115496 (Sub-96F), filed July 10, 1978. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. 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: *Iron and steel articles*, from points in Georgetown County, SC, to points in AL, FL, GA, IL, IN, KY, MD, MI, MO, NC, OH, PA, TN, VA, and WV. (Hearing site: Atlanta, GA, or Georgetown, SC.)

MC 115821 (Sub-36F), filed July 26, 1978. Applicant: FRANK BEELMAN, d.b.a. BEELMAN TRUCK CO., St. Libory, IL 62282. 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 and fertilizer ingredients*, (1) From Springfield, IL, to points in MO and IN, (2) from East St. Louis and Wayne City, IL, to points in IN, and, (3) from the facilities of Sandoval Zinc Co., at or near Sandoval, IL, to points in AR, IA, AL, and MI. (Hearing site: St. Louis, MO.)

MC 115821 (Sub-37F), filed July 24, 1978. Applicant: FRANK BEELMAN, d.b.a. BEELMAN TRUCK CO., St. Libory, IL 62282. 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: *Rock*, in bulk, from Perry County, MO, to those points in IL bounded by a line beginning at the intersection of IL-MO State line and Interstate Hwy 57, north along Interstate Hwy 57 to Interstate Hwy 70, then west along Interstate Hwy 70 to the IL-MO State line, then south along the IL-MO State line to the point of beginning. (Hearing site: St. Louis, MO or Washington, DC.)

MC 115841 (Sub-642F), filed July 20, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, 9041 Executive Park Drive, Knoxville, TN 37919. 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: (1) *Foodstuffs* (except in bulk), from the facilities of Hudson Foods, Inc., at or near Brundidge, and Troy, AL, to points in the United States (except AL, AK, and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), from points in the United States (except AL, AK, and HI), to the facilities of Hudson Foods, Inc., at or near Brun-

didge and Troy, AL. (Hearing site: Birmingham, AL or Washington, DC.)

MC 117940 (Sub-287F), filed August 11, 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: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Minnesota Mining and Manufacturing Co., at or near (a) Middleway, WV, (b) Prairie du Chien, WI, (c) Ames and Knoxville, IA, (d) Springfield, MO, (e) Hutchinson and St. Paul, MN, and (f) Chicago, IL, to points in CA, OR, and WA, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations; and (2) *printing paper* (except newsprint), from the facilities of the James River Paper Co., at or near Fitchburg, MA, to the facilities of Minnesota Mining and Manufacturing Co., at or near White City, OR, restricted to the transportation of traffic originating at the named origin facilities and destined to the named destination facilities.

Condition: In view of the findings in No. MC 117940 (Sub-86), the certificate issued here shall be limited in point of time to a period expiring 3 years 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 extensions of the certificate showing that it has been in full compliance with applicable rules and regulations. (Hearing site: St. Paul or Minneapolis, MN.)

MC 119176 (Sub-21F), filed July 6, 1978. Applicant: THE SQUAW TRANSIT CO., a corporation, P.O. Box 9368, Tulsa, OK 74107. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel tubing*, from Ambridge and Beaver Falls, PA, and Alliance, OH, to points in AR, LA, OK, and TX; and (2) *pipe fittings*, from Koppel, PA, to points in AR, LA, OK, and TX. (Hearing site: Washington, D.C. or Tulsa, OK.)

MC 119631 (Sub-27F), filed July 24, 1978. Applicant: DEIOMA TRUCKING CO., a corporation, P.O. Box 3315, Mount Union Station, Alliance, OH 44610. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004.To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sugar*, in containers, from Philadelphia, PA, to points in OH (except Carroll, Columbiana, Harrison, Jefferson, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties), IN, IL, and MI. (Hearing site: Washington, D.C.)

MC 119726 (Sub-135F), filed July 10, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom fixtures*, from the facilities of AMPCO Division of Chromalloy Corp., at or near Tyrone, PA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119774 (Sub-93F), filed July 10, 1978. Applicant: EAGLE TRUCKING CO., P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Commodities which because of size or weight require the use of special equipment*, and (b) *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), in mixed shipments with the commodities in (1) (a) above, and (2) *self-poropelled articles*, in truckaway service, from the facilities of Riley Beaird, Inc., at or near Shreveport, LA, to points in the United States (except AK and HI), and (3) *materials and equipment* used in the manufacture and distribution of the commodities in (1) and (2) above, from points in the United States (except AK and HI) to the facilities of Riley Beaird, Inc., at or near Shreveport, LA. (Hearing site: Shreveport, LA, or Dallas, TX.)

MC 124078 (Sub-852F), filed August 14, 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: *Sand*, in bulk, from Vassar, MI, to points in IL, IN, and IA. (Hearing site: Detroit, MI.)

MC 124920 (Sub-15F), filed May 30, 1978, previously noticed in the FEDERAL REGISTER issue of July 13, 1978. Applicant: LA BAR'S, INC., 771 Scott Street, Wilkes Barre, PA 18705. Representative: Peter Wolff, P.O. Box 116, Scranton, PA. 18504. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials and supplies* used in the manufacture of paper and paper products (except commodities in bulk), between the facilities of Potlatch Corp., at Avoca, Coxton, Duryea, Moosic, Old Forge, Pittston, Ransom, Scranton, and Wilkes Barre, PA, on the one hand, and, on the other, Chicago, IL, Detroit, Grand Rapids, and Lansing, MI, Cleveland and Solon, OH, and points in CT, MD, MA, NY (except the New York, NY, commercial zone), and DC. (Hearing site: Wilkes Barre, PA.)

NOTE.—Dual operations may be involved. In MC-F-13217, a noncarrier controlling P. L. Lawton Inc., a contract carrier, seeks approval to control applicant.

NOTE.—This republication excludes commodities in bulk. A sought negative vehicle restriction has been deleted.

MC 125293 (Sub-11F), filed July 26, 1978. Applicant: INDUSTRIAL CONTRACT CARRIERS, INC., 14750 Southwest 72d Avenue, Tigard, OR 97223. Representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packaged cellulose fibre products*, from Portland, OR, to points in CA, CO, ID, NV, OR, UT, WA, and WY, and (2) *packaged borates*, from Wilmington, Richmond, Pittsburg, and Trona, CA, and Phoenix, AZ, to Portland, OR, under continuing contract(s) with Fibron Corp., of Portland, OR. (Hearing site: Portland, OR.)

MC 126118 (Sub-89F), filed August 8, 1978. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Self-propelled vehicles, mowers, turf spikers, chemical injectors, rakes, seeders, spreaders, sod cutters, and trailers*, and (b) *accessories, attachments, and parts* for the commodities in (1) (a) above, from the facilities of OMC-Lincoln, division of Outboard Marine Corp., at or near Lincoln, NE, to points in the United States (except AK, HI, and NE), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, from points in the United States (except AK, HI, and NE), to the facilities of OMC-Lincoln, Division of Outboard Marine Corp., at or near Lincoln, NE, restricted in (1) above to the transportation of traffic originating at the named origin facilities, and in (2) above to the transportation of traffic destined to the named destination facilities. (Hearing site: Lincoln or Omaha, NE.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 127047 (Sub-33F), filed July 17, 1978. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, KS 67219. Representative: William B. Barker, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated buildings*, knocked-down, from Wichita, KS, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, from points in the United States (except AK and HI), to Wichita, KS. (Hearing site: Wichita, KS.)

MC 128117 (Sub-34F), filed July 18, 1978. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Smyth County, VA, to points in AZ, AR, CA, CO, LA, NM, NV, OK, and TX. (Hearing site: Washington, DC.)

MC 133095 (Sub-195F), filed August 3, 1978. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by drug stores (except commodities in bulk), from Cheshire and Stamford, CT, Saddle Brook and Lakewood, NJ, and points in Kings, Queens, Nassau, and Suffolk Counties, NY, to points in VA, WV, NY, OH, PA, MI, IN, KY, and IL. (Hearing site: Boston, MA, or Atlanta, GA.)

MC 134300 (Sub-31F), filed May 30, 1978, previously published in the FEDERAL REGISTER issue of July 13, 1978. Applicant: TRIPLE R EXPRESS, INC., 498 First Street NW., New Brighton, MN 55112. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, in boxes, in vehicles equipped with mechanical refrigeration, from New York, NY, Jersey City, Port Newark, and Elizabethport, NJ, Philadelphia, PA, Wilmington, DE, and New Haven, CT, to points in IL, IN, IA, KY, MI, MN, MO, NE, OH, PA, and WI, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Minneapolis, MN.)

NOTES.—(1) The person or persons who it appears may be engaged 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 unnecessary. (2) The purpose of this republication is to show the additional destination of MI.

MC 134477 (Sub-259F), filed July 19, 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) *Wearing apparel*, and (2) *materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), from Perry, NY, to Burlington, IA, and Grants Pass, OR. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-260F), filed July 19, 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: *Such commodities* as are dealt in by department stores (except foodstuffs and commodities in bulk), from Charlotte and High Point, NC, and Dallas and Fort Worth, TX, to the facilities of Montgomery Ward, at or near (a) Denver, CO, (b) Chicago, IL, (c) Minneapolis, MN, and (d) Kansas City, MO, restricted to the transportation of traffic originating at the named origins and destined to the named destination facilities. (Hearing site: St. Paul, MN.)

MC 135895 (Sub-27F), filed July 31, 1978. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in containers, and *materials, equipment, and supplies* used in the manufacture and distribution of carbonated beverages (except commodities in bulk), between the facilities of Shasta Beverage Co., Inc., at or near Kenner, LA, on the one hand, and, on the other, points in AL, FL, LA, MS, and TX. (Hearing site: New Orleans, LA.)

MC 136123 (Sub-2F), filed July 25, 1978. Applicant: MEAT DISPATCH, INC., 2103 17th Streeet, East, Palmetto, FL 33561. Representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, NY 14202. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials and plastic products*, (2) *resins*, and (3) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) and (2) above (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). (Hearing site: Buffalo, NY.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 139495 (Sub-367F), filed July 19, 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: (1) *School, art, and hobby supplies*, and (2) *materials* used in the manufacture and distribution of school, art, and hobby supplies (except commodities in bulk, in tank vehicles), from points in the United States (except AK and HI), to Easton, PA, and Winfield, KS.. (Hearing site: Washington, DC.)

MC 139495 (Sub-376F), filed August 4, 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: *Batteries, battery fluids, battery chargers, rectifiers, and materials and supplies* used in the manufacture and distribution of batteries and battery accessories (except commodities in bulk, in tank vehicles), (1) from the facilities of Exide Power Systems Division, ESB Inc., at or near (a) Richmond, KY, (b) Raleigh, NC, and (c) Sumter, SC, to points in the United States (except AK and HI), and (2) from Chicago, IL, Arlington and Cavendish, VT, Deerfield, MA, Trenton, Clark, and Rancocas, NJ, Philadephia, PA, Jacksonville, FL, Johnson City, and Memphis, TN, and Herculaneum, MO, to Richmond, KY, Raleigh, NC, and Sumter, SC.. (Hearing site: Washington, DC.)

MC 140061 (Sub-7F), filed July 20, 1978. Applicant: DONALD MULDER, d.b.a. Don Muder Trucking, 1735 North 50th Street, Lincoln, NE 68504. Representative: Lavern R. Holdeman, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, wood chips, lighter fluid*, and *wax-impregnated fireplace logs*, (except commodities in bulk), (1) from the facilities of The Kingsford Co., at or near Parsons, WV, to Belle, MO, Dallas, TX, and Denver, CO, and (2) from the facilities of the Kingsford Co., at or near St. Louis, Kansas City, and Belle, MO, to points in MN, NE, ND, and SD, under continuing contract(s) with The Kingsford Co., of

Louisville, KY. (Hearing site: Louisville, KY, or Lincoln NE.)

MC 140865 (Sub-2F), filed August 4, 1978. Applicant: JAMES T. GARRETT, d.b.a. AMERICAN CONTRACT CARRIER, 14769 San Bernardino Avenue, Fontana, CA 92335. Representative: Richard C. Celio, 1415 West Garvey Avenue, Suite 102, West Covina, CA 91790. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers and distributors of health foods (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Hollywood Health Foods, a division of Hain Pure Food Co., Inc., at Los Angeles, CA, to points in the United States in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Hain Pure Food Co., Inc., of Los Angeles, CA. (Hearing site: Los Angeles, CA.)

MC 141076 (Sub-20F), filed July 5, 1978. Applicant: ROGERS MOTORS LINES, INC., P.O. Box 388 D2, Rural Delivery No. 2, Hackettstown, NJ 07848. 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: *Infant formulas, prepared nutriments, nutritional and dietary supplements*, and *plastic and rubber articles*, from the facilities of Ross Laboratories, Division of Abbott Laboratories, at or near Columbus, OH, to points in CT, DE, MA, ME, MD, NH, NJ, NY, PA, RI, VA, VT, and DC. (Hearing site: New York, NY.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 141764 (Sub-9F), filed July 10, 1978. Applicant: BLACKHAWK ENTERPRISES, a corporation, 3149 Depot Road, Hayward, CA 94545. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum insect screening, fiberglass insect screening, aluminum nails, and vinyl coated yarns*, from the facilities of Phifer Wire Products, Inc., at or near Tuscaloosa, AL, to points in CA, under continuing contract(s) with Phifer Wire Products, Inc., of Tuscaloosa, AL. (Hearing site: San Francisco or Los Angeles, CA.)

MC 141764 (Sub-10F), filed July 10, 1978. Applicant: BLACKHAWK ENTERPRISES, a corporation, 3149 Depot Road, Hayward, CA 94545. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting*, from Dalton, GA, and Winchester, TN, to points in CA, under continuing contract(s) with E & B Carpet Mills, Inc., of Dalton, GA. (Hearing site: San Francisco or Los Angeles, CA.)

MC 141947 (Sub-3F), filed July 17, 1978. Applicant: GEORGE HALL, d.b.a. GEORGE HALL TRUCKING CO., 8260 Berry Avenue, Sacramento, CA 95828. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cartons*, knocked-down, and *glass bottles*, (1) from the facilities of Glass Container Corp., in Alameda, Contra Costa, Los Angeles, and Orange Counties, CA, to Reno and Sparks, NV, and (2) from the facilities of Brockway Glass Corp., at or near Oakland, San Leandro, and Pomona, CA, to Reno and Sparks, NV, under continuing contract(s) with (1) Glass Container Corp., of Fullerton, CA, and (2) Brockway Glass Co., Inc., of Oakland, CA. (Hearing site: San Francisco, CA, or Reno, NV.)

MC 142335 (Sub-3F), filed August 4, 1978. Applicant: C & E TRUCKING CO., INC., 11910 Greenstone Avenue, Santa Fe Springs, CA 90670. Representative: Richard Celio, 1415 West Garvey Avenue, Suite 102, West Covina, CA 91790. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel, and* (2) *materials, equipment, and supplies*, used in the manufacture and distribution of hot water heaters, from points in Los Angeles and San Bernardino Counties, CA, to the facilities of State Industries, Inc., at or near Henderson, NV. (Hearing site: Los Angeles, CA.)

