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federal register

THURSDAY, OCTOBER 12, 1978

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

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2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
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RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202–523–5235.

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[Last Listing: October 11, 1978]

H.R. 12222 ..... Pub. L. 95-424
International Development and Food Assistance Act of 1978. (Oct. 6, 1978; 92 Stat. 937). Price: $1.20.

H.R. 11567 ..... Pub. L. 95-425
To amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1979 and 1980, and for other purposes. (Oct. 6, 1978; 92 Stat. 962). Price: $.60.

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H.R. 12841 ..... Pub. L. 95-427
To prohibit the issuance of regulations on the taxation of fringe benefits, and for other purposes. (Oct. 7, 1978; 92 Stat. 996). Price: $.60.

H.R. 10822 ..... Pub. L. 95-428
To improve the operations of the national sea grant program, to authorize appropriations to carry out such program for fiscal years 1979 and 1980, and for other purposes. (Oct. 7, 1978; 92 Stat. 999). Price: $.60.

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presidential documents

[1505-01]

Title 3—The President

CORRECTION

Memorandum of September 26, 1978

Determination and Certification Under the International Security Assistance Act of 1978 Regarding Resumption of Full Military Cooperation With Turkey

In the heading of the Presidential memorandum of September 26, 1978, appearing at page 46821 in the FEDERAL REGISTER issue of October 11, 1978, a typographical error resulted in an incorrect reference to "[Presidential Determination No. 78-1818]." The correct reference is "[Presidential Determination No. 78-18]."

rules and regulations

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

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

[3410-02-M]

Title 7—Agriculture

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

[Papaya Regulation 8, Amendment 3]

PART 928—PAPAYAS GROWN IN HAWAII

Regulation of Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment lowers the minimum weight requirement applicable to intrastate shipments of Hawaiian papayas from 14 ounces to 13 ounces for individual papayas. Such action recognizes the current and prospective marketing situation for Hawaiian papayas and is consistent with the composition of the crop.

EFFECTIVE DATE: October 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement and Order No. 928 (7 CFR Part 928) regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Papaya Administrative Committee, established under this marketing order, and upon other information, it is found that this amendment will tend to effectuate the declared policy of the act.

The amendment reflects the Department's appraisal of the current and prospective demand for fresh intrastate shipments of papayas grown in Hawaii. Less restrictive size requirements for such fruit are consistent with the character of much of the fruit available for fresh intrastate shipment. The amendment is designed to permit movement of available supplies of papayas consistent with the interest of producers and consumers.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and the amendment relieves restrictions on the handling of papayas grown in Hawaii.

In § 928.308 (Papaya Regulation 8; 42 FR 65133; 43 FR 19813; 43 FR 27775) the provisions of paragraph (a)(1) are amended to read as follows:

§ 928.308 Papaya Regulation 8.

(a) * * *

(1) During the period October 9 through December 31, 1978, to any destination within the production area unless said papayas grade at least Hawaii No. 1, except that the allowable tolerances for defects shall be 5 percent: Provided, That not more than 3 percent shall be permitted for serious damage, not more than 1 percent for immature fruit, and not more than 1 percent for decay: Provided further, That such papayas individually weigh not less than 13 ounces.

* * * * *

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

Dated: October 6, 1978, to become effective October 9, 1978.

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

[FR Doc. 78-28797 Filed 10-11-78; 8:45 am.]

[3410-04-M]

Title 9—Animals and Animal Products

CHAPTER II—AGRICULTURAL MARKETING SERVICE (PACKERS AND STOCKYARDS), DEPARTMENT OF AGRICULTURE

PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Posted Stockyards; Rate Orders

AGENCY: Packers and Stockyards—Agricultural Marketing Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This action revokes statement of general policy 203.11 (9 CFR 203.11) vacation of rate orders under the Packers and Stockyards Act. This action is necessary to remove provisions that are not in consonance with the Department's policy of allowing stockyard operators and market agencies to competitively determine the level of their rates and charges absent valid objections from affected rate payers and with recently enacted legislation permitting the filing of percentage tariffs. A statement of general policy which will replace the revoked statement will be issued that conforms to present departmental policy.

EFFECTIVE DATE: This policy shall be effective October 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Jack W. Brinckmeyer, Chief, Rates, Services, and Facilities Branch, Livestock Marketing Division, Packers and Stockyards, AMS, USDA, Washington, D.C. 20250, 202-447-4366.

SUPPLEMENTARY INFORMATION: On October 6, 1978, Packers and Stockyards—AMS, issued a statement of general policy which provides that the agency's review and approval of the rates and charges at livestock markets is exercised only if valid complaints are received from users of the services furnished at the markets or there are other compelling circumstances warranting such review. At the present time there are seven basic rate orders applicable to the operations at seven posted stockyards, which were

issued less than ten years ago. The rate orders were prescribed after hearings in which there was minimal public objections to market originated rate proposals. Under the statement of general policy 203.11 petitions to dismiss or vacate a rate order are entertained only after the order has been in effect for 10 years. The provisions of § 203.11 are not in consonance with the current policy of promoting competition in rates in that the markets subject to the basic rate order are not free to determine the level of rates they wish to assess while other market operators are free to set their own rates. To place all stockyard operators on the same basis and release those under a basic rate order from more stringent procedures, statement of general policy 203.11 is revoked. A statement of general policy replacing the present provisions which conforms to present Departmental policy and recently enacted legislation will be issued.

The Department has fully explored its rate regulation program. It held public hearings at seven locations across the United States, requesting views and comments on a proposed policy statement and revisions of the regulations. Also, hearings were held before the Livestock and Grain Subcommittee of the House Agriculture Committee concerning rate regulation at posted stockyards and the rate provisions of the Act have been amended. Because of this current exhaustive review and because the action taken eliminates a restriction, Chas B. Jennings, Deputy Administrator, Packers and Stockyards-AMS, has determined that a further public comment period will not be necessary and would unnecessarily delay the implementing of this aspect of the new rate policies under the Act. Furthermore, if petitions to dismiss such rate orders are filed under the new policy, notice of such petitions will be published in the FEDERAL REGISTER pursuant to the applicable rules of practice (9 CFR 202.37 (b)).

Accordingly, § 203.11 is revoked.

Dated: October 6, 1978.

CHAS B. JENNINGS,
Deputy Administrator,
Packers and Stockyards-AMS.

§ 203.11 [Revoked and reserved].

Section 203.11 is revoked.

Section 203.11 is reserved.

[FR Doc. 78-28759 Filed 10-11-78; 8:45 am]

[1505-01-M]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

PART 220—CREDIT BY BROKERS AND DEALERS

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

PART 224—RULES GOVERNING BORROWERS WHO OBTAIN SECURITIES

List of OTC Margin Stocks

Correction

In FR Doc. 78-28014 appearing at page 45821 in the issue for Wednesday, October 4, 1978, the list of additions on page 45822, in the second and third columns, should have read as set forth below:

Additions to List

Aceto Chemical Co., Inc.
$.01 par common

Aztec Manufacturing Company
$1.00 par common

Beneficial National Corporation
$.25 par common

Berkley, W. R. Corporation
$.20 par common

Billings Energy Corporation
$.01 par common

Bitco Corporation
$1.00 par common

C L Assets, Inc.
$1.00 par cumulative preferred

Captecn Inc.
$1.00 par common

Century 21 Real Estate Corporation
$.01 par common

Champion Products Inc.
$1.00 par common

Chattem Drug & Chemical Company
No par common

Comcast Corporation
Class A, $1.00 par common

Comdisco, Inc.
$.10 par common

Covington Brothers
$.50 par common

Domain Industries, Inc.
$1.00 par common

Dougherty Brothers Company
$.25 par common

Eastern Air Lines, Inc.
Warrants (expire 06/01/87)