MC 142948 (Sub-10F), filed August 7, 1978. Applicant: THE GRADER LINE, INC., 434 Atlas Drive, Nashville, TN 37211. Representative: Edward C. Blank II, Middle Tennessee Bank Building, P.O. Box 1004, Columbia, TN 38401. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pens, pencils, book satchels, stationery, and school supplies*, (1) from the facilities of Reliance Pen & Pencil Corp., at or near Lewisburg, TN, to Los Angeles, CA, and (2) from the facilities of Reliance Pen & Pencil Corp., at or near Los Angeles, CA, to Lewisburg, TN, and points in AZ, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY, restricted in (1) and (2) above to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Nashville, TN.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 143317 (Sub-6F), filed July 18, 1978. Applicant: GEORGE CLARK TRANSIT CO., a corporation, 2902 Calumet Avenue, Manitowox, WI 54220. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Phenolic coated resin sand*, from points in Green Lake County, WI, to points in MN and MI, under continuing contract(s) with Faskure Coated Sand, Division of Aurora Metal Company, of Fairwater, WI. (Hearing site: Madison, WI or Chicago, IL.)

NOTE.—The person or persons who it appears to be engaged 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 unnecessary.

MC 143317 (Sub-7F), filed July 18, 1978. Applicant: GEORGE CLARK TRANSIT CO., a corporation, 2902 Calumet Avenue, Manitowoc, WI 54220. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, from points in Green Lake and Jackson Counties, WI, to points in IL, IN, IA, MI, ND, SD, WI, and MN (except Minneapolis), under continuing contract(s) with Fairwater Silica, Inc., of Fairwater, WI. (Hearing site: Madison, WI or Chicago, IL.)

NOTE.—The person or persons who appear to be engaged 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 unnecessary.

MC 143570 (Sub-3F), filed August 11, 1978. Applicant: D & G TRUCKING, INC., 4420 East Overland Road, Meridian, ID 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and feed supplements* (except liquid commodities in bulk, in tank vehicles), (1) from points in Ada, Canyon, Gem, Washington, Owyhee, and Payette Counties, ID, to points in AZ, CA, CO, MO, NE, OR, UT, WA, and WY, and (2) from points in AZ, CA, CO, MO, NE, OR, UT, WA, and WY, to points in ID, in and south of Adams, Valley, and Lemhi Counties, and points in Malheur County, OR. (Hearing site: Boise, ID or Reno NV.)

MC 143625 (Sub-2F), filed August 4, 1978. Applicant: REUNION TRANSPORT CO., INC., 854 Heiskell Place, Memphis, TN 38125. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, TN 38103. To operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Waste chemicals,* between points in AL, AK, FL, GA, IL, IN, KY, LA, MI, MS, MO, OK, TN, and TX. (Hearing site: Memphis, TN.)

MC 144076 (Sub-3F), filed June 30, 1978. Applicant: SCHWINNEN GRAIN & TRUCKING, INC., R.F.D. No., Venedocia, OH 45894. Representative: John L. Alden, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, OH 43212. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Soybean meal,* in bulk, from the facilities of Cargill, Inc., at or near Sidney, OH, to points in IL, IN, KY, MI, NY, OH, PA, TN, and WV; and (2) *corn products and feed products,* in bulk, from the facilities of Cargill, Inc., at or near Dayton, OH, to points in IL, and IN, under continuing contract(s) with Cargill, Inc., of Sidney, OH. (Hearing site: Columbus or Cleveland, OH.)

MC 144117 (Sub-14F), filed July 18, 1978. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: William D. Brejcha, 10 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Steel shelving and bins, unassembled pallet racks, storage racks, screw cases, and storage cabinets,* and (2) *accessories* for the commodities in (1) above, from the facilities of the Frick-Gallagher Manufacturing Co., at Canton and Wellston, OH, to points in AZ, CA, CO, FL, ID, MT, NV, NM, OR, TX, UT, WA, and WY, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Columbus or Cincinnati, OH.)

MC 144485 (Sub-3F), filed August 3, 1978. Applicant: WEST COAST DISTRIBUTING CO., INC., 539 North 170th Place, Seattle, WA 98133. Representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Paper,* from Everett, WA, to points in CA, under continuing contract(s) with Everett Pad & Paper Co., Inc., of Everett, WA. (Hearing site: Seattle, WA.)

MC 144606 (Sub-3F), filed July 6, 1978. Applicant: DUNCAN SALES & LEASING CO., INC., 714 East Baseline, Buckeye, AZ 85326. Representative: Donald W. Powell, 1833 North Third Street, Phoenix, AZ 85004. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Expanded plastic bottles,* from Phoenix, AZ, to points in NM and El Paso County, TX. (Hearing site: Phoenix, AZ.)

MC 144622 (Sub-5F), filed July 6, 1978. Applicant: GLENN BROS. MEAT CO., INC., P.O. Box 9343, Little Rock, AR 72209. Representative: Phillip Glenn (same as above). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bicycles, and bicycle parts and accessories,* from Little Rock, AR, to points in MN, IA, LA, KS, NE, OK, TX, WI, IL, MS, TN, KY, AL, GA, FL, IN, MI, OH, SC, NC, PA, WV, VA, MD, DE, MA, CT, NJ, and NY, restricted to the transportation of traffic originating at the facilities of AMF Inc., at Little Rock, AR.. (Hearing site: Little Rock, AR or Washington, DC.)

NOTE.—Dual operations are at issue in this proceeding.

MC 144625 (Sub-1F), filed August 2, 1978. Applicant: CLOVERLEAF TRANSPORTATION, INC., 14 Kerri Lane, Spring Valley, NY 10977. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), *and beverage containers,* between Oswego, Canton, and Watertown, NY, on the one hand, and, on the other, Newark, NJ, Williamsburg, VA, and Pabst, GA, under continuing contract(s) with Dorsey Distributors Inc., of Oswego, NY, Martin Beer Distributors, Inc., of Canton, NY, and Sparracino Co., Inc., of Watertown, NY. (Hearing site: New York, NY.)

MC 144700 (Sub-2F), filed June 12, 1978. Applicant: CONTINENTAL CARRIERS, INC., P.O. Box 6238, Pompano Beach, FL 33050. Representative: Stuart R. Mandel, 315 South Beverly Drive—Suite 315, Beverly Hills, CA 90212. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Rubber tire treads, tread stocks, tire patches, tire tubes, solvent, adhesives, and cured rubber,* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, in vehicles equipped with mechanical refrigeration, (a) between Muscatine, IA, on the one hand, and on the other, St. Louis and Kansas City, MO, Wichita, KS, Memphis, TN, Little Rock, AR, New Orleans, LA, Fort Worth, Dallas, and Abilene, TX, Oxford, NC, Scottsbluff, NE, Longmont, Denver, and Commerce City, CO, Salt Lake City, UT, Santa Fe, NM, Phoenix, AZ, and Sacramento, Oakland, Fresno, and Chino, CA, (b) between Oxford, NC, on the one hand, and, on the other, Little Rock, AR, New Orleans, LA, Memphis, TN, Birmingham, AL, Fort Worth, Dallas, and Abilene, TX, Kansas City and St. Louis, MO, Wichita, KS, Longmont, Denver, and Commerce City, CO, Salt Lake City, UT, Sante Fe, NM, Phoenix, AZ, and Chino, CA, (c) between Abilene, TX, on the one hand, and, on the other, Santa Fe, NM, Phoenix, AZ, and Chino, CA, (d) from Muscatine, IA, to Los Angeles, CA, Birmingham, AL, and Griffin, GA, (e) from Abilene, TX, to Fort Worth and Dallas, TX, Los Angeles and San Francisco, CA, New Orleans, LA, Memphis, TN, Birmingham, AL, and Griffin, GA, and (f) from Oxford, NC, to Los Angeles and San Francisco, CA, under a continuing contract(s) with Bandag, Inc., of Muscatine, IA. (Hearing site: Chicago, IL, or Miami, FL.)

MC 144740 (Sub-4F), filed August 10, 1978. Applicant: L. G. DeWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrance D. Jones, 2033 K Street NW., Washington, DC 20006. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of M & M Mars, Division of Mars, Inc., at or near Cleveland, TN to points in AZ, CA, CO, ID, IL, IA, IN, LA, MI, NV, NM, OR, TX, UT, WA, and WI, under continuing contract(s) with M & M Mars, Division of Mars, Inc., of Hackettstown, NJ.

NOTE.—(1) The person or persons who appears to be engaged in common control must either file an application under section 5(2) of the Interstate Commerce Act, or submit an affidavit showing why such approval is unnecessary; (2) Dual operations may be at issue in this proceeding because of applicant's affiliation with a common carrier.

MC 145026F, filed July 10, 1978. Applicant: NORTHEAST CORRIDOR EXPRESS, INC., Railroad Avenue, Federalsburg, MD 21632. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs,* from the facilities of the Green Giant Company, at Vineland, NJ, to points in CT, MA, ME, NH, RI, and VT, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Philadelphia, PA.)

MC 145057F, filed July 19, 1978. Applicant: JOHN A. DI MEGLIO, INC., White Horse Pike, Ancora, NJ 08037. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Precast and prestressed concrete products,* and (2) *materials, equipment, and supplies* used in the manufacture, sale, and installation of the commodities named in (1) above (except commodities in bulk), between the facilities of Formigli Corp., at or near Williamstown Junction and Vine-

land, NJ, on the one hand, and, on the other, points in CT, DE, MD, NY, PA, VA, and DC, restricted to the transportation of traffic originating at or destined to the indicated points. (Hearing site: Philadelphia, PA, or Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 145057 (Sub-No. 1F), filed July 19, 1978. Applicant: JOHN A. DI MEGLIO, INC., White Horse Pike, Ancora, NJ 08037. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, between the facilities of Kerr Concrete Pipe Co., at Folsom, NJ, on the one hand, and, on the other, points in CT, DE, MD, NY, PA, VA, and DC, restricted to the transportation of traffic originating at or destined to the indicated points. (Hearing site: Philadelphia, PA, or Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 145168F, filed August 7, 1978. Applicant: JAMES H. BRACKEEN, d.b.a., BRACKEEN TRUCKING, 7427 Eccles, Dallas, TX 75227. Representative: Mr. Thomas L. Cook, 136 Wynnewood Professional Building, Dallas, TX 75224. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles*, (1) from Baton Rouge, LA, to Houston and Galveston, TX, and (2) from Dallas, TX, to Houston, Austin, and San Marcos, TX. (Hearing site: Houston or Dallas, TX.)

MC 145170F, filed August 1, 1978. Applicant: BRELAR, INC., P.O. Box 796, Greenville, MS. Representative: C. Edward Glasscock, 1600 Citizens Plaza, Louisville, KY 40202. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff* (except frozen, and commodities in bulk), *materials, equipment, and supplies* used in the manufacture and distribution of foodstuffs (except commodities in bulk), from points in the United States (except AK, HI, and MS), to the facilities of Vlasic Foods, Inc., at or near Greenville, MS, under continuing contract(s) with Vlasic Foods, Inc. (Hearing site: Greenville, MS, or Detroit, MI.)

MC 145179 (Sub-1F), filed August 11, 1978. Applicant: J & J CONTRACT CARRIER, INC., 60 South State Street, Indianapolis, IN 46201. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between the facilities of The Kroger Co., at or near Indianapolis, IN, on the one hand, and, on the other, Memphis and Nashville, TN, Little Rock, AR, Atlanta, GA, Dallas and Houston, TX, and Roanoke, VA, and points in IL, KY, MI, MO, OH, and PA, under continuing contract(s) with The Kroger Co., of Cincinnati, OH. (Hearing site: Cincinnati, OH.)

NOTE.—The person or persons who it appears may be engaged in common control must either file an application under section 5(2) of the Interstate Commerce Commission Act, or submit an affidavit showing why such approval is unnecessary.

PASSENGER AUTHORITY

MC 48561 (Sub-14F), filed July 10, 1978. Applicant: WILSON BUS LINES, INC., Main Street, East Templeton, MA 01438. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, between Athol, East Templeton, Gardner, Westminster, Fitchburg, and Leominster, MA, on the one hand, and, on the other, Hampton and Hampton Beach, NH. (Hearing site: Boston, MA or Concord, NH.)

MC 144240 (Sub-1F), filed July 11, 1978. Applicant: D. R. WISMER, d.b.a. BAYSIDE LIMOUSINE SERVICE, P.O. Box 4732, Beaufort, SC 29902. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special and charter operations, between points in Beaufort County, SC, on the one hand, and, on the other, Savannah, GA, and the Savannah Airport, near Savannah, GA, limited to the transportation of not more than 16 passengers in any one vehicle, not including the driver of the vehicle. (Hearing site: Columbia, SC.)

MC 145169F, filed August 4, 1978. Applicant: THIELEN BUS LINES, INC., 1205 South Halvarson, Redwood Falls, MN 56283. 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: *Passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Brown, Redwood, Cottonwood, and Renville Counties, MN, and extending to points in the United States (including AK, but excluding HI). (Hearing site: St. Paul, MN.)

BROKER AUTHORITY

MC 130519F, filed August 11, 1978. Applicant: SUMMIT TRAVEL, INC., 1217 Player Place, Columbia, MO 65201. Representative: Charles J. Fain, 222 Madison, Jefferson City, MO 65101. To engage in operations, in interstate or foreign commerce, as a *broker*, at Columbia, MO, in arranging for the transportation, by motor vehicle, of: *Passengers and their baggage*, in the same vehicle with passengers, in round trip special and charter operations, beginning and ending at Columbia, Kansas City, St. Louis, Cape Girardeau, Springfield, Kirksville, and Marysville, MO, Ames and Iowa City, IA, Lawrence, Manhattan, and Wichita, KS, Normal, Macomb, Champagne, Carbondale, and De Kalb, IL, Lincoln and Omaha, NE, Madison and Milwaukee, WI, Oklahoma City, Norman, and Stillwater, OK, Boulder and Greeley, CO, Louisville and Lexington, KY, Knoxville and Memphis, TN, Austin, Lubbock, Houston, and College Station, TX, Minneapolis, MN, Bloomington, Indianapolis, and West Lafayette, IN, Ann Arbor, Kalamazoo, and East Lansing, MI, and College Park, MD, and extending to points in CO, FL, NH, NM, NY, TX, and VT. (Hearing site: Columbia or Kansas City, MO.)

NOTE.—(1) Authority is to operate as a broker at Columbia, MO. A broker licensed to perform operations at named points may not transact the business of selling transportation at any point other than that named. Activities of a preliminary nature may be conducted outside authorized points, but the actual broker-passenger contract(s) or agreement(s) must be entered into only at a point at which the broker is authorized to conduct operations. See generally Kirkland Broker Application, 61 MCC 691 (1953); and Paragon Travel Agency, Inc., Ext.—MA and RI, 100 MCC 641 (1966). (2) Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in Tauck Tours, Inc., Extension—New York, NY, 54 MCC 291 (1954).