Finnigan Corporation
$1.00 par common

First Fidelity Investment Trust
No par shares of beneficial interest

First Illinois Corporation
$5.00 par common

First National Bank of New Jersey
$5.00 par common

First Peoples Bank of New Jersey
$6.00 par capital

Florida Coast Banks, Inc.
$1.00 par common

Franklin State Bank
$3.50 par common

HMO International
$.10 par common

Harper Group, The
No par common

Heist, C. H. Corporation
$.05 par common

Hibernia Corporation
$10.00 par common

Homestead Financial Corporation
$.75 par common

Impell Corporation
$.02 par common

Ivy Corporation
$.10 par common

Jamaica Water Properties, Inc.
$.10 par common

Jenoa Inc.
No par common

King International Corporation
$1.00 par common

Leonard Silver International, Inc.
$.01 par common

Liberty National Bank and Trust Company of Louisville
$8.33-1/3 par common

Lippincott, J. B. Company
No par common, $1.00 stated value

Liqui-Box Corporation
No par common

Longview Fibre Company
$7.50 par common

Med General, Inc.
$.01 par common

Mentor Corporation
$.10 par common

Midland Resources, Inc.
$.50 par common

Modular Computer Systems Inc.
8.5% convertible subordinated debentures

Mountain Banks, Ltd.
$5.00 par common

NFC Corporation
8% covertible subordinated debentures

National Computer Systems, Inc.
$.03 par common

National Reserve Life Insurance Company
$1.00 par common

National Security Insurance Company
$1.00 par common

National Shoes, Inc.
$1.00 par common

National State Bank, The (Elizabeth, N. J.)
$7.00 par common

Ocean Oil & Gas Company
$1.00 par common

Old Kent Financial Corporation
$10.00 par common

Old Stone Corporation
$1.00 par cumulative convertible preferred

Optical Radiation Corporation
$.50 par common

Orion Research Inc.
$.10 par common

Pacesetter Building Systems, Inc.
$.25 par common

Pacesetter Financial Corporation
$10.00 par common

Pacific Resources, Inc.
No par common

Park-Ohio Industries, Inc.
$1.00 par cumulative convertible preferred

Piedmont Management Company Inc.
$.50 par common

Porta Systems Corp.
$.01 par common

Precision Castparts Corporation
No par common

Rangaire Corporation
$.10 par common

Revell, Inc.
$1.00 par common

Save-Way Industries, Inc.
$.10 par common

Security Bancorp, Inc.
$.01 par common

Southland Bancorporation
$2.50 par common

Southwest Factories, Inc.
$.40 par common

T-Bar Inc.
$.25 par common

Timberland Industries, Inc.
$.16 par common

Union Trust Bancorp
$5.00 par common

United Carolina Bancshares Corporation
$4.00 par common

University Real Estate Trust
No par shares of beneficial interest

Valtec Corporation
$.01 par common

Vance, Sanders & Company, Inc.
Non-voting, $.50 par common

Vanderbilt Energy Corporation
$.10 par common

Wabash International Corporation
No par common

Western States Life Insurance Company
$1.00 par common

Wiley, John & Sons Inc.
$1.00 par common

Wisconsin Centrifugal, Inc.
$1.00 par common

Zondervan Corporation, The
$1.00 par common

[8025-01-M]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revision 6, Amendment 20; Revision 3, Amendment 12]

PART 120—BUSINESS LOAN POLICY

PART 122—BUSINESS LOANS

Improvements to SBA Blanket Guaranty, Correction

AGENCY: Small Business Administration.

ACTION: Correction.

SUMMARY: This corrects a final rule published in the FEDERAL REGISTER on September 28, 1978 (43 FR 44470).

DATES: Effective October 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Timothy F. O'Leary, Chief, Programs and Systems Division, 1441 L Street NW., Washington, D.C. 20416, 202-653-6429.

In FR Doc. 78-27221 appearing at page 44470 in the issue for Thursday, September 28, 1978, in Item 1 of the amending instructions, in the first line "Section 120.3(b)" should read "Section 120.3(b)(1)." In item 2 of the amending instructions, in the first line, "Section 122.10(b)" should read "Section 122.10(b)(1)."

OLETA F. WAUGH,
Federal Register Liaison Officer.

OCTOBER 5, 1978.

[FR Doc. 78-28809 Filed 10-11-78; 8:45 am]

[4910-13-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-NE-12; Amdt. 39-3315]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney JT8D-1, -1A, -1B, -7, -7A, -7B, -9, and -9A Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires a third-stage turbine blade displacement inspection and installation of improved blade retention rivets and washers on JT8D model engines. The AD is needed to prevent third-stage turbine blade retention failure which could result in failure of the low turbine shaft and/or penetration of engine casings by turbine blade and vane debris.

DATES: Effective date, December 20, 1978; compliance schedule, as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Pratt & Whitney Aircraft, Division of United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Mass. 01803.

FOR FURTHER INFORMATION CONTACT:

Jay J. Pardee, Propulsion Section (ANE-214), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, telephone 617-273-7347.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal aviation regulations to include an airworthiness directive requiring a third-stage turbine blade displacement inspection and installation of improved blade retention rivets and washers was published in the FEDERAL REGISTER at 43 FR 22374. The proposal was prompted by reports of third-stage turbine blade retention device failures resulting in blade loss and penetration of the engine casings and fan ducts and, in some cases, separation of the low turbine shaft. The low turbine shaft failure occurs when it contacts the high turbine shaft inner wall and a machining action takes place. Contact between the shafts is caused by a high rotating unbalance load applied to the low turbine shaft following loss of third-stage turbine blades.

Since this condition is likely to exist or develop in other engines of the same type design, the AD requires repetitive blade displacement inspection and eventual installation of improved blade retention rivets and washers. The blade displacement inspection will be required by Pratt & Whitney Aircraft Service Bulletin No. 4592. Engines incorporating the older service repair rivet, P/N 618749, in accordance with Pratt & Whitney Aircraft Service Bulletin No. 1903, are not subject to the blade displacement inspection requirement.

The blade rivet failures have occurred randomly with respect to operating time, and no specific time interval can be identified for incorporation of improved blade retention rivets. The compliance date of June 30, 1980, is therefore based on availability of replacement parts and the earliest possible operator maintenance schedule. The blade displacement inspection is required until the improved retention rivets are installed and will be done initially at 3,000 hours since installation of third-stage turbine blades in the third-stage turbine disk and every 1,000 hours thereafter. This interval is based on known failure statistics.

Interested persons have been afforded an opportunity to participate in the making of the amendment.

One commentator stated the 0.032-inch blade displacement criteria, in the NPRM, was unnecessarily restrictive and should be revised to allow continued operation with blades displaced up to 0.117 inch. The commentator based the proposal on a more frequent inspection interval and a blade displacement rate of 0.0273 inch per 60 flight-hours for its fleet.

The FAA has given this comment careful consideration and does not agree with the commentator. The 0.032-inch blade displacement criteria was selected after review of the entire JT8D fleet blade displacement failure statistics, inspection method accuracy, and fleetwide displacement rates. The rate of blade displacement, upon which the commentator's proposal is based, has been found to vary from engine to engine depending on the unknown amount of blade shroud notch wear, retention rivet tightness, and other effects related to amount of operating time on the assembled rotor. Therefore, the FAA still considers the 0.032-inch blade displacement criteria, as proposed in the NPRM, the most appropriate displacement criteria for this AD in terms of safety.

Subsequent to the issuance of the NPRM, the manufacturer, Pratt & Whitney Aircraft, has developed and included in the JT8D maintenance manual an alternate borescope displacement inspection procedure. This procedure utilizes a rigid, rather than flexible, borescope which provides third-stage turbine blade root platform position information relative to adjacent blade root platforms. The FAA concurs with this alternate procedure, and the final rule includes provisions for this inspection method. In addition, minor editorial changes have been made for clarity.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administra-

tor, § 39.13 of part 39 of the Federal aviation regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT: Applies to Pratt & Whitney Aircraft JT8D-1, -1A, -1B, -7, -7A, -7B, -9, and -9A turbofan engine models not incorporating third-stage turbine blade retention rivets, P/N 759351 or P/N 618749.

Compliance required as indicated unless already accomplished.

To prevent third-stage turbine blade rivet failure which could result in failure of the low turbine shaft and/or noncontainment of turbine blade and vane debris, accomplish the following:

1. Inspect engines for proper position of the third-stage turbine blade in the disk blade slot in accordance with the procedures in the Pratt & Whitney Aircraft JT8D Maintenance Manual, P/N 481671, Section 72-00, Borescope or Radioisotope Inspection of Third-Stage Turbine Blade, or equivalent means approved by the Chief, Engineering and Manufacturing Branch, New England Region, prior to the accumulation of 3,000 hour's time in service since installed in disk or within the next 600 hours' time in service after the effective date of this AD, whichever is later. Engines with no measurable third-stage turbine blade mismatch or displacement must be reinspected every 1,000 hours' time in service thereafter. Engines with third-stage turbine blade roots displaced axially more than 0.032 inch relative to the disk rear surface or engines with third-stage turbine blade root platform rear surface displaced axially more than 0.032 inch relative to an adjacent third-stage turbine blade root platform rear surface must be removed prior to further flight. Engines with third-stage turbine blade mismatch or axial displacement 0.032 inch or less shall be subject to 300-hour repetitive displacement inspections. Engines with third-stage turbine blade mismatch confirmed by an initial displacement inspection and two 300-hour repetitive displacement inspections during which there is no change in blade position, indicating blades were mismatched at last assembly, may then revert to the 1,000-hour repetitive inspection interval.

NOTE.—a. Mismatch of the blade relative to the disk or the blade root platform rear surface relative to an adjacent blade root platform rear surface is the result of manufacturing tolerance buildup.

b. Displacement of the blade is axial movement of the blade relative to its position when originally installed.

c. A piece of 0.032-inch safety wire may be used with the borescope technique as a guide to determine the position of the blade relative to the disk rear face or the blade root platform rear surface relative to an adjacent blade root platform rear surface.

d. The rigid borescope and radioisotope inspection methods provide blade displacement information by comparing one blade root platform rear surface to an adjacent blade root platform rear surface. The flexible borescope inspection method provides blade displacement information by comparing the blade root with the disk rear surface.

2. Install by June 30, 1980, improved third-stage turbine blade retention rivets, P/N 759351, in accordance with Pratt & Whitney Aircraft Service Bulletin No. 4592, Revision 1, dated August 20, 1976, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

The manufacturer's alert service bulletin identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, Division of United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108. This document may also be examined at the Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. An historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at New England Region.

This amendment becomes effective December 20, 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)); 14 CFR 11.89.)

NOTE.—The incorporation by reference provisions of this document was approved by the Director of the Federal Register on June 19, 1967.

Issued in Burlington, Mass., on October 3, 1978.

ROBERT E. WHITTINGTON,
Director, New England Region.

[FR Doc. 78-28713 Filed 10-11-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-EA-37]

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

Alteration of Control Zone: Lakehurst, N.J.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will alter the Lakehurst, N.J., control zone. This alteration will permit changes in the daily time of control by publication in the notices to airmen. This is needed in the interest of more flexible utilization and scheduling of aircraft by the commanding officer of the naval facility.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The FAA published a notice of proposed rulemaking in the FEDERAL REGISTER on Thursday, June 29, 1978, on page 28207. Interested parties were given time in which to submit comments on the proposal. There were no objections.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, subpart F of part 71 of the Federal aviation regulations (14 CFR part 71) is amended, effective 0901 G.m.t., November 2, 1978, as published.

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

Issued in Jamaica, N.Y., on September 28, 1978.

WILLIAM E. MORGAN,
Director, Eastern Region.

1. Amend § 71.171 of part 71 of the Federal aviation regulations by adding the following to the description of the Lakehurst, N.J., control zone: "or during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the airport/facility directory."

[FR Doc. 78-28715 Filed 10-11-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-WE-17]

PART 73—SPECIAL USE AIRSPACE

Redesignation of Ajo, Ariz., Restricted Area; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the FEDERAL REGISTER of August 21, 1978 (43 FR 36896) the amendatory action to divide the Ajo, Ariz., Restricted

Area, inadvertently omitted rescission of the original area and inclusion of the east area. This correction includes the omitted action to the amendatory language of this docket.

EFFECTIVE DATE: October 12, 1978.

FOR FURTHER IMFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The FEDERAL REGISTER Document 78-23449 was published on August 21, 1978 (43 FR 36896) with an effective date of November 2, 1978, and divided the Ajo, Ariz., Restricted Area R-2301 into two areas, R-2301W and R-2301E. Action is taken herein to include in the amendatory language of the docket the description of R-2301E and the deletion of R-2301.

ADOPTION OF THE CORRECTION

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 78-23449 as published on August 21, 1978 (43 FR 36896) is amended in the ADOPTION OF THE AMENDMENT by adding, between "as follows:" and "R-2301W" the following: R-2301 Ajo, Ariz. Title and text is deleted.

R-2301E Ajo East, Ariz., is added as follows:

R-2301E AJO EAST, ARIZ.

Boundaries. Beginning at lat. 32°50'25" N., long. 112°49'00" W.; thence direct to lat. 32°11'30" N., long. 112°56'45" W.; thence direct to lat. 32°11'30" N., long. 113°05'30" W.; thence direct to lat. 31°58'00" N., long. 113°05'30" W.; along the United States-Mexican border to the intersection of the United States-Mexican border and long. 113°30'30" W.; thence direct to lat. 32°44'15" N., long. 113°41'05" W.; thence direct to lat. 32°45'50" N., long. 113°34'30" W.; thence direct to the point of beginning.

Designated altitudes: Surface to flight level 800.

Time of designation: Intermittent.

Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.

Using agency: Commander, Luke AFB, Ariz.

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

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

Issued in Washington, D.C., on October 3, 1978.

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

[FR Doc. 78-28716 Filed 10-11-78; 8:45 am]

[1505-01-M]

Title 15—Commerce and Foreign Trade

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 386—EXPORT CLEARANCE

Deletion of General License GMS

Correction

In FR Doc. 78-27299 appearing on page 44482 in the issue of Thursday, September 28, 1978, in the middle column, § 371.2 [Reserved] should read, § 371.20 [Reserved].

[4810-22-M]

Title 19—Customs Duties

[T.D. 78-381]

CHAPTER I—U.S. CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

PART 4—FEE SCHEDULE FOR VESSEL SERVICES

Navigation Fees

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: The Customs Service charges and collects fees under several statutes for specific services provided to vessels by Customs officers. Because the fees do not cover the costs of providing the services, and to give the Secretary of the Treasury discretion to set fees sufficient to cover the costs, the statutes have been repealed. This notice informs the public that until a new schedule of fees is established to return to the Government the approximate costs of the services, Customs will continue to charge and collect the fees presently provided in its regulations.

EFFECTIVE DATE: October 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Jerry Laderberg, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5706.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Pub. L. 95-410, the "Customs Procedural Reform and Simplification Act of 1978," approved October 3, 1978 ("the Act"), repealed sections 2654, 4381, 4382, and 4383 of the Revised Statutes of the United States (19 U.S.C. 58; 46 U.S.C. 329, 330, and 333), the statutory authority under which Customs has been charging and collecting fees for specific services provided to vessels by Customs officers. These fees designated as "Navigation Fees" in § 4.98, Customs Regulations (19 CFR 4.98), are as follows:

Fee No.	Description of services	A	B
1	Entry of vessel, including American, from foreign port (19 U.S.C. 58):		
	(a) Less than 100 net tons	$1.50	
	(b) 100 net tons and over	2.50	
2	Clearance of vessel, including American, to foreign port (19 U.S.C. 58):		
	(a) Less than 100 net tons	1.50	
	(b) 100 net tons and over	2.50	
3	Issuing permit to foreign vessel to proceed from district to district, and receiving manifest (46 U.S.C. 329, 330).	2.00	$0.10
4	Receiving manifest of foreign vessel on arrival from another district, and granting a permit to unlade (46 U.S.C. 329, 330).	2.00	0.10
5	Receiving post entry (19 U.S.C. 58, 46 U.S.C. 330)	2.00	2.00
6	Receiving official bond not otherwise provided for (19 U.S.C. 58).	0.40	
7	Certifying payment of tonnage tax for foreign vessels only (19 U.S.C. 58).	0.20	0.20
8	Furnishing copy of official document, including certified outward foreign manifest, and others not elsewhere enumerated (19 U.S.C. 58).	0.20	0.20

The fees in column A are those collectible on the Atlantic, Gulf, and Pacific coasts and on the Mississippi River and tributaries; those in column B are collectible on the northern, northeastern, and northwestern frontiers (Great Lakes, Lake Champlain, and St. Lawrence River).

Because these fees do not cover the costs of providing the services, section 214 of the Act authorizes the Secretary of the Treasury to establish a new schedule of fees to be charged and collected for furnishing these services. These fees are to be consistent with section 501 of the Independent Offices Appropriation Act, 1952 (31 U.S.C. 483a), the so-called "User Charges Statute," which provides that the costs of specific services for private interests shall be reimbursed to the Government.

A new fee schedule to replace the existing fee schedule in section 4.98 is now being prepared. It is anticipated that the fees to be charged and collected will be based upon the amount of time the average service in a specific area requires of a Customs officer in the third step of GS-11 plus an allowance for overhead costs. When completed, the new fee schedule will be published in the FEDERAL REGISTER and interested parties will be provided an opportunity to submit written comments before the new schedule is incorporated into the Customs regulations. Until the new fee schedule is effective, however, interim action is required so that fees may be charged and collected for the services provided.

ACTION

Until the new fee schedule becomes effective, Customs will continue to charge and collect the fees set forth in § 4.98, Customs regulations, for services provided to vessels by Customs officers.

AUTHORITY

(R.S. 251, section 501, 65 Stat. 290, Pub. L. 95-410, 92 Stat. 888 (19 U.S.C. 66, 31 U.S.C. 483a).)

DRAFTING INFORMATION

The principal author of this document was Charles D. Ressin, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

R. E. CHASEN,
Commissioner of Customs.

Approved: August 3, 1978.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury.

[FR Doc. 78-28760 Filed 10-11-78; 8:45 am]

[4910-22-M]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 640—CERTIFICATION ACCEPTANCE

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule.

SUMMARY: This rule prescribes the regulations which provide an alternative procedure authorized by section 117 of title 23, United States Code, for administering Federal-aid highway projects not on the Interstate System. The procedure is an alternative to that otherwise prescribed in title 23, United States Code, and provides for processing projects by using State laws, regulations, directives, and standards and reducing Federal involvement in individual project actions.

EFFECTIVE DATE: October 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Joseph W. Burdell, Jr., Chief, Federal-Aid Division, 202-426-0442; or Ruth R. Johnson, Office of the Chief Counsel, 202-426-0781, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: On January 9, 1978, the Federal Highway Administration (FHWA) published an interim rule (23 CFR part 640 at 43 FR 1328) on certification acceptance (CA). The effective date for the regulations was January 13, 1978. As indicated at that time, the CA regulations were again issued as interim regulations due to substantive changes that had been made from the version proposed in the notice of proposed rulemaking. The agency invited comments on the interim regulations.

Comments were received from eight agencies and organizations and two individuals regarding the interim rule. The comments were generally favorable toward the CA concept.

The Center for Auto Safety's comments expressed concern and disappointment that FHWA had not accepted more of the revisions it had urged. The center, however, refrained from taking issue with the regulations pending further developments in the litigation in progress regarding FHWA's acceptance of a Georgia certification in September 1974.

Several varied comments suggested editorial changes to the text of the regulations and these have been incorporated where appropriate. Most of the substantive comments were primarily addressed to three major areas: (1) The scope of an FHWA evaluation of a State's performance and resources to provide a basis for a finding of State capability, (2) the "less than $500,000" criteria for projects administered under a limited-coverage State certification, and (3) the requirement that a State certification include a listing and a copy of the State laws, regulations, directives, and standards marked to show coverage to accomplish policies and objectives of title 23, United States Code.