[FR Doc. 78-25770 Filed 9-13-78; 8:45 am]

[7035-01]

[Notice No. 163]

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, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 13569 (Sub-40TA), filed July 13, 1978. Applicant: THE LAKE SHORE MOTOR FREIGHT CO., INC., 1200 South State Street, Girard, OH 44420. Representative: John P. Tynan, Bowes, Millner, Rodgers, Liberstein & Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the plantsite of the Wheeling-Pittsburgh Steel Corp., located at Allenport, PA, to points in the Lower Peninsula of MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wheeling-Pittsburgh Steel Corp., P.O. Box 118, Pittsburgh, PA 15230. Send protests to: Martin P. Monaghan, Jr., Special Agent, Bureau of Operations, 731 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 36509 (Sub-30TA), filed July 13, 1978. Applicant: LOOMIS ARMORED CAR SERVICE, INC., 821 Sansome Street, San Francisco, CA 94111. Representative: Robert C. Konkle, 821 Sansome Street, San Francisco, CA 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin shipments*, between Denver, CO, on the one hand, and, on the other, the commercial zones of Lake Tahoe, NV; Stateline, NV; Reno, NV; Las Vegas, NV; and Phoenix, AZ, under a continuing contract, or contracts, with General Services Administration, Chief Contracts and Negotiations Branch, for 180 days. Supporting shipper(s): General Services Administration Chief, Contracts and Negotiations Branch, GSA-FSS (FZTC), Washington, DC 20406. Send protests to: Michael M. Butler, District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

MC 107012 (Sub-275TA), filed July 13, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, 5001 U.S. Hwy 30 West, Fort Wayne, IN 46801. Representative: David D. Bishop, P.O. Box 988, Fort Wayne, IN 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass fiber reinforced plastic articles* from the facilities of Owens-Corning Fiberglas at or near Huntsville AL, to points in AZ, AR, CA, CO, ID, IA, KS, LA, MN, MT, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY, for 180 days. Supporting shipper(s): Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, OH 43659. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 107295 (Sub-881TA), filed July 13, 1978. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, 100 South Main Street, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and plywood, treated or untreated*, from the plantsite of Dixie Wood Products at or near Thomson, GA, to points in KY, MI, NJ, NY, OH, PA, and VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Joe S. Dozier, Plant Manager, Dixie Wood Products, P.O. Box 746, Thomson, GA 30824. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 107403 (Sub-1100TA), filed July 13, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (in bulk, in tank vehicles), from the plantsite of Dow Chemical USA at or near Dalton or Tildale, GA, to Finksburg, MD; Marietta, PA; and Chillicothe, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers(s): Dow Chemical USA, Eastern Division, 14955 Sprague Road, P.O. Box 36000, Strongsville, OH 44136. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 107496 (Sub-1152TA), filed July 13, 1978. Applicant: RUAN TRANSPORT CORP., 666 Grand Avenue, 3200 Ruan Center, Des Moines, IA 50309. Representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products* (in bulk, in tank vehicles), from Granite City, IL, to Decatur, GA; Henderson, CO; Columbus, GA; Charlotte, NC; Columbia, SC; Spartanburg, SC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers(s): Maintenance, Inc., Division of Premier Industrial Corp., 1051 West Liberty Extension, Wooster, OH 44691. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 109124 (Sub-46TA), filed July 13, 1978. Applicant: SENTLE TRUCKING CORP., P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products* from the facilities of the National Lime & Stone Co. located at or near Carey, Wyandot County, OH, to points in IN, KY, NJ, PA, TN, WV, WI, and MO, 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers(s): The National Lime & Stone Co., P.O. Box 120, Findlay, OH 45840. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

MC 111045 (Sub-155TA), filed July 13, 1978. Applicant: REDWING CARRIERS, INC., 8515 Palm River Road, P.O. Box 426, Tampa, FL. 33601. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid* (in bulk, in tank vehicles), from the facilities of Reichold Chemicals, Inc., at or near Fox, AL, to Purvis, MS, for 180 days. There is no environmental impact involved in this application. Applicant has also filed an underlying ETA seeking up to 90 days of operat-

ing authority. Supporting shipper(s): Reichold Chemicals, Inc., P.O. Box 1610, Tuscaloosa, AL 35401. Send protests to: Donna M. Jones Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 NW., 53rd Terrace, Miami, FL 33166.

MC 114632 (Sub-174TA), filed July 13, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, 212 Soutwest, Second Street, Madison, S.D. 57042. Representative: Michael L. Carter, 212 Southwest, Second Street, Madison, S.D. 57042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), From Battle Creek, MI, Lancaster and Sharonville, OH, to Clearfield, UT, for 180 days. Supporting shipper(s): Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188. (Leo N. Brown Coordinator Motor Transportation). Send protests to: J. L. Hammond, District Superisor, Interstate Commerce Commission, Bureau of Operations, Room 455 Federal Building, Pierre, S.D. 57501.

MC 115092 (Sub-69TA), filed July 13, 1978. Applicant: TOMAHAWK TRUCKING, INC., P.O. BOX O), Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay in bags*, from Dresser Industries, Inc., at or near Greybull, WY, to points in OK, KS, and TX., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Oilfield Products Group Dresser Industries, Inc., P.O. Box 6504, Houston, TX 77005. (Steve Anders, Supervisor Domestic Traffic). Send protests to: L. D. Helfer, District Supervisor, Interstate Commerce Commission, 5301 Federal Building, Salt Lake City, UT 84138.

MC 115821 (Sub-35TA), filed July 13, 1978. Applicant: FRANK BEELMAN, d.b.a., BEELMAN TRUCK CO., St. Libory, IL 62282. Representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock* (in bulk), from Perry County, MO, to points in IL on and west of U.S. Hwy 57, and on and south of U.S. Hwy 70, for 180 days. Supporting shipper(s): (1) Richard J. Hurst, President, Perry Co., Stone Co., Route 3, Perryville, MO 63775. (2) William M. Regenhardt, President, Southern IL Asphalt Co., Inc., P.O. Box 1707, Mt. Vernon, IL 62864. (3). N. E. Walters, Sr., Superintendent, Hoeffken Bros., Inc., 222 East B Street, Belleville, IL 62222. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 118159 (Sub-275TA), filed July 13, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren Troupe, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded cellular foam rubber*, from Baltimore, MD, to Fort Smith, AR, and Dallas and Waco, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): William T. Burnett & Co., Inc., 1500 Bush Street, Baltimore, MD 21230. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office & Court House Building, 215 NW., 3rd, Oklahoma City, OK 73102.

MC 120181 (Sub-10TA), filed July 12, 1978. Applicant: MAIN LINE HAULING CO., INC., P.O. Box C, St. Clair, MO 63077. Representative: Ralph Howard, P.O. Box C, St. Clair, MO 63077. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, from Mineral Wells, MS, to Fort Wayne, IN, and Omaha, NE, and *refused, rejected or damaged shipments, pallets and materials and supplies* used in the manufacture, distribution and transportation of containers on return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Chattanooga Glass Co., 400 W. 45th Street, Chattanooga, TN 37410. Send protests to: Peter E. Binder, Acting District Supervisor, Interstate Commerce Commission, 210 North 12th Street, Room 1465, St. Louis, MO 63101.

MC 124078 (Sub-837TA), filed July 13, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products* from the facilities of National Lime & Stone located at or near Carey Wyandot County, OH, to points in IL, IN, KY, MI, MO, NJ, NY PA, TN, WV, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): National Lime & Stone Co., P.O. Box 120, Findley, OH 45840. (T. M. Black) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 125985 (Sub-24TA), filed July 12, 1978. Applicant: AUTO DRIVEAWAY CO., 310 South Michigan Avenue, Chicago, IL 60604. Representative: Ronald I. Fredriksen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Freight utility trucks* from the plant sites of Holiday Rambler Corp. in ELkhart County, IN, on the one hand, and, on the other, points in the United States, in driveaway service, in secondary movement, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Duane R. Johnson Vice President, Marketing & Transportation, Holiday Rambler Corp., 65528 State Road 19, Wakarusa, IN 46573. Send protests to: Lois M. Stahl Tranportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 126276 (Sub-195TA), filed July 12, 1978. Applicant: FAST MOTOR SERVICE, INC. 9100 Plainfield Road, Brookfield, IL 60513. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by a producer and distributor of paper and plastic products (except commodities in bulk, and those which because of size or weight, require the use of special equipment or handling), between Fort Worth and Saginaw, TX, on the one hand, and, on the other, Millville, NJ, under a continuing contract or contracts with the Continental Group, Inc. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Continental Group, Inc., Walter L. Weart, Manager of Traffic Methods & Control-Bondware, 800 East Northwest Highway, Palatine, IL 60067. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 133167 (Sub-1TA), filed July 12, 1978. Applicant: JOHN R. RAWLS TRUCKING CO., INC., P.O. Box 174, Capron, VA 23829. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between

the facilities of Commonwealth Wood Preservers, Inc., at or near Newport News, VA, on the one hand, and, on the other, points in DC, DE, MD, NC, NJ, NY, PA, SC, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Commonwealth Wood Preservers, Inc., Millard Davis, vice president, P.O. Box 5041, Newport News, VA 23605. Send protests to: Paul D. Collins District Supervisor, Bureau of Operations, Room 10-502 Federal Building, 400 North Eighth Street, Richmond, VA 23240.

MC 133221 (Sub-29TA), filed July 13, 1978. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, GA 30245. Representative: Alvin Button, 1991 Buford Highway, Lawrenceville, GA 30245. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Styrofoam products*, from the facilities of Huntsman Container Corp. at Memphis, TN, to points in the United States (except AK and HA), for 180 days. Supporting shipper(s): Huntsman Container Corp., Keyes Fibre Company-Huntsman Container Corp., Waterville, ME 04901. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

MC 133221 (Sub-30TA), filed July 13, 1978. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, GA 30245. Representative: Alvin Button, 1991 Buford Highway, Lawrenceville, GA 30245. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper articles*, from the facilities of Keyes Fibres Co. at or near Albertville, AL, to points in the United States (except AL and HI), for 180 days. Supporting shipper(s): Keyes Fibre Co., Waterville, ME 04901. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

MC 133566 (Sub-No. 118TA), filed July 12, 1978. Applicant: GANGLOFF & DOWNHAM TRUCKING CO. INC., P.O. Box 479, Logansport, IN 46947. Representative: Charles W. Beinhauer, Suite 4959, 1 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, in vehicles equipped with mechanical refrigeration, from the facilities of Deran Confectionery, a division of Borden Foods at or near Cambridge, MA, and the facilities of the C. S. Allen of Deran Confectionery at or near North Grosvenor Dale, CT, to points in the States of AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, PA, TN, TX, and WI, restricted to traffic originating at the named origin and destined to points in the named destination States, for 180 days. Supporting shippers(s): Deran Confectionery, 134 Cambridge Street, Cambridge, MA 02141. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 133708 (Sub-No. 34TA), filed July 13, 1978. Applicant: FIKSE BROS. INC., 12647 East South Street, Artesia, CA 90701. Representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard*, from the plant site of Domtar Gypsum America, Inc., at Long Beach, CA, to points in Pima County, AZ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Domtar Gypsum America, Inc., 1221 Broadway, Oakland, CA 94612. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 136786 (Sub-140TA), filed July 13, 1978. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, IA 50321. Representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, MN 55344. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Kansas City, MO, to points in KY and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Merritt Foods Co., 2840 Guinotte, Kansas City, MO 64120, (2) Commercial Distribution Center, Inc., P.O. Box 477, Independence, MO 64051. Send protests to: Herbert W. Allen District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 140262 (Sub-4TA), filed July 12, 1978. Applicant: VIKING TRANSPORT, INC., 585 Hi Tech Way, P.O. Box 546, Oakdale, CA 93561. Representative: Eldon M. Johnson, 650 California Street, San Francisco, CA 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* (in bulk), between points in the State of CA, on the one hand, and, on the other hand, points in the States of OR, WA, and ID, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Smith & Ardussi, Inc., P.O. Box 80847, Seattle, WA 98108. Send protests to: Michael M. Butler, District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

MC 141033 (Sub-45TA), filed July 12, 1978. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, P.O. Box 1257, City of Industry, CA 91749. Representative: H. L. Rabins, Continental Contract Carrier Corp., 15045 East Salt Lake Avenue, City of Industry, CA 91749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, fireplace logs (compressed sawdust, wax impregnated), charcoal lighter fluid in cans in carton, hickory chips (not charred), and vermiculite, other than crude*, from Dallas and Jacksonville, TX, and their commercial zones to points in AZ, and CA, for 180 days. Supporting shipper(s): The Kingsford Co., P.O. Box 1033, 919 Commonwealth Building, Louisville, KY 40201. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 141033 (Sub-46TA), filed July 12, 1978. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, P.O. Box 1257, City of Industry, CA 91749. Representative: H. L. Rabins, Continental Contract Carrier Corp., 15045 East Salt Lake Avenue, P.O. Box 1257, City of Industry, CA 91749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, fireplace logs (compressed sawdust, wax impregnated), charcoal lighter fluid in cans in carton, hickory chips (not charred), and vermiculite, other than crude*, from Burnside, KY, to points in IN, OH, IL, WI, and MI, for 180 days. Supporting shipper(s): The Kingsford Co., P.O. Box 1033, Louisville, KY 40201. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 142051 (Sub-3TA), filed July 12, 1978. Applicant: MOYER PACKING TRANSPORTATION CO., d.b.a. V & J DERSTINE, P.O. Box 395, Allentown Road, Souderton, PA 18964. Representative: Edwin L. Scherlis, Suite 420, 1315 Walnut Street, Philadelphia, PA 19107. Authority sought to operate

as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, in mechancial refrigerated equipment, between the plantsites of Moyer Packing Co., in Souderton, Blooming Glen, Bernville, and Elizabethville, PA, and points in CT, DE, FL, GA, IN, IL, ME, MD, MA, MI, NC, NH, NJ, NY, OH, RI, SC, VT, VA, WV, WI, DC, IA, MN, MO, AR, KY, TN, AL, MI, LA, NE, KA, OK, and TX, under a continuing contract, or contracts with Moyer Packing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Moyer Packing Co., P.O. Box 395, Souderton, PA. 18964. Send protest to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA. 19106.

MC 143436 (Sub-12TA), filed July 12, 1978. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 9049 Stonegate Road, Indianapolis, IN 46227. Representative: Stephen M. Gentry, 1500 Main Street, Speedway, IN 46224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Fred's Frozen Foods, Inc., located at or near Noblesville, IN, to points in IL, KY, MI, and OH, restricted to traffic originating at and destined to those points named above, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fred's Frozen Foods, Inc., 2395 East Conner, Noblesville, IN 46060. 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.

MC 144023 (Sub-3TA), filed July 12, 1978. Applicant: TAYLOR TRANSPORT, INC., Route 1, Fort Mill, SC 29715. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper, brass, items made totally or partially of copper and brass, and scrap*, between the facilities of Mueller Brass Co., located at or near Covington, TN, on the one hand, and, on the other, points in the United States (except points in AK, HI, OH, Memphis, TN, Louisville, KY, Melrose Park, IL, and points in their respective commercial zones), under a continuing contract, or contracts, with Mueller Brass Co., for 180 days. Supporting shipper(s): Mueller Brass Co., Covington, TN. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 144122 (Sub-17TA), filed July 13, 1978. Applicant: CARRETTA TRUCKING, INC., South 160 Route 17 North, Paramus, NJ 07652. Representative: Joseph Carretta, South 160 Route 17 North, Paramus, NJ 07652. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles, reproduction paper, printing ink, chemicals, optical and scientific instruments and tools, artists supplies, school supplies and draftsmans drawing films* (except commodities in bulk), from Rockaway, NJ, to Fort Wayne, IN, and Houston, TX, for 180 days. Supporting shipper(s): Keuffel & Esser Co., 20 Whippany Road, Morristown, NJ 07960. Sent protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, NJ 07102.