DISCUSSION OF MAJOR COMMENTS

The Illinois Department of Transportation commented that the new interim regulations have increased the complexity of the certification process by requiring a detailed review of a State's performance and resources. Section 640.109 was written to clearly specify an FHWA finding that the State highway agency has the capability to carry out projects in accordance with State requirements as a prerequisite to acceptance of either a full or partial coverage State certification. We believe this is a sound administrative practice.

With regard to detail, an attempt was made to be more specific on the materials which may be considered in making a "finding." With few exceptions, the reviews and reports listed have been previously made and, when aggregated and categorized, provide a comprehensive record of FHWA's ongoing evaluation of a State's performance and resources. Where additional reviews are necessary, the responsibility rests primarily with FHWA and should impose very little burden on the State.

Comments from the Illinois Department of Transportation and two individuals expressed concern with the $500,000 limitation in the limited-coverage State certification option described in § 640.107(d). We are cognizant that the dollar limit will make this option unattractive to some States, but all States have the alternative of requesting acceptance of either a full or partial coverage certification structured to meet their particular needs.

Although the possibility for manipulation exists whenever a dollar value is specified as a control, we do not envision administrative problems with the $500,000 limit. Should flagrant abuse occur, the FHWA has the authority to rescind acceptance of a State's certification.

Several comments took issue with the procedural requirement for sub-

mission of the State laws, regulations, directives, and standards marked to show coverage to accomplish the objectives of title 23 described in the interim regulations. The language of 23 U.S.C. 117 requires the Secretary, before accepting a State certification, to make a finding that projects will be carried out in accordance with State requirements which will accomplish the policies and objectives contained in or issued pursuant to title 23. We believe that submittal of a marked copy of State requirements would facilitate the finding. However, we have reconsidered the matter and decided that identification of pertinent State requirements will suffice. Experience has shown that this finding can best be accomplished through a cooperative State and FHWA effort.

The regulations have been revised to require that a State certification, providing full or partial coverage, contain a listing of applicable title 23 policies and objectives and citation of State laws, regulations, directives, and standards that will be applied to accomplish each of them. In making a finding the FHWA will rely on copies of State publications either previously furnished or made available by the State for inspection.

NOTE.—The Federal Highway Administration has determined that this document does not contan a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044.

Issued on September 25, 1978.

JOHN S. HASSELL, Jr.,
Deputy Administrator.

Part 640 of title 23, Code of Federal Regulations, is hereby amended to read as follows:

Sec.
640.101 Purpose.
640.103 Definitions.
640.105 Effect of certification acceptance.
640.107 Coverage.
640.109 Requirements for certification acceptance.
640.111 Content of State certification.
640.113 Procedures.
640.115 Evaluations.
640.117 Rescission.
Appendix A—FHWA reports.

AUTHORITY: 23 U.S.C. 101(e), 117, and 315; 49 CFR 1.48(b).

§ 640.101 Purpose.

The purpose of this regulation is to provide instructions for preparation and acceptance of State certification proposals to accomplish the policies and objectives of title 23, United States Code, using State laws, regulations, directives, and standards. Also covered are procedures for administering projects under certification acceptance and evaluating State performance.

§ 640.103 Definitions.

As used in this regulation:

(a) Action plan—A document describing the organization to be utilized and the process to be followed in the development of Federal-aid highway projects to assure public participation and consideration of social, economic, and environmental effects of such projects (23 CFR 795).

(b) Certification acceptance (CA)—the alternative procedure authorized by 23 U.S.C. 117(a) for administering Federal-aid projects not on the Interstate System.

(c) Secondary road plan—a written statement setting forth the standards and procedures adopted by the State highway agency to be used in the administration of Federal-aid projects on the Federal-aid secondary (FAS) system (23 CFR 642).

(d) State certification—a written statement prepared by a State highway agency setting forth the laws, regulations, directives, and standards it will use, or cause to be used, in the administration of certain highway projects.

§ 640.105 Effect of certification acceptance.

(a) Acceptance of a State certification permits a State to discharge certain responsibilities otherwise assigned to the Secretary under title 23, United States Code, for Federal-aid projects. A State may permit performance and project certification by capable local governments.

(b) Acceptance of a State certification does not constitute a commitment or obligation of Federal funds.

(c) Acceptance of a State certification does not preclude FHWA access to and review of a Federal-aid project at any time.

(d) Certification acceptance as an alternative procedure does not replace the fundamental provisions of law in title 23 with respect to the basic structure of the Federal-aid highway program, such as the authorization of funds (23 U.S.C. 102), Federal-aid systems (23 U.S.C. 103), apportionments (23 U.S.C. 104), programs (23 U.S.C. 105), designation of urbanized area boundaries (23 U.S.C. 101(a)), allocation of urban system funds (23 U.S.C. 150), Federal share payable (23 U.S.C. 120), toll roads and bridges (23 U.S.C. 129), and maintenance (23 U.S.C. 116). Acceptance of a CA proposal does not preclude application of any provision of title 23 that may be advantageous to the State.

(e) Nothing in this regulation shall affect or discharge any responsibility or obligation of the FHWA under any Federal law other than title 23.

§ 640.107 Coverage.

(a) Certification acceptance may apply to projects on all Federal-aid highway systems except the Interstate System. If other FHWA regulations and title 23 permit, projects not on a Federal-aid system may be administered under the provisions of an accepted State certification.

(b) The CA procedure shall not apply to transportation planning and research (23 U.S.C. 134 and 307), highway safety (chapter 4, title 23), or those public transportation projects not administered by FHWA under title 23.

(c) A State certification may provide for either full or partial coverage of the eligible systems, programs, phases of work, and classes of projects.

(d) A simplified CA application procedure is provided in paragraph (b) of § 640.109 of this regulation, should a State desire to limit coverage to projects which are both (1) determined to be a nonmajor action in accordance with 23 CFR 771.9 and (2) estimated to cost less than $500,000 for physical construction. Such limited-coverage State certification will apply only to the FHWA responsibilities for project plans, specifications, estimates, surveys, contract award, design, inspection, and/or construction.

§ 640.109 Requirements for certification acceptance.

(a) Acceptance of either a full or partial coverage State certification as described in § 640.107(c) will be based upon:

(1) A State request and identification of the State laws, regulations, directives, and standards that will accomplish the policies and objectives contained in or issued pursuant to title 23, United States Code, and

(2) An FHWA finding that the State highway agency has the capability to carry out projects in accordance with such State requirements.

(i) State laws, regulations, directives, and standards, either separately or collectively, must be aimed at accomplishing the following title 23 policies and objectives:

(A) Public involvement in the development of projects in the location and design stages,

(B) Application of appropriate design and construction standards,

(C) Emphasis on increasing safety in location, design, and construction of projects,

(D) Controls to assure quality and economy of construction and maintenance,

(E) Provision of adequate signing, marking, and traffic control devices,

(F) Minimizing adverse economic, social, and environmental impacts of any project,

(G) Equal employment opportunity, nondiscrimination on the basis of sex, and highway construction training,

(H) Competitive bidding and payment of prevailing wage rates on construction contracts, and

(I) Preservation of natural beauty.

(ii) The finding that the State highway agency has the capability to carry out project responsibilities will be based on an FHWA evaluation of the State's performance and resources.

(A) Evaluation of a State's performance shall be based on previously conducted reviews, including secondary road plan reviews, action plan reviews, safety reviews and reports, audit reports, reviews of State bidding practices, inspections in depth, and maintenance inspections. If these reviews are considered to be insufficient to form a conclusive judgment, they may be supplemented by inquiries or additional reviews in specific areas to determine the State's performance. These additional reviews may involve examination of a sample of typical projects in varying degrees of development.

(B) Evaluation of a State's resources shall be based on previously conducted reviews, including financial and administrative studies and reports, or on FHWA's general knowledge of the State and its highway agency. If this information is considered to be insufficient to form a reasonable judgment of State resource adequacy, inquiries or additional reviews may be made of the State highway agency. These inquiries or reviews may include such things as the availability of professional and technical personnel, training provided State personnel, control of contract administration, the planned reassignment of responsibilities and/or personnel if the State certification is accepted, and the State's internal review practices.

(b) Acceptance of a limited-coverage State certification as described in § 640.107(d) will be based on an evaluation of the State's operations and performance under an approved secondary road plan. These evaluations must support findings that:

(1) The policies and objectives of title 23 are being accomplished under the State's approved secondary road plan and action plan. Supplementary standards and procedures appropriate to the types of projects to be added to the coverage must provide similar assurance, and

(2) The State's performance under the plan has been found to be satisfactory in the last 4 years by an FHWA evaluation of the State's operation.

(c) A State certification may be accepted in whole or in part, depending on FHWA findings. Where minor deficiencies are found, acceptance may be conditioned or may exclude the affected State operations until the deficiences are corrected. Where deficiencies are found which are of such magnitude as to create doubt that the policies and objectives of title 23 would be accomplished, the State certification will not be accepted until the deficiencies are corrected.

§ 640.111 Content of State certification.

(a) The State certification shall include the following:

(1) The name of the State highway agency and the legal authority which permits such agency to accomplish the policies and objectives contained in or issued pursuant to title 23, United States Code,

(2) A statement of the systems, programs, phases of work, and classes of projects or combinations thereof that the State is including in the certification being submitted for acceptance,

(3) For submissions providing full or partial coverage of projects as described in § 640.107(c), a listing of the title 23 policies and objectives described in § 640.109(a)(2)(i) and citation of State laws, regulations, directives, and standards that will be applied to accomplish each of them. Any of the policies and objectives that are not applicable due to partial coverage may be omitted. For submissions providing limited coverage as described in § 640.109(b), supplementary standards and procedures which, together with the State's approved secondary road plan, will apply to the types of projects to be covered. Design standards include noise, geometric, hydraulic, structural (including pavements), and traffic control device standards. Construction standards include standard plans and standard specifications covering contract, construction, and material requirements, and

(4) A description of the State's methods for assuring local government knowledge of an compliance with State and Federal requirements where they perform services on projects administered under this alternative procedure.

(b) Existing assurances and formal agreements between the State and FHWA with respect to equal employment opportunity, current billing, and control of outdoor advertising will continue in full force and effect and may be incorporated by reference. Likewise, the State's approved action plan may be incorporated by reference.

(c) State certifications are to be signed by the chief official of the State highway agency and submitted through the FHWA Division Administrator.

§ 640.113 Procedures.

(a) Established procedures for system revisions, program actions, and record retention will not be affected by acceptance of a State certification.

(b) Authorization by FHWA to proceed with work on a CA project shall be in writing in response to a request from the State highway agency.

(c) If the State finds that exceptions to CA procedures or standards are appropriate on a project, such exceptions shall be brought promptly to the attention of the FHWA for consideration.

(d) A project agreement shall be executed as soon as practicable after authorization on form PR-2 (Federal-Aid Project Agreement), based on the best available cost estimate. Agreement amounts shall be modified promptly on Form PR-2A (Modification of Federal-Aid Project Agreement) upon the award of a contract for construction or when any other project action substantially changes total costs.

(e) Reports requested by FHWA are to be furnished by the State for projects administered under CA. (See appendix A.)

(f) The FHWA shall make an inspection of each physical construction project upon its completion. The State is to notify FHWA when a project is complete and/or ready for such inspection. Form FHWA 1446C may be used for this purpose.

(g) Final vouchers shall be submitted to the FHWA on form FHWA 1447, on which the State certifies that the plans, design, and construction for the project were in accord with the laws, regulations, directives, and standards contained in the State certification or such project exceptions as were approved by the FHWA.

(h) Revisions or amendments to State certifications will be made when necessary and processed as provided in § 640.111(c). The existing State certification is to be reviewed periodically to determine its adequacy in light of this regulation, the statutes in effect at the time of the review, and the operational reviews made by FHWA.

§ 640.115 Evaluations.

(a) Periodically, evaluations of the State's operations under CA shall be made. These evaluations shall include coverage of all areas of the State's administration of CA projects at least once every 4 years.

(b) If a failure to comply with Federal or State laws occurs and the State is unable or unwilling to effect corrective action of the deficiency, an evaluation report, together with recommendations of the regional office, shall be furnished to FHWA headquarters office for advice.

§ 640.117 Rescission.

The acceptance of a State certification may be rescinded at any time upon request of the State or if considered necessary by FHWA to protect the Federal interest. The rescission may be applied to all or part of the programs or projects covered in the State certification.

APPENDIX A.—*FHWA Reports*

[Originating in the field and in program areas that can be included under certification acceptance]

Originating office and title	Format	Frequency	Due date	Respondents
Associate Administrator for Engineering and Traffic Operations (HEO)				
HNG—Force Account Affirmative Finding (except projects on FAS system).	Nar	SA	January 15, July 15	States.
HNG—Bid Price Data*	PR-45	AR	Award of contract	Do.
HNG—Report on Opening of Bids (except projects on FAS system).	Tabulation	AR	do	Do.
HHO—Federal-aid Highway Construction Contractor's Semiannual Training Report.	FHWA-1409	SA	January 20, July 20	Contractors.
HHO—Federal-aid Highway Construction Semiannual Training Report.	FHWA-1410	SA	January 30, July 30	States.
HNG—Statement of Materials and Labor Used by Contractors on Highway Construction Involving Federal Funds*.	PR-47	AR	Completion of project	Contractors.
HNG—Lists of Candidate Bridges for Replacement	Punched computer cards (5)	AR	As soon as possible	States.
HNG—Urban Railroad Demonstration Project Status	Nar	Q	End of quarter plus 30	Do.
Associate Administrator for Safety (HHS)				
HHS—Progress and Effectiveness of Unified Safety Improvement Programs (4).	Nar	A	August 31	Do.
HHS—Progress and Effectiveness of Pavement Marking Demonstration Program.	Nar with FHWA-1451	A	September 30	Do.
Associate Administrator for Right-of-Way and Environment (HRE)				
HRW—Outdoor Advertising and Junkyard Report	FHWA-1424	Q	End of quarter plus 20	Do.
Associate Administrator for Administration (HAD)				
HFS—Accounting Statement, Accrued Unbilled Costs	FHWA-186	Q	End of quarter plus 8th workday.	Do.
HFS—Project Status Record	PR-37	AR	As soon as possible	Div.-Reg.
Office of Chief Counsel (HCC)				
HCC—Semi-Annual Labor Compliance Enforcement Report.	PR-1286 to be changed to FHWA-1494.	SA	January 10, July 10	Div.-Reg.

*Except any project on FAS system, or projects on the FAP or FAU systems costing less than $500,000.

[FR Doc. 78-28731 Filed 10-11-78; 8:45 am]

[4210-01-M]

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-4583]

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 DATE: The date listed in the fourth column of the table.

ADDRESS: 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	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
California	Monterey	Del Rey Oaks, city of	June 23, 1978, emergency	May 14, 1976	060197
Colorado	Washington	Otis, town of	do	May 24, 1974 and Oct. 31, 1975.	080178-A
Kansas	Shawnee	Unincorporated areas	do	Feb. 21, 1978	
Do	Butler	Towanda, city of	do	August 8, 1975	200534
Nevada	Elko	Unincorporated areas	do		320027
Do	Nye	Gabbs, city of	do	May 24, 1977	320034-A
Wyoming	Johnson	Kaycee, town of	do	Nov. 22,1974	560028
Do	Lincoln	Unincorporated areas	do		560032
Maryland	Montgomery	Barnesville, town of	June 26, 1978, emergency	Jan. 21, 1977	240094-A
Missouri	Clay	Prathersville, village of	June 6, 1978, emergency	Feb. 18,1977	290101
New Mexico	Bernalillo	Los Ranchos, village of	June 26,1978, emergency	Nov. 5, 1976	350123
North Carolina	Bladen	Unincorporated areas	do	Jan. 20, 1978	370293
Do	Lee	Sanford, city of	do	Apr. 15, 1977	370143-A
Ohio	Union	Union, village of	do	Feb. 14, 1975	390704
Oklahoma	Haskell	Keota, town of	do	Oct. 1, 1976	400391