MC 144122 (Sub-18TA), filed July 13, 1978. Applicant: CARRETTA TRUCKING, INC., South 160 Route 17 North, Paramus, NJ 07652. Representative: Joseph Carretta, South 160 Route 17 North, Paramus, NJ 07652. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products in packages*, from Jefferson County, TX, to PA, NY, NJ, KY, and TN, for 180 days. Supporting shipper(s): Texaco, Inc., 1111 Rusk, Houston, TX 77052. Sent protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-25771 Filed 9-13-78; 8:45 am]

[7035-01]

[Notice No. 164]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

September 1, 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, DC, and also in the ICC field office to which protests are to be transmitted.

Motor Carriers of Property

MC 47171 (Sub-111TA), filed July 10, 1978. Applicant: COOPER MOTOR LINES, INC., P.O. Box 4259, Greenville, SC 29608. Representative: Harris G. Andrews, V.P.—Traffic, P.O. Box 4259, Greenville, SC 29608. 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 Greenville and Spartanburg, SC, on the one hand, and, on the other, Clayton, Cobb, Coweta, De Kalb, Fayette, Fulton, Henry, and Rockdale Counties, GA, with services at Greenville and Spartanburg, SC, for purposes of joinder only, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately 12 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 filed office named below. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 69397 (Sub-51TA), filed July 13, 1978. Applicant: JAMES H. HARTMAN & CO., INC., P.O. Box 85, Pocomoke City, MD 21851. Representative: Wilmer B. Hill, Suite 805, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, fittings, valves, and hydrants*,

and (2) *accessories* used in the installation of the items named in (1) above, from the facilities of Clow Corp. near Buckhannon, WV, to points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT, and VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Clow Corp., Executive Plaza East, 1211 West 22d Street, Oak Brook, IL 60521. Send protests to: T. Esposito, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 95084 (Sub-122TA), filed July 10, 1978. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel forms* for concrete construction from Des Moines, IA, to points in CA, MT, WA, and WY, for 180 days. Supporting shipper: Economy Forms Corp., 4301 Northeast 14th Street, Des Moines, IA 50316. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 113158 (Sub-30TA), filed August 23, 1978. Applicant: TODD TRANSPORT CO., INC., Secretary, MD 21664. Representative: James W. Patterson, Harper, George, Buchanan & Driver, 1200 Western Savings Bank Building, Philadelphia, PA 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Sussex County, DE to points in VA, NC, and SC, for 180 days. Applicant has filed an ETA application seeking 90 days of operating authority. Supporting Shipper: Jenkins Foods Corp., Milford, DE 19963. Send protect to: T. Esposito, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 115904 (Sub-110TA), filed July 10, 1978. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, ID. 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, from the facilities of Dresser Industries, Inc., located in Big Horn County, WY, to points in KS, OK, and TX, for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dresser Mineral and Manufacturing Corp., P.O. Box 6504, Houston, TX 77005. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, ID 83706.

MC 119765 (Sub-56TA), filed July 10, 1978. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Representative: Aryln L. Westergren, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, class A and B explosives, and commodities requiring the use of special equipment), from the facilities of Allied Shippers & Receivers Association at Chicago, IL, to Omaha, NE and Kansas City, MO, and their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: William B. Marsells, Allied Shippers & Receivers Association, 2029 West Hubbard Street, Chicago, IL 60612. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 120761 (Sub-41TA), filed July 31, 1978. Applicant: NEWMAN BROS. TRUCKING CO., P.O. Box 18728, Fort Worth, TX 76118. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Chaparral Steel Co. at or near Midlothian, TX, to Hartsville, TN; Hope, AK, and MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chaparral Steel Co., P.O. Box 1100, Midlothian, TX 76065. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 124554 (Sub-26TA), filed July 10, 1978. Applicant: LANG CARTAGE CORP., P.O. 513, Milwaukee, WI 53201. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by a retail mail order house* (except furniture), from the facilities of Aldens, Inc., in Chicago, IL, to the facilities of the carrier-applicant at LaCrosse and Milwaukee, WI, for 180 days, under a continuing contract or contracts with Aldens, Inc. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Aldens, Inc., 5000 West Roosevelt Road, Chicago, IL 60607; Thomas A. Slover. 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 128133 (Sub-21TA), filed August 23, 1978. Applicant: H. H. OMPS, INC., Route 7, Box 295, Winchester, VA 22601. Representative: Jeremy Kahn, Kahn & Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pebble lime*, in bulk, in pneumatic tank trailers, from Strasburg, VA to Eden, NC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper(s): Chemstone Corp., Menlo Park, Edison, NJ 08817. Send protests to: T. Esposito, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 129455 (Sub-33TA), filed August 11, 1978. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), for the account of Amoco Chemical Corp., from the facilities of Amoco Chemical Corp., at Willow Springs, Joliet, and Wood River, IL, to points in CA, WA, OR, MD, DE, PA, NJ, NY, CN, RI, and MA, under a continuing contract or contracts with Amoco Chemical Corp., for 180 days. Supporting shipper(s): Amoco Chemical Corp., 200 East Randolph Drive, Chicago, IL 60601. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 129455 (Sub-34TA), filed August 11, 1978. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), for the account of Amoco Chemical Corp., from the facilities of Amoco Chemical Corp., at Texas City and Chocolate Bayou, TX, to points in CA, WA, OR, MD, DE, PA, NJ, NY, CT, RI, MA, IN, IL, and WI., under a continuing contract, or contracts, with Amoco Chemical Corp., for 180 days. Supporting shipper(s): Amoco Chemical Corp., 200 East Randolph Drive, Chicago, IL 60601. Send

protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 135797 (Sub-129TA), filed July 10, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell AR 72745. Representative: Paul R. Bergant, Sullivan & Associates, Ltd., 10 South LaSalle Street, Chicago IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and animal feed ingredients* (except in bulk) between Kansas City, KS, Camp Hill and Mechanicsburg, PA, on the one hand, and, on the other, points in ND, SD, NE, KS, OK, TX, LA, AR, MO, IA, MN, WI, IL, MI, IN, KY, TN, MS, AL, GA, FL, SC, NC, VA, WV, OH, MD, DE, NJ, NY, PA, RI, CT, MA, VT, NH, and ME. Restriction: Restricted to traffic originating at the facilities of or utilized by Perk Foods located at or near the above named origins, for 180 days. Supporting shipper(s): Perk Foods, 1580 Northwest Highway, Park Ridge, IL 60068. Send protests to: William H. Land, Jr., District Supervisor, 3128 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 135797 (Sub-130TA), filed July 10, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, AR 72745. Representative: Paul R. Bergant, P.O. Box 200, Lowell, AR 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (*1*) *Ground waste paper, liquid adhesives, chemicals in containers*, and (*2*) *equipment materials and supplies* used in the manufacture, distribution, and application of the commodities in (1) above, between the facilities of National Cellulose Corp., at or near Monroe, OH on the one hand, and, on the other, points in the United States (except AK and HI). Restriction: Restricted against the transportation of commodities in bulk in tank vehicles, for 180 days. Supporting shipper(s): National Cellulose Corp., 12315 Robin Boulevard, Houston, TX 77045. Send protests to: William H. Land, Jr., District Supervisor, 3108 West Capitol, Little Rock, AR 72201.

MC 138000 (Sub-38TA), filed August 23, 1978. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Edward N. Button, P.O. Box 1417, Hagerstown, MD 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Powdered clay* (except in bulk), from Robbins, NC and its commercial zone to Chelsea, MI and its commercial zone, for 180 days. Applicant has filed an underlying ETA seeking 90 days of operating authority. Supporting shipper: LRI Industries, Inc., 11770 Dexter Road, Chelsea, MI 48118. Send protests to: T. Esposito, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 138438 (Sub-31TA), filed August 23, 1978. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, P.O. Box 1417, Hagerstown, MD 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bricks*, from East Windsor Hill, CT and Middleboro, MA and their respective commercial zones, to points in NY, NJ, OH, WV, VA, MD, DE, PA, and DC for 180 days. Applicant has filed an underlying ETA for 90 days operating authority. Supporting shippers: K-F Brick Co., Route 5, East Windsor Hill, CT 06028. Send protests to: T. Esposito, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 142390 (Sub-3TA), filed July 10, 1978. Applicant: TRANSIT MOVING INC., Colonial Park Suite No. 116, 1027 Hollywood Boulevard, Iowa City, IA 52240. Representative: Carl E. Munson, 469 Fischer Building, Dubuqe, IA 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic articles* (except commodities in bulk), in shipper-owned or shipper-leased trailers, from Chicago, IL, to Indianapolis and Rushville, IN; Bancroft, IA; Grand Rapids and Monroe, MI; Minneapolis-St. Paul, MN; Cincinnati, OH; and Marshfield, WI, under a continuing contract(s) with Clark-Crain Foam Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers(s): Clark-Crain Foam Industries, Inc., 1550 East 97th Place, Chicago, IL 60628. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 142917 (Sub-1TA), filed July 10, 1978. Applicant: CEDAR TRANSPORTATION, INC., P.O. Box 49, Stockton, CA 95201. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pressed fireplace logs*, from Trenton, NJ, to points in 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; and materials and supplies used in the manufacture of pressed fireplace logs, from points in the above described destination territory to Trenton, NJ., for 180 days. Restricted to the operations authorized herein are limited to a transportation service to be performed under a continuing contract(s) with P & M Lumber Products, Inc., and Duraflame, Inc., of Falls Township, Bucks County, PA. Supporting shipper(s): Duraflame, Inc., P.O. Box 49, Stockton, CA 95201. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 144122 (Sub-23TA), filed August 11, 1978. Applicant: CARRETTA TRUCKING, INC., S. 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap plastic, plastic flakes, plastic powder, plastic granules, and plastic pellets*, (except in bulk), (1) between the facilities of George Woloch Co., Inc., at Allentown, PA, on the one hand, and, on the other, points in LA and TX; and (2) from points in LA and TX, to points in PA, NY, NJ, CT and MA, for 180 days. Supporting shipper(s): George Woloch Co., Inc., 120 Wall Street West, Lyndhurst, NJ 07071. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 144122 (Sub-24TA), filed August 8, 1978. Applicant: CARRETTA TRUCKING, INC., S. 160, Route 17 North, Paramus, NJ 07652. Representative: Joseph Carretta, S. 160, Route 17 North, Paramus, NJ 07652. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tape products, materials, equipment, and supplies* used in the manufacture thereof (except commodities in bulk), from Beacon, NY., and Passaic, NJ, to Carbondale, IL, and from Carbondale, IL, to points in CA; and (2) *springs and spring assemblies, bed frames, materials and equipment and supplies* used in the manufacture thereof, from Carthage, MO, to points in IL, IN, OH, MI, PA, NJ, NY and GA, for 180 days. Supporting shipper(s): Technical Tape, Inc., 1 Market Street, Passaic, NJ 07055. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 145019TA, filed July 10, 1978. Applicant: R. J. HEBERT TRUCKING, INC., 458 Pelham Road, Dracut, MA 01826. Representative: James E. Mahoney, 84 State Street, Boston, MA 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold in drug, chain, discount and department stores* (except commodities in bulk, in tank vehicles) between the distribution centers, warehouses and retail outlets of J. M. Fields, Inc. in MA, on the one hand, and, on the other, Salem, NH, under a continuing contract with J. M. Fields, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): J. M. Fields, Inc., 450 West 33d Street, New York, NY 10001. Send protests to: Paul A. Roberts, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 145022 (Sub-1TA), filed July 10, 1978. Applicant: MARSH BROTHERS TRUCKING SERVICE, INC., 1811 Howell Avenue, Dayton, OH 45407. Representative: Jerry B. Sellman, Muldoon, Pemberton & Ferris, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Powell County, KY, to Montgomery County, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): BBS Coal, Inc., Robert L. Judy, Vice President, 3726 Harrison, Cincinnati, OH 45211; General Motors Corp., John C. Rill, Jr., Manager-Traffic, 300 Taylor, Dayton, OH 45442. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, ICC, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

MC 145045TA, filed July 10, 1978. Applicant: INTERNATIONAL FREIGHTWAYS, INC., 6638 South University Avenue, Chicago, IL 60637. Representative: William P. O'Connor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial tapes, tape dispensers, reproduction or copy machines and supplies* thereof, toners, chemicals NOI., machines and or parts thereof, rubber, resin, cotton piece goods, glass fiber yarns, synthetic film, tape, masking, paper sealing, strapping, plastic or rubber articles, paper gummed, paper supplies, pipe covering, packing rubber or gummed compound, and materials, equipment and supplies, used in the production, manufacturing and the distribution of the above named products; between the facilities of Nashua Corp. and its subsidiaries located at or near Chicago, IL, Troy, NY, Nashua, NH, Omaha, NE, Atlanta, GA, Dallas, TX, Seattle, WA, Los Angeles, CA, Denver, CO, on the one hand, and, on the other hand, points and places in AL, AZ, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, and WY, for 180 days. Restricted to the facilities of the Nashua Corp. and its subsidiaries, and against the transportation of commodities in bulk, class A & B explosives, and household goods as defined by the commission. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mr. Lawrence J. Mulholland, Production Manager, Nashua Corporation (Industrial Tape Division), 7800 South Woodlawn Avenue, Chicago, IL 60619. Send protests to: Lois Stahl, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1386, 219 South Dearborn Street, Chicago, IL 60604.