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Hazard area identified	Date[1]
Alabama	Mobile	Bayou La Batre, city of	015001-A	June 15, 1978, suspension withdrawn.	Mar. 18,1972	June 15, 1978.
Colorado	Arapahoe	Aurora, city of	080002-A	do	July 26, 1974	Do.
Do	Routt	Hayden, town of	080151-B	do	June 28, 1974 May 21, 1976	Do.
Do	Adams	Thornton, city of	080007-B	do	Nov. 1, 1974 Oct. 1, 1976	Do.
Connecticut	Middlesex	Cromwell, town of	090123-B	do	Mar. 22, 1974 Dec. 10, 1976	Do.
Do	Hartford	Glastonbury, town of	090124-A	do	Apr. 20, 1973 Nov. 19, 1976	Do.
Delaware	New Castle	Newport, town of	100054-B	do	Dec. 20, 1974 Dec. 12, 1975	Do.
Florida	Brevard	unincorporated areas	125092-B	do	Sept. 27, 1972	Do.
Do	Broward	do	125093-C	do	Oct. 26, 1972	Do.
Do	Palm Beach	Jupiter Inlet Colony, town of.	125120-B	do	Sept. 27, 1972	Do.
Do	Broward	Lauderhill, city of	120044-B	do	Feb. 8, 1974 Jan. 30, 1976	Do.
Idaho	Blaine	Ketchum, city of	160023-B	do	Feb. 15, 1974	Do.
Illinois	Dupage	Carol Stream, village of	170202-B	do	Apr. 12, 1974 Aug. 27, 1976	Do.
Indiana	Monroe	Bloomington, city of	180169-B	do	June 21, 1974 June 25, 1976	Do.
Iowa	Pottawattamie	Council Bluffs, city of	190235-B	do	June 28, 1974 July 23, 1976	Do.
Kentucky	Henderson	Henderson, city of	210109-B	do	Feb. 15, 1974 July 9, 1976	Do.
Do	Woodford	Unincorporated areas	210230-A	do	Oct. 18, 1974	Do.
Louisiana	Concordia	Vidallia, town of	220057-B	do	Jan. 16, 1974 Nov. 14, 1975	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Hazard area identified	Date[1]
Maine	Penobscott	Bangor, city of	230102-B	June 15, 1978, suspension withdrawn.	Mar. 29, 1974 Oct. 31, 1974	June 15, 1978.
Michigan	St. Clair	St. Clair, city of	280279-B	do	June 28, 1974 June 11, 1976	Do.
Missouri	Stoddard	Advance, city of	290420-B	do	Mar. 1, 1974 Oct. 31, 1975	Do.
New Jersey	Somerset	Branchburg, township of	340431-B	do	Apr. 12, 1974 Sept. 3, 1976	Do.
Do	Ocean	Point Pleasant, borough of	345313-A	do	July 7, 1972	Do.
Do	Morris	Rockaway, borough of	34515-A	do	Sept. 3, 1971	Do.
Do	Bergen	Rutherford, borough of	340072-B	do	Mar. 8, 1974 July 30, 1976	Do.
Do	Broome	Endicott, village of	360045-A	do	Oct. 1, 1976	Do.
North Carolina	Dare	Nags Head, town of	375356-A	do	Nov. 10, 1972	Do.
Do	Rowan	Rockwell, town of	370214-B	do	Mar. 8, 1974	Do.
Oregon	Umatilla	Unincorporated areas	410204	do	June 15, 1978	Do.
Vermont	Washington	Barre, town of	500273-B	do	July 26, 1974 June 18, 1976	Do.
Virginia	Rockingham	Elkton, town of	510137-B	do	June 28, 1974	Do.
Do	Betetourt	Unincorporated areas	510018-A	do	Sept. 6, 1974	Do.
Wisconsin	Dane	Monona, city of	550088-B	do	Nov. 30, 1973 Apr. 16, 1976	Do.
West Virginia	Mason	Point Pleasant, town of	540250-A	do	Feb. 7, 1975	Do.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Alabama	Baldwin	Robertsdale, city of	Aug. 28, 1978, emergency	Jan. 28, 1977	010222-A
Iowa	Lee	West Point, city of	do	July 30, 1976	190683
Texas	Shelby	Timpson, city of	do	Nov. 5, 1976	481007
Pennsylvania	Beaver	Patterson Heights, borough of.	Aug. 29, 1978, emergency		
Tennessee	Johnson	Unincorporated areas	do	Jan. 17, 1975	470230
Idaho	Gem	do	Apr. 12, 1974, emergency, Apr. 17, 1978, regular, Apr. 17, 1978, suspended, Aug. 23, 1978, reinstated.	Apr. 17, 1978	160127-A
New York	Herkimer	Herkimer, village of	Feb. 12, 1974, emergency, June 1, 1978, regular, July, 3, 1978, suspended, Aug. 21, 1978, reinstated.	May 10, 1974 and May 28, 1976.	360307-B
West Virginia	Monongalia	Star City, town of	Apr. 18, 1975, emergency, Aug. 1, 1978, regular, Aug. 1, 1978, suspended, Aug. 21, 1978, reinstated.	Nov. 22, 1974	540273-A
Virginia	Fluvanna	Unincorporated areas	Oct. 4, 1973, emergency, Aug. 15, 1978, regular, Aug. 15, 1978, suspended, Aug. 24, 1978, reinstated.	Dec. 13, 1974	510058-A

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Hazard area identified	Date[1]
California	Alameda	Berkeley, city of	060004-A	Sept. 1, 1978, suspension withdrawn.	Dec. 7, 1973	Sept. 1, 1978.
Do	Orange	Newport Beach, city of	060227-B	do	Mar. 15, 1974 July 9, 1976	Do.
Colorado	Douglas	Castle Rock, town of	080050-B	do	Mar. 29, 1974	Do.
Do	do	Silverton, town of	080165-B	do	June 14, 1974 May 28, 1976	Do.
Delaware	Sussex	Millsboro, town of	100043-B	do	June 21, 1974	Do.
Florida	Levy	Yankeetown, town of	120147-A	do	Aug. 20, 1971 Feb. 27, 1976	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Hazard area identified	Date[1]
Kansas	Barton	Ellinwood, city of	200018-B	Sept. 1, 1978, suspension withdrawn..	Mar. 15, 1974 Oct. 24, 1975	Sept. 1, 1978.
Louisiana	St. Mary	Morgan City, city of	220196-A	....do	Oct. 5, 1973	Do.
Maryland	Allegany	Cumberland, city of	240003-B	....do	July 26, 1974 Feb. 27, 1976	Do.
Michigan	Bay	Bay City, city of	260020-B	....do	May 3, 1974 June 4, 1976	Do.
Do	St. Clair	China, township of	260203-B	....do	Aug. 16, 1974 Mar. 25, 1977	Do.
Do	Monroe	Erie, township of	260145-C	....do	June 28, 1974 Aug. 22, 1975	Do.
Do	Macomb	New Baltimore, city of	260125-B	....do	Apr. 12, 1974 June 18, 1976	Do.
Do	Iosco	Oscoda, township of	260101-B	....do	Aug. 2, 1974 Aug. 6, 1976	Do.
Do	Bay	Pinconning, township of	260025-B	....do	June 7, 1974 July 9, 1976	Do.
Minnesota	Ramsey	New Brighton, city of	270380-B	....do	May 31, 1974	Do.
Mississippi	Bolivar	Cleveland, city of	280016-B	....do	May 10, 1974 Aug. 27, 1976	Do.
Missouri	St. Louis	Bridgeton, city of	290339-B	....do	Feb. 8, 1974 Dec. 13, 1974	Do.
New Jersey	Somerset	Bernards, township of	340428-A	....do	Jan. 9, 1974	Do.
Do	Morris	Boonton, township of	340336-B	....do	May 31, 1974 Jan. 9, 1976	Do.
Do	Camden	Lawnside, borough of	340502-B	....do	Nov. 12, 1976	Do.
Do	....do	Voorhees, township of	340538-A	....do	Feb. 21, 1975	Do.
New York	Dutchess	Wappinger Falls, village of ..	360223-B	....do	May 31, 1974 Nov. 21, 1975	Do.
North Carolina	Carteret	Beaufort, town of	375346-B	....do	Dec. 2, 1972	Do.
Ohio	Cuyahoga	Cleveland, city of	390104-B	....do	June 7, 1974 June 18, 1976	Do.
Do	Clermont, Warren, and Hamilton.	Loveland, city of	390068-B	....do	Feb. 1, 1974 May 28, 1976	Do.
Do	Warren	South Lebanon, city of	390563-B	....do	May 24, 1974	Do.
Pennsylvania	Alleghany	Etna, borough of	421062-B	....do	July 26, 1974 Oct. 24, 1975	Do.
Do	Tioga	Jackson, township of	420820-B	....do	Dec. 28, 1973 Dec. 17, 1976	Do.
Rhode Island	Providence	Johnston, town of	440018-B	....do	Nov. 22, 1977	Do.
Vermont	Windsor	Ludlow, town of	500150-B	....do	Mar. 11, 1977	Do.
Do	....do	Ludlow, village of	500294-B	....do	Nov. 15, 1974 July 30, 1976	Do.
Do	Rutland	Pawlet, town of	500097-B	....do	June 28, 1974 Mar. 4, 1977	Do.
Do	....do	Shrewsbury, town of	500102-B	....do	June 28, 1974 Feb. 10, 1976	Do.
Virginia		Clifton Forge, city of	510038-B	....do	Feb. 8, 1974 May 21, 1976	Do.
Do	Prince Edward and Cumberland.	Farmville, town of	510118-B	....do	Apr. 5, 1974 Nov. 28, 1975	Do.
Do		Lynchburg, city of	510093-B	....do	Aug. 9, 1974 Aug. 6, 1976	Do.
Do	Prince William	Occoquan, town of	510124-B	....do	July 19, 1974 Sept. 12, 1975	Do.
Wisconsin	Dane	DeForest, village of	550082-B	....do	Dec. 7, 1973 May 21, 1976	Do.
Do	Rusk	Ladysmith, city of	550375-B	....do	June 28, 1974	Do.
Do	Taylor	Medford, city of	550435-B	....do	Dec. 28, 1973 June 25, 1976	Do.
Wyoming	Fremont	Landor, city of	560020-C	....do	May 3, 1974 May 7, 1976	Do.
•	•	•	•	•	•	•
Wyoming	Sheridan	Sheridan, city of	560044-B	Sept. 1, 1978, suspension withdrawn..	Jan. 16, 1974 Oct. 1, 1976	Sept. 1, 1978.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Arkansas	Jefferson	Unincorporated areas	Sept. 6, 1978, emergency	Dec. 6, 1977	050440
Illinois	Morgan	South Jacksonville, village of.	....do	Mar. 29, 1974 and June 4, 1976.	170519-A
Iowa	Polk	Unincorporated areas	....do	Aug. 23, 1977	190901-A
Ohio	Hamilton	Lockland, city of	....do	Feb. 15, 1974 and Jan. 13, 1978.	390223-A
Do	Medina	Unincorporated areas	....do	Jan. 10, 1975 and Apr. 15, 1977.	390378-A
Texas	Cameron	Combas, town of	....do	May 10, 1974 and May 21, 1976.	480194-B
Iowa	Lee	Unincorporated areas	Sept. 11, 1978, emergency	June 21, 1977	190182-A

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
California	Los Angeles	Commerce, city of	Sept. 12, 1978, emergency	June 28, 1974	060110
Minnesota	Hennepin	Minnetrista, city of	do	Jan. 13, 1978	270175
Ohio	Defiance	Unincorporated areas	do	do	390143
Do	Franklin	Lockbourne, village of	do	Jan. 31, 1975	390691
Pennsylvania	Beaver	Homewood, borough of	do		422318
Texas	Bastrop	Unincorporated areas	do	Aug. 9, 1977	481193-A
Wyoming	Lincoln	Kemmerer, town of	do	Mar. 29, 1974 and Dec. 17, 1976.	560035-B
Maine	Knox	Friendship, town of	Sept. 13, 1978, emergency	Jan. 3, 1975	230225
Pennsylvania	Tioga	Gaines, township of	Jan. 15, 1974, emergency, Sept. 1, 1978, regular, Sept. 1, 1978, suspended, Sept. 19, 1978, reinstated.	June 14, 1974 and July 30, 1976.	421005-B
Kansas	Reno	Unincorporated areas	Sept. 20, 1978, emergency	Aug. 16, 1977	200567-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: September 14, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-28484 Filed 10-11-78; 8:45 am]

[4210-01-M]

[Docket No. 4582]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes in Base Flood Elevations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the flood insurance rate map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESS: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community listed in the fifth column of the table. Send comments to that address also.