MC 145098 (Sub-1TA), filed July 10, 1978. Applicant: CASPER'S CARTAGE, INC., 3837 West 127th Street, Alsip, IL 60658. Representative: James L. Battey, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in bulk in tanks, from the facilities of Louisville Portland Cement Co., at Logansport, IN to facilities of Ozinga Bros., Inc., at Mokena, IL, Alsip, IL, and Chicago Heights, IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Martin Ozinga III, Executive Vice President, Ozinga Bros., Inc., 9518 South Spaulding, Evergreen Park, IL. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145160TA, filed July 26, 1978. Applicant: EDDIE DUMAS, d.b.a. DUMAS CONSTRUCTION CO., Route 4, Box 110A, El Dorado, AR 71730. Representative: Shackleford, Shackleford & Phillips, 100 East Church Street, El Dorado, AR 71730. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum related products*, from the facility of MacMillan Ring-Free Oil Co., at Norphlet, AR, to Baton Rouge, LA, and New Orleans, LA, and return to the facility at Norphlet, AR; and (2) *Oil field equipment*, from the facility of Phillips Petroleum Co., at El Dorado, AR, to drilling and production sites in East Texas, MS; LA, AL, and OK, under a continuing contract, or contracts, with Phillips Petroleum Co., and MacMillan Ring-Free Oil Co., Inc., for 180 days. Supporting shipper(s): (1) Phillips Petroleum Co., Box 1567, El Dorado, AR 71730. (2) MacMillan Ring-Free Oil Co., Inc., Drawer J, Norphlet, AR 71759. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145208TA, filed July 27, 1978. Applicant: ONEY ENTERPRISES, INC., P.O. Box 2978, Milan, NM 87020. Representative: James E. Snead, 215 Lincoln Avenue, P.O. Box 2228, Santa Fe, NM 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk salt*, by dump trucks only having a prior movement by rail in interstate commerce, from Reid Siding, NM, to Ambrosia Lake, NM, under a continuing contract, or contracts, with Morton Salt Co., Division of Morton-Norwich, for 180 days. Applicant has also filed an underlyng ETA seeking up to 90 days of operating authority. Supporting shipper(s): Morton Salt Co., Division of Morton-Norwich, 110 North Wacker Drive, Chicago, IL 60606. Send protests to: District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-25772 Filed 9-13-78; 8:45 am]

[1505-01]

[Decisions Volume No. 22]

DECISION-NOTICE

Correction

In FR Doc. 78-23646 appearing on page 37792 in the issue of Thursday, August 24, 1978 on page 37794 in the middle column, the 4th full paragraph, the application number should read, "MC 107515 (Sub-1158F), * * *".

[1505-01]

DECISIONS VOLUME NO. 6

Order-Notice

Correction

In FR Doc. 78-16457 appearing on page 25902 in the issue of Thursday, June 15, 1978 on page 25907, the 3rd column, the 11th line should read, "No. MC 114632 (Sub-No. 164F), * * *

MO, MT, NE, ND, SD, UT, WA, and * * *".

[1505-01]

[Notice No. 140]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-22461 appearing on page 35780 in the issue of Friday, August 11, 1978, on page 35781 in the 1st column, the 1st full paragraph, the 16th line should read, "MC 25798 (Sub-322TA), * * * WV; and (2) from Easton, ME, to * * *".

[1505-01]

[Volume No. 110]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Correction

In FR Doc. 78-22945 on page 36566 appearing in the issue of Thursday, August 17, 1978, on page 36571 in the 3d column, the 2d application number should read, "MC 106398 (Sub-798F), * * *".

[7035-01]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a special certificate of public convenience and necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, ex parte No. MC-85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission within 20 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence within 30 days of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

P-17-78 (Special certificate—Waste products), filed August 31, 1978. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Representative: William R. Lavery (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes in the transportation of waste products for recycling or reuse, between points in the United States, (except AK and HI) in furtherance of a recognized pollution control program sponsored by Motor Oils Refining Co. of McCook, IL; and Safety-Kleen Corp. of Elgin, IL for the purpose of transporting and recycling waste products.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-25904 Filed 9-13-78; 8:45 am]

[1505-01]

INTERSTATE COMMERCE COMMISSION

[Volume No. 88]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Correction

In FR Doc. 78-12758 appearing at page 20297 in the issue for Thursday, May 11, 1978, under No. MC 119934 (Sub-No. 224F) on page 20306, "KA" should have read "IA".

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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[6351-01]

1

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 40349.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., September 14, 1978.

CHANGES IN THE MEETING: Meeting canceled.

[S-1856-78 Filed 9-12-78; 4:01 pm]

[6351-01]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., September 19, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Proposed FEDERAL REGISTER notice on revision of 04's.
Proposed final rules on regulation of commodity trading advisors and pool operations.
Final rule imposing a temporary moratorium on the offer and sale of leverage contracts.
Proposed FEDERAL REGISTER release seeking public comment concerning the interpretation of contracts of sale of a commodity for future delivery within the meaning of the Commodity Exchange Act.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-1857-78 Filed 9-12-78; 4:01 p.m.]

[6351-01]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2 p.m., September 19, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement matter/offers of settlement. Rule enforcement review.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-1858-78 Filed 9-12-78; 4:01 pm]

[6351-01]

4

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., September 20, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Judicial Session.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-1859-78 Filed 9-12-78; 4:01 pm]

[6355-01]

5

CONSUMER PRODUCT SAFETY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: September 8, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME: September 13, 1978, 9:30 a.m.

CHANGES IN THE MEETING: (See following revised agenda.)

Commission briefing, Wednesday, September 13, 1978, 9:30 a.m., third floor hearing room, 1111 18th Street NW., Washington, D.C.

REVISED AGENDA*

Open to the public

1. *Holiday safety spots.* The Commission will review the radio and television "spots" prepared for the 1978 Holiday Safety Campaign.

Closed to the public

2. *Final rule to exempt certain ink cartridges from labeling requirements.* In response to a petition from the Parker Pen Co. (HP 77-4), the Commission in November, 1977 proposed to exempt certain rigid or semi-rigid ink cartridges from labeling requirements of the Federal Hazardous Substances Act. At this meeting, the Commission will discuss this proposed exemption. (Closed—exemption 9, possible significant frustration of agency action.)

3. *Aluminum wiring.* The Commission and staff will meet to discuss issues related to aluminum wiring. This is a continuation of the special meeting the Commission held September 11. (Closed—exemption 10, litigation.)

[S-1841-78 Filed 9-12-78; 10:46 am]

[6355-01]

6

CONSUMER PRODUCT SAFETY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: September 1, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME: September 14, 1978, 9:30 a.m.

CHANGES IN THE MEETING: (See following revised agenda.)

Commission meeting, Thursday, September 14, 1978, 9:30 a.m., third floor hearing room and eighth floor conference room, 1111 18th Street NW., Washington, D.C.

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* Agenda approved September 5; corrected September 6 to show discussion rather than decision for current Item 2 (Ink Cartridges). Agenda was revised September 8, to delete previous Item 2 (Chronic Hazard Priorities), and revised September 11 to add the Aluminum Wiring Item.

REVISED AGENDA** (AS OF SEPTEMBER 11)

Open to the public

1. *Recommendation to accept corrective action plan: Howard Commercial Turf Equipment, Inc., riding lawn mower, ID 78-56.* The staff has recommended that the Commission accept the corrective action plan which this company has implemented to deal with a possible brake defect, and that the Commission not pursue a timeliness-of-reporting case. Under the corrective action plan, the firm is refitting all the involved mowers, and has initiated production changes.

2. *Recommendation to accept corrective action plan: Wham-O Manufacturing Co., "Water Wiggle" toy, ID 78-75.* The staff has recommended that the Commission accept the corrective action plan Wham-O has implemented to deal with hazards associated with the nozzle design of this toy, which has allegedly caused two drownings. The staff also recommends that the Commission not pursue a timeliness-of-reporting case. The firm has notified customers and dealers, and is recalling the toy.

3. *Recommendation to close possible substantial product hazard case: Chadwick-Miller, Inc., ice cream scoop, ID 77-75.* Based on its evaluation that these ice cream scoops present less than a substantial product hazard, the staff has recommended that the Commission close this case, and not pursue a timeliness-of-reporting case.

4. *Recommendation to close case: Lambert Cycle of London, Ltd.* In August 1977, the Commission directed the staff to prepare a product ban of bicycles manufactured by Lambert Cycle of London, Ltd. At this meeting, the Commission will consider a staff recommendation to close this case, and not pursue a timeliness-of-reporting case.

5. *Petition on telescope solar eyepiece filters, CP 78-11.* Norman Sperling of Somerville, Mass., has petitioned the Commission to ban eyepiece solar filters sold with certain telescopes. Mr. Sperling has stated that concentrated heat from direct sunlight can shatter or crack these filters and cause temporary or permanent damage to the retina of the user's eye.

6. *Final exemption from special packaging requirements for mebendazole (Vermox).* In response to a petition from the manufacturer, Ortho Pharmaceutical, the Commission proposed to exempt certain forms of the drug mebendazole from child-resistant packaging requirements of the Poison Prevention Packaging Act. The proposal was published in October 1977. At this meeting, the Commission will consider the final exemption document.

7. *Proposed revision and amendment of regulations under the Flammable Fabrics Act (FFA).* The Commission will consider a draft FEDERAL REGISTER document which would revise the FFA regulations dealing with guarantees under section 8 of the act, and with the flammability standards for wearing apparel and vinyl plastic film.

8. *Provisional classification tetrachloroethylene (perchloroethylene) under CPS carcinogen policy.* At its July 27, 1978, meeting, the Commission conditionally approved the provisional classification of tetrachloroethylene as a category A substance under its interim carcinogen policy. At this meeting, the Commission will discuss additional data on the substance, and will vote once again on provisional classification.

Closed to the public

9. *Enforcement matter under the Poison Prevention Packaging Act (OS 576).* The Commission will consider a staff recommendation to initiate an enforcement proceeding for an alleged violation of Poison Prevention Packaging Act requirements.

Closed to the public, eighth floor conference room

10. *OMB Management Report.* The Commission will discuss the oral report to the Chairman from the OMB Management Assistance Team. The Chairman will brief the Commission on the report and will obtain informal guidance about possible future management directions.

[S-1842-78 Filed 9-12-78; 10:46 am]

**Agenda approved September 5, 1978. Revised September 11 with the deletion of previous Items 6 and 7 (on architectural glazing), and Item 12 (possible substantial product hazard enforcement matter).

[6740-02]

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 40349, published September 11, 1976.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., September 13, 1978.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CI-2. CI77-567, Union Oil Co. of California. CI77-796, General Crude Oil Co.

KENNETH F. PLUMB,
Secretary.

[S-1846-78 Filed 9-12-78; 10:46 am]

[6740-02]

8

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 40349, published September 11, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., September 13, 1978.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

ER-10, ER76-177, ER76-207, ER76-208, and ER76-210, Southwestern Electric Power Co.

ER-11, ER76-39, ER76-340, and ER76-363, Kansas Power & Light Co.

ER-25, E-9469 and ER76-377, Lockhart Power Co.

KENNETH F. PLUMB,
Secretary.

[S-1854-78 Filed 9-12-78; 3:26 pm]

[6720-01]

9

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: Wednesday, September 20, 1978, 9:30 a.m.

PLACE: 1700 G Street NW., 6th floor, Washington, D.C.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION:

Franklin O. Bolling, 202-377-6677.

MATTERS TO BE CONSIDERED:

Amendment of Charter (Change of Name)—Elizabeth Federal Savings & Loan Association, Elizabeth, N.J.
Consideration of voluntary termination of insurance of accounts and withdrawal from bank membership—Home Savings & Loan Association, Siler City, N.C.
Bank membership application—Seacoast Savings Bank, Dover, N.H.
Bank membership application—Berlin Savings Bank, Kensington, Conn.
Consideration of application for permission to purchase property—Citizens Federal Savings & Loan Association of Cleveland, Cleveland, Ohio.
Branch office application—First Federal Savings & Loan Association of mid-Florida, Deland, Fla.
Consideration of resolution re James A. Coles.
Consideration of resolution re John M. Kleeb.
Proposed regulations regarding forward commitments to purchase securities.
Consideration of extension of Civil Rights Settlement Agreement.
Consideration of Tax and Loan Account Regulations.

No. 182, September 12, 1978.

[S-1849-78 Filed 9-12-78; 2:02 pm]

[6720-02]

10

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, No. 175, Page 40099, Friday, September 8, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Wednesday, September 13, 1978.

PLACE: 1700 G Street NW., 6th floor, Washington, D.C.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION:

Franklin O. Bolling, 202-377-6677.

CHANGES IN THE MEETING: The following item has been withdrawn from the agenda:

Consideration of Tax and Loan Account Regulations.

No. 181, September 12, 1978.

[S-1853-78 Filed 9-12-78; 3:26 pm]

[6730-01]

11

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., September 20, 1978.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Part of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portion open to the public:

1. Request of Maritz Inc., that the Commission require it to only submit Annual Balance Sheets and Statements of Income and Surplus to support its Passenger Vessel Performance Certificate.

Portion closed to the public:

1. Docket No. 77-19—Agreement No. 10235, Consolidators Forwarders Intermodal Corp.—Discussion of the record.

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Assistant Secretary, 202-523-5725.

[S-1845-78 Filed 9-12-78; 10:46 am]

[6210-01]

12

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 40102, September 8, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, September 13, 1978.

CHANGES IN THE MEETING: Deletion of the following open item from the agenda:

Proposal to implement Executive Order 12044, relating to improving Government Regulations.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: September 11, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[S-1843-78 Filed 9-12-78; 10:46 am]

[6820-35]

13

LEGAL SERVICES CORPORATION (COMMITTEE ON REGULATIONS).

TIME AND DATE: 9:30 a.m., Monday, September 18, 1978.

PLACE: Seventh floor conference room, Legal Services Corporation 733 15th Street NW., Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Consideration of proposed amendments that were published for comment:
   1602—Procedures for disclosure or production of information under the Freedom of Information Act.
   1609—Fee-generating cases.
   1620—Priorities in allocation of resources.
2. Discussion of internal staff directives concerning expansion.
3. Discussion of plans for republication of regulations in final form.

CONTACT PERSON FOR MORE INFORMATION:

Dellanor Young, Office of the President, telephone 202-376-5100.

Issued: September 11, 1978.

THOMAS EHRLICH
President.

[S-1850-78 Filed 9-12-78; 3:26 pm]

[4910-58]

14

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, September 21, 1978 [NM-78-34].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report*—MV *Halliburton 207* explosion and sinking, Garden Island Bay, Mississippi River Delta, on February 4, 1978.
2. *Railroad Accident Report*—Derailment of Auto-Train No. 4 on Seaboard Coast Line Railroad at Florence, S.C., on February 24, 1978.
3. *Highway Accident Report*—Kohler Co. tractor-semitrailer/pickup truck collision, U.S. Route 226, near Marion, N.C., January 25, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-1855-78 Filed 9-12-78; 3:26 pm]

[7590-01]

15

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of September 4, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open (additional item).

CHANGES IN THE MEETING:

WEDNESDAY, SEPTEMBER 6

3:40 p.m.—Discussion of proposed letter to J. Honicker.

ADDITIONAL INFORMATION

By a unanimous vote on September 6, 1978, 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 was required for this urgent matter.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

SEPTEMBER 8, 1978.

[S-1847-78 Filed 9-12-78; 2:02 pm]

[7590-01]

16

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of September 11 (changes).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

THURSDAY, SEPTEMBER 14

9:30 a.m.—Discussion of Three Mile Island (approximately 1 hour, closed—Exemption 10).
Additional item.

FRIDAY, SEPTEMBER 15

CANCELLATION

1. Discussion of employee allegations (approximately 1 hour, closed—exemption 1) is canceled.

CHANGE IN START TIME—9:30 A.M.

1. Briefing on licensing procedures for geologic repositories for high level waste (approximately 45 minutes, public meeting).

2. Affirmation items (approximately 10 minutes, public meeting): a. FOIA appeal of A. Kranish (postponed from September 6, 1978). b. Amendments of parts 2 and 51.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

SEPTEMBER 11, 1978.

[S-1848-78 Filed 9-12-78; 2:02 pm]

[3210-01]

17

OVERSEAS PRIVATE INVESTMENT CORPORATION.

MEETING OF THE BOARD OF DIRECTORS

TIME AND DATE: Meeting of the OPIC Board of Directors, Tuesday September 19, 1978 at 9 a.m. (closed portion), 11:30 a.m. (open portion).

PLACE: Offices of the Corporation, seventh floor board room, 1129 20th Street NW., Washington, D.C.

STATUS: The first part of the meeting from 9 a.m. to 11:30 a.m. will be closed to the public. The open portion of the meeting will start at 11:30 a.m.

MATTERS TO BE CONSIDERED:

Closed to the public 9 a.m. to 11:30 a.m.:

1. Personnel matters.
2. Human rights policy restraints in a Latin American country.
3. Insurance and finance projects.
4. Claims report.
5. Information reports.

FURTHER MATTERS TO BE CONSIDERED:

Open to the public 11:30 a.m.:

1. Approval of the minutes of the previous meeting.
2. Confirmation of Board meetings.
3. Agribusiness Council.
4. Information reports to the Board.

Information with regard to this meeting may be obtained from the Secretary of the Corporation at 202-632-1839.

ELIZABETH A. BURTON,
Corporate Secretary.

SEPTEMBER 12, 1978.

[S-1844-78 Filed 9-12-78; 10:46 am]

[8010-01]

18

SECURITIES AND EXCHANGE COMMISSION.

STATUS: Open meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Thursday, September 14, 1978.

The following item will not be considered at the open meeting scheduled for Thursday, September 14, 1978, at 10 a.m.:

Consideration of the application of John R. Patterson to reenter the securities business as a registered representative, with Offerman & Co., Inc., a registered broker-dealer, in a nonsupervisory, nonproprietary capacity.

Chairman Williams and Commissioners Loomis, Evans, and Karmel determined that no earlier notice of the aforesaid was possible.

SEPTEMBER 11, 1978.

[S-1851-78 Filed 9-12-78; 3:26 pm]

[8010-01]

19

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of September 18, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Wednesday, September 20, 1978, at 10 a.m. An open meeting will be held on Thursday, September 21, 1978, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402 (a)(8)(9)(i) and (10).

Chairman Williams, and Commissioners Loomis, Evans, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, September 20, 1978, at 10 a.m., will be:

Access to investigative files by Federal, State or self-regulatory authorities.
Formal orders of investigation.
Freedom of Information Act appeals.
Freedom of Information Act request.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Settlement of administrative proceedings of an enforcement nature.
Settlement of injunctive action.
Other litigation matters.

The subject matter of the open meeting scheduled for Thursday, September 21, 1978, at 2:30 p.m., will be:

1. Consideration of plans for allocating regulatory responsibilities filed under 17 CFR 240.17d-2 between the National Association of Securities Dealers, Inc., and each of the following: Boston Stock Exchange, Inc., Cincinnati Stock Exchange, Inc., Midwest Stock Exchange, Inc., and Pacific Stock Exchange, Incorporated. For further information, please contact Gail Gordon Alkire at 202-755-1395.

2. Consideration of a proposal by the National Association of Securities Dealers, Inc. ("NASD") to adopt a set of rules to (i) regulate the options activities of so-called "access firms," i.e., NASD members who are not members of any exchange which lists the standardized options that they trade, and (ii) regulate trading of conventional (i.e., non-standardized) over-the-counter options, including options on securities other than common stock. For further information, please contact Jessica Licker at 202-755-1382.

3. Consideration of a Freedom of Information Act appeal of Andrew Jay Schwartzman of Media Access Project, a public interest law firm, from the determination by its Freedom of Information Act Officer denying access to certain agency records relating to *Home Box Office, Inc.* v. *Federal Communications Commission* and the request for a waiver of copying fees. For further information, please contact Philip Becker at 202-755-1234.

FOR FURTHER INFORMATION, PLEASE CONTACT:

Michael P. Rogan at 202-755-1638.

SEPTEMBER 11, 1978.

[S-1852-78 Filed 9-12-78; 3:26 pm]

federal register

THURSDAY, SEPTEMBER 14, 1978
PART II



FEDERAL RESERVE SYSTEM

LIBRARY OF CONGRESS/COPYRIGHT OFFICE

PRIVACY ACT OF 1974

Annual Publication

FEDERAL RESERVE SYSTEM

PRIVACY ACT ISSUANCES

Notice of Incorporation by Reference

Agency: Board of Governors of the Federal Reserve System.

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 the Board of Governors of the Federal Reserve System 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: MaryEllen A. Brown, Senior Attorney, Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Room B-1051E, Washington, D.C. 20551, (202) 452-3608.

Approval of the Director

The notices of systems of records of the Board of Governors which appear in "Privacy Act Issuances—1977 Compilation" are incorporated herein by reference. The Director of the Office of the Federal Register granted approval to incorporate by reference these Privacy Act issuances on August 28, 1978.

1977 Compilation Up-to-Date

Information about the Board's systems of records that appears in "Privacy Act Issuances—1977 Compilation" is complete and up-to-date. Since publication of the 1977 Compilation, the Board 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 the Board of Governors' systems of records appear in volume I of the 1977 Compilation at 48142 (42 FR 48142, September 22, 1977.) The price of this volume is six dollars and fifty cents

Theodore E. Allison,
Secretary of the Board.

August 30, 1978.

[FR Doc. 78-25187 Filed 9-13-78; 8:45 am]

LIBRARY OF CONGRESS

Copyright Office

PRIVACY ACT OF 1974

Systems of Records; Annual Publication

Pursuant to 5 U.S.C. 552a(e)(4) of the Privacy Act of 1974, the Copyright Office hereby publishes the systems of records as currently maintained by the Office. The systems of records identified in the notices published at 42 FR 61574, December 5, 1977, and 43 FR 5113, February 7, 1978, continue in effect and are published in their entirety below.

TABLE OF CONTENTS

CO-1—Copyright Applications File
CO-2—Pseudonym Card File (Previous to 1938)
CO-3—Master Index Cards File
CO-4—Deposit Accounts Subsystem
CO-5—Compliance Activity File
CO-6—Miscellaneous Correspondence File
CO-7—Incomplete Submission Correspondence File
CO-8—Open and Closed Unfinished Business Files
CO-9—Recorded Documents File
CO-10—Notices of Institution of Actions for the Infringment of Works Refused Registration
CO-11—Motion Picture Agreement File
CO-12—Open and Closed Renewal Correspondence Files
CO-13—Unfinished Business Document File
CO-14—Appeal from Refusal to Register File
CO-15—Biobibliographic File
CO-16—Address File
CO-17—Domestic Master Mailing List
CO-18—Freedom of Information Act Requests and Privacy Act Requests and Disclosures File
CO-19—ABA Master Mailing List
CO-20—Open and Closed Certification and Documents Work Files
CO-21—Copies of Records Correspondence File
CO-22—Open and Closed Photo-duplication Control Forms Files
CO-23—Notice of Intention to Obtain Compulsory License for Making and Distributing of Phonorecords Embodying Nondramatic Musical Compositions File
CO-24—Secondary Transmission Cable Systems: Initial Notice of Identity and Changes File
CO-25—Cable Systems Subject to Compulsory License: Statements of Account
CO-26—Cable System Videotape Transfer Contracts File
CO-27—Jukebox License Record Books
CO-28—Unmailable Jukebox Certificates
CO-29—Licensing Division Refund File
CO-30—Voluntary Licensing Agreements File
CO-31—Licensing Division Search Report File
CO-32—Licensing Division Unfinished Business Files (Open and Closed)
CO-33—Deposit Recordation File

CO—1

System name: Coypright Applications File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Copyright claimants.

Categories of records in the system: Original, supplemental and renewal applications for claims to copyright.

Authority for maintenance of system: 17 U.S.C. sections 408 and 705 (the Act for General Revisions of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records in the preparation of search reports compiled at the request of a member of the public. These records are available to the public from 8 to 4 on weekdays.

The Office also uses these records to compile the Copyright Card Catalog. The cards in this catalog contain the names of copyright and renewal claimants of copyrighted works, the names of authors of copyrighted works, titles of works, registration numbers, publishers' names, pseudonyms, and additional information on copyrighted works.

Note: The Copyright Card Catalog includes a pre-1938 section in which the original copyright application also serves as the catalog card.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Bound volumes and microfilm.

Retrievability: Registration number, cross-referenced by name of author, name of claimant, and title of work in the Copyright Card Catalog.

Safeguards: These records are maintained in a room which is locked during nonworking hours.

Retention and Disposal: Retained permanently.

System manager(s) and address:

Section Head, Record Storage Section
Records Management Division, Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure".

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Copyright claimants or their authorized agents.

CO—2

System name: Pseudonym Card File (Previous to 1938)

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who author works under pseudonyms in those instances where both the author's real name and pseudonym appear on either the application for copyright registration or the deposit copy.

Categories of records in the system: Pseudonym, real name, claimant's name as given on the application and the deposit copy, registration number, and date of receipt of deposit copy.

Authority for maintenance of system: 17 U.S.C. section 705 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records in the preparation of search reports compiled at the request of a member of the public. These records are also available to the public during working hours.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 cards in cabinet.

Retrievability: Alphabetically by author's pseudonym and real name.

Safeguards: These records are maintained in a room which is locked during nonworking hours.

Retention and Disposal: Retained permanently.

System manager(s) and address:

Section Head, Card Catalog Section
Records Management Division, Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquires about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure".

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Individual to whom the record pertains or such individual's authorized agent.

CO—3

System name: Master Index Cards File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Remitters of all cash received by the Office, and individuals who submit documents for recordation, whether or not accompanied by a remittance.

Categories of records in the system: Temporary and permanent records of material and remittances received, records of final disposition of cases (in the form of registration numbers or identity of other fee services), the amount charged and/or the amount refunded, if any.

Authority for maintenance of system: 17 U.S.C. section 708, (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The office uses this system: (1) to keep a record of the receipt and disbursement of all incoming cash; (2) to locate cases in-process before the permanent catalog record is available; and (3) to prepare refund vouchers.

Storage: 4 x 6 index cards in file cabinets.

Retrievability: Alphabetically by remitter's name.

Safeguards: These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Rentention and Disposal: Retained permanently.

System manager(s) and address:

Section Head, Materials Control Section
Acquisitions and Processing Division, Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquires about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Remitters or their authorized agents.

CO—4

System name: Deposit Accounts Subsystem

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who maintain deposit accounts in the Office for the payment of their copyright fees.

Categories of records in the system: Name of deposit account holder, date of transaction, debit or credit notation, old balance, new balance, and transaction identification.

Authority for maintenance of system: 17 U.S.C. section 708, (Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records:

(1) To record copyright fee charges, replenishments, and current balances of deposit account holders; (2) to send periodic statements to deposit account holders of their transactions with the Office; (3) to notify deposit account holders that their accounts have become depleted; and (4) to obtain recent registration numbers to locate applications needed in the preparation of search reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records kept prior to November 1, 1977, are on 6 x 8 manila cards. After that date, all such records are on computer discs and tapes.

Retrievability: By name of deposit account holder, deposit account number, and transaction identification number.

Safeguards: The manual system of records is stored in locked file cabinets as are the microfilmed records. Access to both is restricted to authorized personnel. Computer records are stored on tapes and discs in a room which is restricted to authorized personnel. Computer access is by functional passwords which are restricted to personnel who require access to these records in the performance of their official duties.

Retention and Disposal: The former manual system will be kept indefinitely. The computerized system is used to store transactions for 3 months, at which time the record is transferred to microfilm for permanent retention.

System manager(s) and address:

Section Head, Fiscal Control Section
Acquisitions and Processing Division, Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publication Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Deposit account holders and Office charge sheets.

CO—5

System name: Compliance Activity File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals from whom the Office has demanded, in accordance with 17 U.S.C. section 407 (An Act for General Revision of the Copyright Law), copies of works published with a notice of copyright.

Categories of records in the system: Author's name, title of work, publisher, copyright claimant, date of initial action.

Authority for maintenance of system: 17 U.S.C. section 407 (An Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records to avoid sending out duplicate correspondence.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 index cards in a file cabinet.

Retrievability: Alphabetically by author's name.

Safeguards: These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Retained until:

(1) Receipt of the requested copy; (2) abandonment of the case; or (3) the demand process is complete and the Library of Congress advises the Office that it does not want the copy for its collection.

System manager(s) and address:

Section Head, Compliance Section
Acquisitions and Processing Division, Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Printed bibliographies, publishers' catalogs, citations provided by the Library of Congress, published citations of the work, and Office personnel who have personnally observed the item cited.

CO—6

System name: Miscellaneous Correspondence File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who have: (1) written to the Office for general information about copyright; (2) requested fee services such as search reports, copies of records, and certified copies of deposit copies; and (3) requested recordation of changes of name or address.

Categories of records in the system: General correspondence, intersectional referral forms, change of name/address forms, and charge out sheets.

Authority for maintenance of system: 17 U.S.C. sections 407-410, 705, 708 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records:

(1) To maintain a record of correspondence with individuals who address inquiries to the Office and with individuals who request search reports; (2) to maintain a record of requests for recordation of changes of name or address; (3) to record the removal and return of documents in the file by Office personnel; and (4) to record intersectional referrals.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila envelopes in file cabinets.

Retrievability: Alphabetically by remitter's name.

Safeguards: These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Retained permanently.

System manager(s) and address:

Section Head, Materials Control Section
Acquisitions and Processing Division, Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Remitters or their authorized agents.

CO—7

System name: Incomplete Submission Correspondence File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who wish to register a claim to copyright, but who have not sent the Office all of the elements (fee, application, deposit copies) necessary for registration.

Categories of records in the system: Applications for registration of a copyright claim, deposit copies, fees, and FL 81 form letters which advise the remitter that one or more elements necessary for registration have not been received.

Authority for maintenance of system: 17 U.S.C. sections 407-410, 708 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records to identify and temporarily store incomplete deposits and correspondence requesting missing elements.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Elements received and form letters are filed on book shelves.

Retrievability: Alphabetically by remitter's name.

Safeguards: These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: When the missing elements are received, the fee, application and deposit copies are forwarded to the Examining Division. If the missing elements are not received after correspondence with the remitter, those elements which have been received are forwarded to the Acquisition Section for further action. In either case, the FL 81 letters are retained by the Materials Control Section in a separate chronological file.

System manager(s) and address:

Section Head, Materials Control Section
Acquisition and Processing Division, Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Remitters or their authorized agents.

CO—8

System name: Open and Closed Unfinished Business Files

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Remitters of incomplete or imperfect applications for registration of a copyright claim.

Categories of records in the system: Applications for registration of a copyright claim, deposit copies, fees, correspondence, split fee sheets, intersectional referral sheets, search reports, cash cards, and history cards.

Authority for maintenance of system: 17 U.S.C. sections 407-410, 708.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records in the course of correspondence with applicants for registration of a copyright claim in those instances where correspondence is necessary to complete or perfect registration.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila envelopes in file cabinets and on book shelves.

Retrievability: Alphabetically by remitter's name.

Safeguards: These records are maintained in various parts of the Office, all of which are restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Records are retained in the Open file until registration is complete or until the remitter has failed to reply to Office correspondence. Closed files are permanently retained.