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 numerous changes made in the base (100-year) flood elevations of the flood insurance rate map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection. Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

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

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may, at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 24 CFR 1916.8:

State	County	Location	Name and date of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Florida		Dade County	Miami Herald, Aug. 18, and Aug. 25, 1978.	Mr. Merrett Sterhiem, county manager of Dade County, 73 West Slagler, Miami, Fla. 33130.	Aug. 25, 1978	125098B
California	Santa Barbra	City of Carpinteria	Carpinteria Herald, June 29, and July 6, 1978.	Hon. Ernest C. Wullbrandt, mayor, city of Carpinteria, 5775 Carpinteria Ave., Carpinteria, Calif. 93013.	July 7, 1978	060332B
Delaware	New Castle	Wilmington	Wilmington News-Journal	Hon. William T. McLaughlin, mayor of Wilmington, City-County Bldg., 800 French St., Wilmington, Del. 19801.	June 14, 1978	100028B

State	County	Location	Name and date of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
North Dakota..	Pembina	City of Pembina	Pembina New Era, June 21, and June 28, 1978.	Hon. A. Franklyn Barron, mayor, city of Pembina, P.O. Box 3, Pembina, N. Dak. 58271.	June 30, 1978..	385368C
South Carolina.		Charleston County	News and Courier	Mr. Lonnie Hamilton, Chairman, Charleston County Council, County Office Bldg., 2 Courthouse Sq., Charleston, S.C. 29402.	July 5, 1978.....	455413B

(National Flood Insurance Act of 1968 (Title XIII of 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); Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: September 15, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-28485 Filed 10-11-78; 8:45 am]

[4310-02-M]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

PART 258—INDIAN FISHING—HOOPA INDIAN RESERVATION

Rescission of Fishing Closure Order

AGENCY: Department of the Interior.

ACTION: Final rule; Cancellation of in-season adjustment No. 3, issued August 28, 1978.

SUMMARY: The rules governing Indian fishing on the Hoopa Valley Indian Reservation, as promulgated on July 7, 1978, and published in the FEDERAL REGISTER on July 13, 1978 (43 FR 30047), have since been modified by various in-season adjustment orders issued pursuant to § 258.12 of this part. In-season adjustment order No. 3, as issued and effective on August 28, 1978, placed certain restrictions on Indian fishing which are hereby rescinded.

DATE: Effective date: 12:01 a.m., October 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Galen Buterbaugh, Deputy Associate Director—Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-343-5333.

SUPPLEMENTARY INFORMATION: The Department adjusted the regulations appearing at 25 CFR Part 258 on August 8, 18 and 28 to be consistent with conservation management of the fishery. The major underlying concern addressed by the development, promulgation and enforcement and adjustment of the regulations has been the conservation of the resource. The adjustment of the regulations promulgated on August 18 recognized the smaller than usual size of the fall salmon run.

In-season adjustment No. 3 was issued on August 28, 1978. This adjustment stipulated the closure of all Indian fishing effort below the Highway 101 bridge, and all Indian commercial fishing above the bridge. The State of California initiated action to close the sport fishery on the Klamath River at the same time. These actions were taken in an effort to allow passage of sufficient numbers of chinook salmon to the spawning grounds to perpetuate the run. Biologists estimated at the time of closure that less than 10 percent of the anticipated run had entered the river.

Biologists now estimate that the run is more than 80 percent complete. It is expected that the 1978 chinook run will approximate 125,000 fish, or about 90 percent of expected numbers. Although the size of the returning population is reduced, the closure instituted by in-season adjustment No. 3 resulted in about 100,000 of the returning fish reaching the spawning area. With proper management of future offshore and river fishing efforts, this population will perpetuate the run. However, indiscriminate fishing pressure on this year class when they return as adults will further reduce the population. If sound management practices are instituted, including the restricting of fishing effort, both offshore and in the river, the population can be stabilized and a fishery maintained.

The 1978 run of chinook salmon is almost complete. There are sufficient fish in the spawning area to assure, with good management, that the population can be perpetuated. In our opinion reopening of the subsistence fishery at this time will not cause harm to the population.

Section 258.12 contemplates that in-season adjustment No. 3 would be effective upon issuance and remain effective until terminated. By their emergency nature, the issuance of these adjustments cannot be preceded by the notice and public participation procedures of the Administrative Procedure Act, 5 U.S.C. 553. To the extent that such requirements apply, it is hereby found that they are impractical, unnecessary, and contrary to the public interest.

Accordingly, effective at 12:01 a.m. on October 11, 1978, the closure instituted by in-season adjustment order No. 3 of August 28, 1978, will be rescinded. The rules published on July 13, 1978 (43 FR 30047) remain in effect. Under these rules, commercial fishing is prohibited [§ 258:11 (a), (b)] and Indian subsistence fishing is allowed above and below the Highway 101 bridge, pursuant to the restrictions found in [§ 258:11 (c)].

Issued this 6th day of October 1978.

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

[FR Doc. 78-28763 Filed 10-6-78; 3:31 pm]

[3710-08-M]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

[USASCH Reg. 210-2]

PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

Entry Regulations for Certain Army Training Areas in Hawaii

AGENCY: Department of the Army.

ACTION: Final rule.

SUMMARY: This section clarifies the entry procedures for certain Army training areas in Hawaii as defined herein. The clarification is needed to provide public notice that entry onto the training areas described herein is prohibited except as authorized under the procedures established by this section. Entry upon these training areas is restricted because the continued and uninterrupted use of these training areas by the military is vital in order to maintain and improve combat readiness. In addition, conditions exist within these training areas which could be dangerous to any unauthorized persons who enter these areas. The intended effect of this section is

to alert the public to the fact that entry onto these training areas in Hawaii is prohibited at all times except as authorized under the procedures established by this section. On August 1, 1978, this proposed rule was published in the FEDERAL REGISTER (43 FR 33749) with information that all comments pertaining thereto must be received by September 5, 1978. No comments were received during the comment period.

EFFECTIVE DATE: October 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert N. Kittel, Major, JAGC, Assistant Staff Judge Advocate, 808-438-2287.

Dated: September 26, 1978.

WILLIAM MASTORIS, Jr.,
Colonel, Infantry
Chief of Staff.

Accordingly, 32 CFR part 552 is amended by adding a new § 552.25 to read as follows:

§ 552.25 Entry regulations for certain Army training areas in Hawaii.

(a) *Purpose.* (1) This regulation establishes procedures governing the entry upon certain Army training areas in Hawaii as defined by paragraph (d) of this section.

(2) These procedures have been established to prevent the interruption of the use of these Army training areas by any person or persons. The continued and uninterrupted use of these training areas by the military is vital in order to maintain and improve the combat readiness of the U.S. Armed Forces. In addition, conditions exist within these training areas which could be dangerous to any unauthorized persons who enter these areas.

(b) *Scope.* The procedures outlined herein apply to all individuals except for military personnel and civilian employees of the United States who in performance of their official duties enter the areas defined herein.

(c) *Definition.* For the purpose of this regulation, "certain Army training areas in Hawaii" is defined as:

(1) Makua Valley, Waianae, Oahu, Hawaii: That area reserved for military use by Executive Order No. 11166, paragraph (f)(3) of this section.

(2) Pohakuloa Training Area, Hawaii: That area reserved for military use by Executive Order No. 11167, paragraph (f)(4) of this section.

(d) *Procedures.* (1) Except for military personnel and civilian employees of the United States in the performance of their official duties, entry upon any Army training area described herein for any purpose whatsoever without the advance consent of the Commander, U.S. Army Support Command, Hawaii or his authorized representative, is prohibited (reference paragraph (f)(1) and (f)(2) of this section).

(2) Any person or group of persons desiring the advance consent of the Commander, U.S. Army Support Command, Hawaii, shall, in writing, submit a request to the following address:

Commander, USASCH, Attention: Chief of Staff, Fort Shafter, Hawaii 96858.

(3) Each request for entry will be considered on an individual basis weighing the operational and training commitments of the area involved, security, and safety with the purpose, size of party, duration of visit, destination, and the military resources which would be required by the granting of the request.

(e) *Violations.* (1) Any person entering or remaining upon any training area described herein without the advance consent of the Commander, USASCH, or his authorized representative shall be subject to the penalties prescribed by reference paragraph (f)(1) of this section, which provides in pertinent part: "Whoever, within the jurisdiction of the United States, goes upon any military, naval * * * reservation, post, fort, arsenal, yard, station, or installation, for any purpose prohibited by law or lawful regulation * * * shall be fined not more than $500 or imprisoned not more than 6 months or both."