System manager(s) and address:

Section Head, Materials Control Section
Processing and Acquisitions Division, Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Remitters or their authorized agents.

CO—9

System name: Recorded Documents File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who are parties to, or have submitted for recordation, assignments, licenses, notices of termination of transfer, and other documents affecting copyright ownership, notices of error in the name in a copyright notice; authors of anonymous or pseudonymous works in instances where any person having an interest in the copyright in such a work submits a statement identifying one or more authors of the work; authors of works in instances where any person having an interest in the copyright in a particular work submits a statement of the date of death of the author or a statement that the author is still living on a particular date; individuals who are parties to litigation under title 17 of the United States Code.

Categories of records in the system: Assignments, licenses, notices of termination of transfer, and other documents pertaining to copyright ownership, statements of the identity of an anonymous or pseudonymous author, statements of the date of death of an author or that the author is still living on a particular date, notices of error in the name in a copyright notice, notifications of the filing of actions under sections 411 and 508 of title 17 of the United States Code, and copies of final orders or judgements together with written opinions.

Authority for maintenance of system: 17 U.S.C. sections 203(a)(4), 205(a), 302(c), 302(d), 304(c), 406(a)(2), 411(a), 508(a), 508(b), 705(a) (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses this file to establish and maintain a public record of recorded copyright-related documents. These records are used in the preparation of search reports compiled at the request of a member of the public, and are available to records to compile an index to documents received for recordation. The index to documents received for recordation prior to January 1, 1978, is a separate index. The index to documents received on or after January 1, 1978, is interfiled in the Copyright Card Catalog.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original documents submitted for recordation are microfilmed and returned to the remitter with the following exceptions: original copies of notifications of the filing of actions under sections 411 and 508 of title 17 of the United States Code and copies of final orders, judgments, and written opinions are microfilmed, but the original copies are permanently retained in the historical litigation file of the Copyright Office Library. Copies of copyright assignments and related documents received prior to 1954 are in bound volumes as well as on microfilm.

Retrievability: By the date the Office received the document and cross-referenced in the Copyright Card Catalog by individual names and titles of works.

Safeguards: These records are maintained in a room which is locked during nonworking hours.

Retention and Disposal: Retained permanently.

System manager(s) and address:

Chief, Records Management Division
Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Individual to whom the record pertains, such individual's authorized agent, other parties to the document recorded, such parties' authorized agents, individuals having an interest in the copyright in a work which is the subject of the document submitted for recordation, and clerks of the courts of the United States.

CO—10

System name: Notices of Institution of Actions for the Infringement of Works Refused Registration.

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Persons who have instituted infringement actions in cases where the Office has refused registration of the work which is the subject of the litigation.

Categories of records in the system: Notice of the institution of an infringement action, a copy of the complaint, and documents related to that action.

Authority for maintenance of system: 17 U.S.C. section 411(a) (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records: (1) to determine whether the Register will exercise the option of becoming a party to the action with respect to the issue of registrability of the copyright claim; and (2) in the preparation of search reports compiled at the request of a member of the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in file cabinet.

Retrievability: Alphabetically by name of applicant or applicant's authorized agent.

Safeguards: These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Retained indefinitely.

System manager(s) and address:

General Counsel
Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division. Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: The individual to whom the record pertains or such individual's authorized agent.

CO—11

System name: Motion Picture Agreement File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Copyright claimants who have agreed to deliver one copy of any motion picture they copyright if the Library of Congress requests a copy for its motion picture collection.

Categories of records in the system: Records contain the name and address of the copyright claimant and the date on which the Motion Picture Agreement was signed.

Authority for maintenance of system: 17 U.S.C. section 407 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records to determine if the Library of Congress has a motion picture agreement with an applicant for registration of a copyright claim in a motion picture. If the Library has such an agreement, the copy of the motion picture submitted with the copyright application will be returned to the remitter after examination. In the absence of such an agreement, the Office will retain the copy.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 cards in a metal file box.

Retrievability: Alphabetically by claimant's name.

Safeguards: These records are maintained in a room which is restricted authorized personnel and locked during nonworking hours.

Retention and Disposal: Retained indefinitely.

System manager(s) and address:

Section Head, Performing Arts Section

Examining Division, Copyright Office

Library of Congress

Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Motion Picture Agreements are filled out by copyright claimants or their authorized agents. Upon receipt of these Agreements, the Exchange and Gift Division of the Library of Congress transcribes some of the information in the agreements onto 3 x 5 cards which are then sent to the Copyright Office.

CO—12

System name: Open and Closed Renewal Correspondence Files

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who have submitted an application for copyright renewal which requires correspondence and individuals who have requested general information about copyright renewal.

Categories of records in the system: Applications for copyright renewal, correspondence, original search forms, renewal search records, search sheets, split fee sheets.

Authority for maintenance of system: 17 U.S.C. section 304 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses the records in the Open file to hold cases requiring correspondence until the reply is received. The Office uses the records in the Closed file to hold correspondence and other material which may be requested by the Examiner in evaluating a case or by parties involved in litigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila envelopes in a file cabinet.

Retrievability: Alphabetically by remitter's name.

Safeguards: These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Records are retained in the Open file until a reply is received or the case is closed. Closed files are retained permanently.

System manager(s) and address:

Section Head, Renewal and Assignments Section

Examining Division, Copyright Office

Library of Congress

Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Individual to whom the record pertains or such individual's authorized agent.

CO—13

System name: Unfinished Business Document File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Remitters of assignments or other documents pertaining to a copyright which have been submitted to the Office for recordation and require correspondence.

Categories of records in the system: Assignments, licenses, mortgages, wills, court decrees, statements of abandonment of copyright, affidavits (such as a statement with respect to the authorship of a work), agreements or contracts (such as an employment agreement), certificates of change of name or corporate certificates of corporate mergers, power of attorney documents.

Authority for maintenance of system: 17 U.S.C. section 205 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses this file to store securely assignments and other valuable documents pertaining to a copyright which have been submitted for recordation but which require correspondence prior to recordation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila envelopes in a file cabinet.

Retrievability: Alphabetically by remitter's name.

Safeguards: These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: As each recordation problem is resolved, the original document is microfilmed and then returned to the remitter.

System manager(s) and address:

Section Head, Renewal and Assignment Section

Examining Division, Copyright Office

Library of Congress

Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Individual to whom the record pertains or such individual's authorized agent.

CO—14

System name: Appeal from Refusal to Register File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who are appealing the decision of the Register of Copyrights to refuse registration because, in accordance with title 17 of the United States Code (the Act for General Revision of the Copyright Law) the Register has determined that the material deposited does not constitute copyrightable subject matter or that the claim is invalid for any other reason.

Categories of records in the system: Copies of Office correspondence refusing to register a claim after January 1, 1978; letters appealing the refusal, subsequent correspondence regarding the appeal, and wherever possible copies or photocopies of the material submitted for registration.

Authority for maintenance of system: 17 U.S.C. 410 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records—(1) to respond to appeals from the Register's refusal to register a claim; and (2) to keep an accounting of the number and nature of appeals, Office responses, and reasons for initial refusals to register.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in a file cabinet.

Retrievability: Alphabetically by name of the remitter, cross-referenced to title of work.

Safeguards: These records are maintained in a room which is restricted to authorized personnel and locked during nonworking house.

Retention and Disposal: Retained permanently.

System manager(s) and address:

Chief, Examining Division
Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Individual to whom the record pertains, or such individual's authorized agent, and Office personnel.

CO—15

System name: Biobibliographic File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Well known or prolific authors or authors of well known works, in those instances where the Office determines that it would be in the public interest to preserve published copyright-related information about such authors.

Categories of records in the system: Newspaper clippings, magazine articles, obituaries, book jackets, and search reports.

Authority for maintenance of system: 17 U.S.C. section 705 (the Act of General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records: (1) in the preparation of search reports compiled at the request of a member of the public, and (2) in the compilation of an index to this system, which cross-references authors, titles, and law firms, and which may indicate the contents of a record. These records are also available to the public during working hours.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folders in file cabinets.

Retrievability: Alphabetically by author's name, law firm's name, or title of work.

Safeguards: These records are maintained in a room which is locked during nonworking hours.

Retention and Disposal: Retained permanently.

System manager(s) and address:

Section Head, Reference Search Section
Information and Reference Division, Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Magazines, newspapers, book jackets, trade reference sources, copyright card catalog, the assignee-assignor file, and applications.

CO—16

System name: Address File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Copyright claimants of record whose address has been requested by a member of the public.

Categories of records in the system: Name and address of claimant of record, year date of address.

Authority for maintenance of system: 17 U.S.C. section 705 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records to facilitate searching for addresses of copyright claimants when such addresses are requested by a member of the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 index cards in file box.

Retrievability: Alphabetically by claimant of record's name.

Safeguards: These records are maintained in a room which is restricted to authorized personnel and is locked during nonworking hours.

Retention and Disposal: Retained indefinitely, but obsolete addresses are disposed of as more current addresses are obtained.

System manager(s) and address:

Section Head, Reference Search Section
Information and Reference Division, Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Copyright claimants, their authorized agents, phone books, and city directories.

CO—17

System name: Domestic Master Mailing List

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who have frequent contact with the Office, or have asked to receive all Office information circulars, announcements, and other printed material prepared by the Office.

Categories of records in the system: Names and addresses.

Authority for maintenance of system: 17 U.S.C. section 707, (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records to address and mail Office information circulars, announcements, and other printed material.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer print-out sheets in a binder, stored in a desk drawer.

Retrievability: Alphabetically by name.

Safeguards: These records are maintained in a room which is locked during nonworking hours.

Retention and Disposal: Individuals may request that their names be dropped from the list. All other names and addresses are retained indefinitely.

System manager(s) and address:

Section Head, Information and Publications Section
Information and Reference Division, Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Individual to whom the record pertains, Copyright Office records, and trade reference sources.

CO—18

System name: Freedom of Information Act Requests and Privacy Act Requests and Disclosures File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who have submitted Freedom of Information Act requests and Privacy Act requests for disclosures of Office records as set forth in 37 CFR 203 and 204; individuals who have requested correction or amendment of Office records pertaining to them.

Categories of records in the system: Requests submitted under the Freedom of Information and Privacy Acts for disclosures of Office records; requests submitted under the Privacy Act for correction or amendment of Office records; copies of the Office response to these requests.

Authority for maintenance of system: 17 U.S.C. 701 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records to maintain an accounting of Freedom of Information Act and Privacy Act requests for disclosure of records and Office responses to these requests. The Office also uses these records to maintain an accounting of requests submitted under the Privacy Act to correct or amend a record pertaining to an individual, and the Office responses to these requests. The Office also uses these records to compile the annual report required by the Freedom of Information Act, and to conduct the annual update and review and compile the the annual report required by the Privacy Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in a file cabinet.

Retrievability: Alphabetically by requester's name.

Safeguards: These records are maintained in a room which is restricted to authorized personnel and locked during non-working hours.

Retention and Disposal: Retained indefinitely.

System manager(s) and address:

Section Head, Information and Publications Section
Information and Reference Division, Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Individual to whom the record pertains, and Copyright Office records.

CO—19

System name: ABA Master Mailing List

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Attorneys who are listed in the annual edition of the "American Bar Association Section of Patent, Trademark, and Copyright Law Committees" as members of copyright-related committees.

Categories of records in the system: Names and addresses.

Authority for maintenance of system: 17 U.S.C. section 707 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records to address and mail office information circulars, announcements, and other printed material to attorneys who are members of copyright-related ABA committees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in a file cabinet.

Retrievability: Alphabetically by attorney's name.

Safeguards: These records are maintained in a room which is locked during nonworking hours.

Retention and Disposal: Attorneys may request that their names be dropped from the list. Additionally, the Office uses the annual edition of the "American Bar Association Section of Patent, Trademark, and Copyright Law Committees" to update the list, deleting and adding names as appropriate.

System manager(s) and address:

Section Head, Information and Publications Section
Information and Reference Division, Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: "American Bar Association Section of Patent, Trademark, and Copyright Law Committees."

CO—20

System name: Open and Closed Certification and Documents Work Files.

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who request copies of Office records or additional certificates of copyright registration.

Categories of records in the system: Requester's name, date of request, description of record(s) or registration certificate(s) requested, action taken by the Office.

Authority for maintenance of system: 17 U.S.C. sections 706 and 708 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses this system: (1) To maintain a record of all requests for copies of Copyright Office records and additional certificates of copyright registration; and (2) to control and monitor the processing of such requests.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 paper slips in a file cabinet.

Retrievability: Alhphabetically by requester's name.

Safeguards: These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Records in the Open file are transferred to the Closed file when the requests are filled; the Closed file is retained indefinitely.

System manager(s) and address:

Section Head, Certification and Documents Section
Information and Reference Division, Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Individual to whom the record pertains.

CO—21

System name: Copies of Records Correspondence File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who request copies of Copyright Office records or additional certificates of copyright registration.

Categories of records in the system: A form letter for mailing out copies of Office records, which includes the requester's name and address, a description of the certificate or copies of records requested, the remittance received, and the deposit account charges.

Authority for maintenance of system: 17 U.S.C. sections 706 and 708 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses this system to keep a record of: (1) Requests for copies of Office documents or for additional certificates of copyright registration; (2) the fees charged; and (3) remittances received.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in a file cabinet.

Retrievability: Alphabetically by requester's name.

Safeguards: These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Retained indefinitely.

System manager(s) and address:

Section Head, Certification and Documents Section
Information and Reference Division, Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Individual to whom the record pertains.

CO—22

System name: Open and Closed Photoduplication Control Forms Files

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who request copies of Office records.

Categories of records in the system: Requester's name, description of record(s) requested, cash number and date, the amount of the order, and request for certification of the records, if any.

Authority for maintenance of system: 17 U.S.C. sections 706 and 708 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses this system: (1) to maintain a record of all requests for copies of Copyright Office records; and (2) to control, within the Office the flow of copying fees and the flow of those original records which are copies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 paper slips in a file cabinet.

Retrievability: Alphabetically by requester's name.

Safeguards: These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Records in the Open file are transferred to the Closed file when the requests are filled. the Closed file is retained indefinitely.

System manager(s) and address:

Section Head, Certification and Documents Section
Information and Reference Division, Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Individual to whom the record pertains.

CO—23

System name: Notice of Intention to Obtain Compulsory License for Making and Distributing of Phonorecords Embodying Nondramatic Musical Compositions File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who file a notice of their intention to obtain a compulsory license for making and distributing phonorecords embodying nondramatic musical compositions.

Categories of records in the system: Individual's name, name of copyright owner, titles, date of recordation of notice, internal notation of date upon which the Office informally acknowledged receipt of the notice.

Authority for maintenance of system: 17 U.S.C. section 115(b)(1). (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; (2) to establish and maintain a public record; and (3) in the preparation of internal statistical reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in file cabinet and microfilm.

Retrievability: Alphabetically by name of remitter and name of copyright owner.

Safeguards: These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Retained indefinitely

System manager(s) and address:

Chief, Licensing Division
Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Inividual to whom the record pertains or such individual's authorized agent.

CO—24

System name: Secondary Transmission Cable Systems: Initial Notice of Identity and Changes file

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Cable system owners, operators, or controllers who submit for recordation in the Copyright Office notices of identity, notices of ownership or control change, or notices of change in the signal carriage complement of cable systems.

Categories of records in the system: Statement of identity and address of the person who owns or operates or has the power to exercise control over secondary transmission service, name and location of the primary transmitter or transmitters whose signals are regularly carried, and changes in any of the preceding categories.

Authority for maintenance of system: 17 U.S.C. section 111(d)(1) (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; (2) in the preparation of internal statistical reports; and (3) to establish and maintain a public record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in locked file cabinet and microfilm.

Retrievability: Alphabetically by system name or name of system's owner/controller.

Safeguards: These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Retained indefinitely.

System manager(s) and address:

Chief, Licensing Division
Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publication Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Individual to whom the record pertains or such individual's authorized agent.

CO—25

System name: Cable Systems Subject to Compulsory License: Statements of Account

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Owners/controllers of cable systems who file the semi-annual statement of account required by 17 U.S.C. section 111(d)(2).

Categories of records in the system: Numbers of channels on which the cable system made secondary transmission to its subscribers, names and locations of all primary transmitters whose transmissions were further transmitted by the cable system, the total number of subscribers, the gross amounts paid to the cable system for the basic service of providing secondary transmissions of primary broadcast transmitters, a special statement of account covering any nonnetwork television programming that was carried by the cable system in whole or in part beyond the local service area of the primary transmitter, under rules, regulations, or authorizations of the Federal Communications Commission permitting the substitution or addition of signals under certain circumstances, together with logs showing the times, dates, stations, and programs involved in such substituted or added carriage.

Authority for maintenance of system: Authority for maintenance of the system: 17 U.S.C. section 111(d)(2) (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; (2) to establish and maintain a public record; and (3) in the preparation of semi-annual compilations of statements of account which the Copyright Office must submit to the Copyright Royality Tribunal as required by 17 U.S.C. section 111(d)(3).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in a file cabinet.

Retrievability: Alphabetically by system name or system owner/controller.

Safeguards: These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Retained indefinitely.

System manager(s) and address:

Chief, Licensing Division
Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Individual to whom the record pertains or such individual's authorized agent.

CO—26

System name: Cable System Videotape Transfer Contracts File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals to whom a cable system has transferred a videotape nonsimultaneously transmitted by the system under a written, nonprofit contract providing for the equitable sharing of costs of such videotape and its transfer. Only transfer contracts involving cable systems located outside the continental United states are required to be filed in the Copyright Office.

Categories of records in the system: Transferor, transferee, title, date contract effective date of recordation, location of cable system, notation of acknowledgement of receipt by the Copyright Office, related correspondence.

Authority for maintenance of system: 17 U.S.C. section 111(e)(2)(A) (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; and (2) to establish and maintain a public record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in file cabinet and microfilm (contains only copies of contracts).

Safeguards: These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Retained indefinitely.

System manager(s) and address:

Chief, Licensing Division
Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Parties to the transfer contracts or such parties' authorized agents.

CO—27

System name: Jukebox License Record Books

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Jukebox operators who have applied for, and been issued, a jukebox license.

Categories of records in the system: Name and address of operator, manufacturer, serial number or model number, model name, model year, charge per play, capacity, type of sound, person to be contacted for further information, number of jukeboxes, and amount of remittance.

Authority for maintenance of system: 17 U.S.C. section 116(b) (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; (2) to establish and maintain a public record; and (3) in the preparation of internal statistical and accounting reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File boxes pending binding; bound volumes on shelves.

Retrievability: Alphabetically by operator's name within each annual volume.

Safeguards: These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Retained indefinitely.

System manager(s) and address:

Chief, Licensing Division
Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing, addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Individual to whom the record pertains or such individual's authorized agent.

CO—28

System name: Unmailable Jukebox Certificates

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Jukebox operators who have applied for, and been issued, a jukebox license, in those instances where the Office is unable to deliver the license because an incorrect address was given on the license application form.

Categories of records in the system: Jukebox certificates, which contain the name and address of the operator, manufacturer, serial number or model number, model name, model year, charge per play, capacity, type of sound, issue date, expiration date, criminal penalties, where and when to affix the certificate, and a notation if the certificate is a replacement.

Authority for maintenance of system: 17 U.S.C. section 116 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; and (2) in the preparation of internal accounting reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Boxes in safe.

Retrievability: Alphatetically by operator's name.

Safeguards: These records are locked in a safe and maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Retained indefinitely.

System manager(s) and address:

Chief, Licensing Division
Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publication Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure".

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Individual to whom the record pertains or such individual's authorized agent.

CO—29

System name: Licensing Division Refund File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who file a defective or excessive remittance for a compulsory license necessitating a refund of such remittance.

Categories of records in the system: Carbon copy of refund check, carbon copy of refund letter explaining reason for refund, and related correspondence.

Authority for maintenance of system: 17 U.S.C. sections 111 and 116 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records in the preparation of semi-annual reports to the Copyright Royalty Tribunal.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in file cabinet.

Retrievability: Alphabetically by remitter's name.

Safeguards: These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: retained indefinitely.

System manager(s) and address:

Chief, Licensing Division
Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Individual to whom the record pertains.

CO—30

System name: Voluntary Licensing Agreements File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who submit for recordation voluntary licensing agreements between: (1) copyright owners of published nondramatic musical works and published pictorial, graphic, and sculptural works and public broadcasting entities; and (2) copyright owners of nondramatic literary works and public broadcasting entities.

Categories of records in the system: Copies of the actual agreements submitted for recordation, copies of registration certificates of record, and related correspondence.

Authority for maintenance of system: 17 U.S.C. sections 118(b)(2) and (e)(1) (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; (2) in the preparation of internal statistical reports; and (3) to establish and maintain a public record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in a file cabinet and microfilm (contains only copies of documents submitted for recordation).

Retrievability: Alphabetically by names of copyright owners and public broadcasting entities.

Safeguards: These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: retained indefinitely.

System manager(s) and address:

Chief, Licensing Division
Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publication Section, Information and Reference Divisions, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Parties to voluntary licensing agreements or such parties' authorized agents.

CO—31

System name: Licensing Division Search Report File

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who request a search of Licensing Division records.

Categories of records in the system: Search reports, records of completed searches and notations if search reports are not picked up and the Office is unable to cantact the requester.

Authority for maintenance of system: 17 U.S.C. section 705 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records: (1) To establish and maintain a public record of searches of Licensing Division records; and (2) to prepare internal accountings of the number of searches requested, the time required of Office personnel to compile such searches, and related information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in file cabinet.

Retrievability: Alphabetically by name of requester.

Safeguards: These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Retained indefinitely.

System manager(s) and address:

Chief, Licensing Division
Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washiington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designate under "Notification procedure."

Contesting record procedures: See rules published in 37 CFR part 204.

Record source categories: Individual to whom the record pertains, such individual's authorized agent, and Office personnel.

CO—32

System name: Licensing Division Unfinished Business Files (Open and Closed)

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who send the Office a license application, license-related document for recordation, remittance, or letter which requires correspondence.

Categories of records in the system: License applications, license-related documents submitted for recordation, remittances, and general correspondence.

Authority for maintenance of system: 17 U.S.C. sections 03111, 115, 116, 118, and 705.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; (2) to establish and maintain a public record; (3) in the preparation of internal statistical reports; and (4) to hold cases requiring correspondence until replies are received.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in file cabinet.

Retrievability: Alphabetically by remitter's name.

Safeguards: These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Records are kept in the Open file until a reply is received or until the case is closed. Records in the closed file are permanently retained.

System manager(s) and address:

Chief, Licensing Division
Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publication Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification Procedure."

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Individual to whom the record pertains or such individual's authorized agent.

CO—33

System name: Deposit Recordation File.

System location: Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals: Individuals who, without simultaneously applying for copyright registration, have submitted deposit copies in accordance with the provisions of section 407, title 17 (the Act for General Revision of the Copyright Law).

Categories of records in the system: Title of work, author, edition statement, imprint, collation, in notice statement, depositor, depositor's address, number of copies received, and date received.

Authority for maintenance of system: 17 U.S.C. section 407 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Office uses these records: (1) to keep a record of compliance with section 407 of title 17 of the United States Code; (2)to locate and correspond with those who have published works with notice of copyright but who have not deposited the required copies; (3) in the preparation of weekly statistics on the number and nature of deposits received; and (4) in the preparation of search reports compiled at the request of a member of the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 4 x 6 cards in file cabinet.

Retrievability: Alphabetically by depositor's name, author's name, and title of work.

Safeguards: These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and Disposal: Retained permanently.

System manager(s) and address:

Section Head
Deposits and Acquisitions Section
Acquisitions and Processing Division
Copyright Office
Library of Congress
Washington, D.C. 20559

Notification procedure: Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section. Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures: Requests from individuals should be in writing addressed to the official designated under "Notification procedure".

Contesting record procedures: See rules published in 37 CFR Part 204.

Record source categories: Deposit copies submitted.
Dated: August 28, 1978.

Waldo H. Moore,
Assistant Register of Copyrights for Registration.

Approved:

DANIEL J. BOORSTIN,
the Librarian of Congress.

[FR Doc. 78—25188 Filed 9-13-78; 8:45 am]

federal register

THURSDAY, SEPTEMBER 14, 1978
PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

MANNING OF TOURING VESSELS

Proposed Interpretative Rule

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 157]

[CGD 77-062]

MANNING OF TOWING VESSELS

Proposed Interpretative Rule

AGENCY: Coast Guard, DOT.

ACTION: Proposed interpretative rule.

SUMMARY: The Coast Guard is proposing to issue interpretative regulations concerning R.S. 4427(b) which deals with the licensing of personnel on uninspected towing vessels. Since the enactment of the statute, many questions have been asked concerning the application of manning standards to unispected towing vessels. These regulations will clarify the relationship between the statute and other manning statutes.

DATES: Comments must be received on or before October 30, 1978.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), (CGD 77/062) U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G/CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Comdr. Scott McCowan, Office of Merchant Marine Safety (G-MVP/82), Room 8214, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-2240.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 77-062), identify the specific section of the proposal to which each comment applies, and include sufficient detail to indicate the basis on which each comment is made. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and a place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

This proposal has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (43 FR 9582, Mar. 8, 1978). A draft evaluation of the proposal has been prepared, and has been included in the public docket.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Comdr. Scott McCowan, Project Manager, Office of Merchant Marine Safety, and Mr. Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

Many questions have been asked by the marine community concerning the application of manning standards to uninspected towing vessels. These questions stem primarily from conflicting interpretations of R.S. 4427(b) (46 U.S.C. 405(b)) (concerned with the licensing of personnel on uninspected towing vessels) enacted in 1972, and its relationship to other manning statutes. The principal questions have concerned the 12 hour work provision of this statute conflicting with the three watch provisions of previously enacted statutes.

The Coast Guard is considering issuing the regulations in this document in order to clarify its interpretation of this issue and other related issues as follows:

a. Licensed operators serving under the authority of 46 U.S.C. 405(b) are subject to the 12-hour work clause of 46 U.S.C. 405(b) rather than the three watch provisions of 46 U.S.C. 673.

b. Licensed uninspected towing vessel operators shall not be included for computation purposes when determining whether a vessel meets the 65 percent able seamen requirement of 46 U.S.C. 672, on vessels subject to 46 U.S.C. 672.

c. Persons licensed solely under the provisions of 46 U.S.C. 405(b) cannot serve in any capacity as a licensed officer on vessels of 200 gross tons and over subject to the provisions of 46 U.S.C. 224a.

In order to clarify the intended effect of the regulations, a definition of rest time has been included.

Short periods of rest spent in a non-working status which militate against extended rest are included in the 12-hour work periods. Periods of rest in excess of 6 hours are not included in the 12-hour work period.

In consideration of the foregoing, it is proposed that part 157 of title 46 of Code of Federal Regulations be amended:

1. By adding a new § 157.20-5(c) to read as follows:

§ 157.20-5 Division into three watches.

* * * * *

(c) On uninspected towing vessels of less than 200 gross tons to which the provisions of section 2 of the Seaman's Act of 1915, as amended (49 Stat. 1933, 46 U.S.C. 673) apply, the licensed operators required to be on board by R.S. 4427(b) (46 U.S.C. 405(b)) are not subject to the three watch provisions.

2. By revising § 157.20-15(b) to read as follows:

§ 157.20-15 Able seamen.

* * * * *

(b) *Computation of number.* On vessels to which the provisions of section 13 of the Seamen's Act of 1915, as amended (46 U.S.C. 672), apply, at least 65 per centum of the deck crew, exclusive of licensed officers, licensed uninspected towboat operators, and apprentices, shall be of a rating not less than able seamen. In the event that the number of persons in the deck crew, as defined in § 157.10-20(a), is in excess of the number of persons required therein by the certificate of inspection, at least 65 per centum of the whole deck crew on the vessel, exclusive of licensed officers, licensed uninspected towboat operators, and apprentices, shall be of a rating of not less than able seamen.

3. By adding a new § 157.20-65 to read as follows:

§ 157.20-65 Uninspected towing vessel operators.

(a) For the purposes of this section, "rest time" is defined as any period of time when the operator, as required by R.S. 4427(b) (46 U.S.C. 405(b), is on board the towing vessel but is not in a work or duty status.

(b) No licensed operator of an uninspected towing vessel subject to R.S. 4427(b) (46 U.S.C. 405(b)) may work a vessel while underway, or perform other duties in excess of 12 hours in any consecutive 24-hour period except in an emergency.

(c) A period of rest ime of 6 hours or more is not counted as part of the 12 hours' work or duty status permitted under paragraph (b).

(d) Periods of rest time of less than 6 hours will be counted as part of the 12 hours' work or duty status permitted under paragraph (b), unless, in the judgement of the cognizant Officer in Charge, Marine Inspection, the actual rest time was sufficient to meet the intent of the Act to assure that only adequately rested operators are in charge of the navigation of uninspected towing vessels.

4. By adding a new § 157.30-10 (d) and (e) to read as follows:

§ 157.30-10 Officers of uninspected vessels.

* * * * *

(d) A person licensed only as operator of uninspected towing vessels under R.S. 4427(b) (46 U.S.C. 405(b)) is not a licensed master, mate, or engineer within the terms of R.S. 4438a (46 U.S.C. 224a), but the holder of a master or mate license which authorizes service on uninspected towing vessels may serve, within the scope and limitation of the license, as the licensed operator required by R.S. 4427(b).

(e) The licensed operator required by R.S. 4427(b) (46 U.S.C. 405(b)) of uninspected seagoing towing vessels of 200 gross tons, or over, but less than 300 gross tons must be a licensed master or mate within the meaning of R.S. 4438a (46 U.S.C. 224a).

(53 Stat. 1049 (46 U.S.C. 224a); Pub. L. 92-239, 86 Stat. 423 (46 U.S.C. 405(b)); 38 Stat. 1169, as amended (46 U.S.C. 672); 38 Stat. 1164, as amended (46 U.S.C. 673); 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).)

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

Dated: September 8, 1978.

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

[FR Doc. 78-25897 Filed 9-13-78; 8:45 am]

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