(2) Moreover, any person who willfully violates this regulation is subject to a fine not to exceed $500 or imprisonment for not more than one (1) year or both as provided in reference paragraph (f)(2) of this section.

(3) In addition, violation of this regulation by persons subject to the Uniform Code of Military Justice (10 U.S.C. 801-940) is a violation of Article 92 of the Uniform Code of Military Justice.

(f) *References.* (1) Title 18, United States Code, section 1382.

(2) Internal Security Act of 1950, section 21 (50 U.S.C. 797).

(3) Executive Order No. 11166 of August 15, 1964 (3 CFR, 1964-1965 Comp., pp. 219-220).

(4) Executive Order No. 11167 of August 15, 1964 (3 CFR, 1964-1965 Comp., pp. 220-222).

[FR Doc. 78-28592 Filed 10-11-78; 8:45 am]

[1505-01-M]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

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

PART 528—SELF-POLICING REQUIREMENTS FOR SECTION 15 AGREEMENTS

Correction

AGENCY: Federal Maritime Commission.

ACTION: Correction.

SUMMARY: In FR Doc. 78-26488 appearing at page 42757 in the issue of Thursday, September 21, 1978, on page 42757, in the first column, in the "SUMMARY" paragraph, the last sentence is incorrect and should be changed to read: "A provision was added which prohibits rate-fixing agreements from preventing the release of self-policing body records to the Commission."

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street NW., Washington, D.C. 20573, 202-523-5740.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-28838 Filed 10-11-78; 8:45 am]

[6712-01-M]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20781; RM-2585]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations in Decatur and Huntsville, Ala.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action adds TV channel 54 at Huntsville-Decatur, Ala., so that a new station could be built in either Huntsville or Decatur, and deletes channel 23 from Decatur.

EFFECTIVE DATE: November 6, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Carol F. Foelak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: September 22, 1978.

Released: October 3, 1978.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Huntsville and Decatur, Ala.), docket No. 20781, RM-2585.

1. In response to a petition filed by Pioneer Communications, Inc. ("Pioneer"), we adopted a notice of proposed rulemaking, 41 FR 17785 (April 26, 1976), which proposed adding TV channel 54 at Huntsville, Ala. After analyzing comments on that proposal, we issued a further notice of proposed rulemaking, 42 FR 62164 (November 30, 1977), proposing, as an alternative to assigning channel 54 at Huntsville, to assign it to Decatur and delete channel 23 at Decatur.

2. Comments responding to our further notice were filed by Pioneer; North Alabama Broadcasters, Inc. ("WHNT"), licensee of station WHNT-TV, channel 19 Huntsville; Rocket City Television, Inc. ("Rocket City"), licensee of station WAAY-TV, channel 31, Huntsville; Tennessee Valley Radio & Television Corp. ("WYUR"), licensee of station WYUR-TV, channel 48, Huntsville; the Association of Maximum Service Telecasters ("MST"); and C. H. Quick of radio station WMSL, Decatur. Reply comments were filed by Pioneer, WHNT; WYUR; MST; and American Family Corp. ("AFC"), proposed assignee of WYUR-TV.

3. *Background.* Huntsville (1970 pop. 139,282), seat of Madison County (1970 pop. 186,540), is located 37 kilometers (23 miles) northeast of Decatur, Ala. (1970 pop. 38,044), and 132 kilometers (83 miles) north of Birmingham, Ala. The four UHF television channels assigned to Huntsville are occupied by station WHNT-TV, channel 19 (CBS); WAAY-TV, channel 31 (NBC); WYUR (TV), channel 48 (ABC); and WHIQ (TV), channel *25 (noncommercial educational). Channel 23 is the only channel assigned to Decatur, and it is presently unoccupied.

4. In response to our original proposal to assign channel 54 at Huntsville, Pioneer stated generally that with three successful network affiliates in the Huntsville area, there is need for an independent program service, and that it would apply for channel 54 if assigned. The opponents, Huntsville TV stations, argued that Huntsville and Decatur are part of the same TV market and that since channel 23, Decatur, is vacant, no channel should be added at Huntsville, since this would foreclose development of channel 23. Further, they said, whether considering the population of Huntsville alone, with four existing TV assignments, or of Huntsville and Decatur together, with five existing assignments, an additional assignment is not warranted, based on the population criteria enunciated in the Sixth Report and Order on Television Allocations, 41 FCC 148, 169 (1952).

5. In reply, Pioneer alleged that channel 23 could not be developed as a competitive station, noting that WYUR's predecessor had operated channel 23 for several years before abandoning it in favor of channel 48, Huntsville. Pioneer stated that while the Huntsville stations transmit from sites 1,000 to 1,200 feet above sea level, Decatur, measured at the county courthouse, is only 588 feet above sea level. Channel 23 cannot operate from Monte Sano Mountain, where the Huntsville stations are, due to spacing requirements. Thus, because of the height advantage enjoyed by the Huntsville stations and the fact that receiving antennas would be oriented away from where channel 23 would have to be located, Pioneer believes that a competitive station could not possibly be developed on channel 23.

6. After analyzing these comments, we stated in our further notice that, in accordance with the sixth report and order, we would certainly place a higher priority on having a first operating station at Decatur than a fifth (fourth commercial) at Huntsville. Huntsville stations, with only a secondary obligation to serve Decatur, cannot substitute for a station at Decatur with a primary obligation to Decatur. However, we observed that there seemed to be no interest in channel 23, and if it is really impractical for use at Decatur, then it should be deleted. Further, channel 54 could be assigned to Decatur instead of Huntsville, or to both on a hyphenated basis, and still operate from Monte Sano Mountain where the other stations are. Thus, we proposed as an alternative to our original proposal which was to add channel 54 at Huntsville, to add channel 54 at Decatur instead and delete channel 23.

7. *Response to our further notice.* Pioneer reiterates its interest in assigning channel 54 at Huntsville, stating generally that there is a demand for additional TV service in Huntsville as shown by the fact that independent TV stations are viewed locally on cable and by the financial success of the existing Huntsville stations. As to the argument that Huntsville is not entitled to an additional assignment under the population criteria in the sixth report and order, Pioneer says that there is a large population served by Huntsville stations and that the population criteria in the sixth report and order have not been applied rigidly. Pioneer states that it has no interest in channel 54 at Decatur, stating that it wishes to locate near the Huntsville stations on Monte Sano Mountain and believing this would not be possible for a Decatur station. Pioneer also argues against a hyphenated assignment to Huntsville-Decatur since it believes that it would be necessary to maintain staffs and studios in two cities with such an assignment.

8. C. H. Quick of WMSL radio, Decatur, tells us that he owns the tower and antenna used by the defunct channel 23 station, having bought them with the intention of applying for channel 23. Because it would not be possible to get a network affiliation, he says that it has been difficult to put together a group to apply for it, but he assures us of his feeling that there is still interest in channel 23 in Decatur. On this basis, he urges that channel 23 not be deleted and channel 54 not be added at Huntsville since development of another Huntsville station would make it impossible ever to operate another independent station at Decatur in the same market.

9. Pioneer argues in its reply comments that the prospects of a future channel 23 station appear dim and thus we should not protect such a possible station by refraining from assigning channel 54 at Huntsville. It observes that Mr. Quick has had about 8 years to apply for channel 23 and has not yet been able to do so. Further, it questions whether his old antenna would meet FCC standards today and whether it is capable of transmitting an acceptable signal. Pioneer believes that the antenna has been used for many years and was causing problems to the station when it was taken out of service in 1969. The tower, it says, is the same short tower which proved inadequate for the defunct station.

10. MST commented that channel 54 at the Decatur reference point would be short-spaced by about 18 miles to the reference point for allocated but unoccupied channel 47 at Tuscumbia, Ala., and a channel 47 station at Tuscumbia would have to be located, to avoid short-spacing to an unrestricted channel 54 assignment at Decatur, at least 13 miles beyond the common transmitter site of stations WOWL-TV and WFIQ-TV, Florence, Ala. At the closest point to Tuscumbia at which a channel 47 station might locate, the station would be subject to disadvantageous receiving antenna orientation vis-a-vis the other two stations. Thus, it urges that any channel 54 assignment to Decatur must be subject to a requirement that a site must be used

which meets all mileage separation requirements.

11. Based on the information presented and the history of the matter, it seems clear that channel 23 is most unlikely to be activated at Decatur at any time soon. Continuing that assignment there serves no useful purpose and it will be deleted. In view of Pioneer's obvious intention to apply for a station and our concern over the lack of a station licensed to Decatur, we will assign channel 54 as a hyphenated assignment at Huntsville-Decatur. This does not mean, as Pioneer supposed, that an applicant for the facilities must maintain facilities and staffs in the two cities. It only means that an applicant may apply for a station to be licensed to either (or both). Thus, Pioneer can apply for Huntsville, if it chooses, and owe no greater duty to Decatur than would any other Huntsville station. It will be necessary to select a site that will not be short-spaced to channel 47 at Tuscumbia, Ala. Since there is reason to believe that a channel 54 station licensed to either Huntsville or Decatur would locate on Monte Sano Mountain, the highest spot around and the location of other area stations, this should present no problem. Assigning the channel on a hyphenated basis permits the filing of an application for Decatur if real interest in such an operation exists. However, if this is not the case, it will not impede a proposal for Huntsville. We think this course best serves the public interest.

12. *It is ordered*, That effective November 6, 1978, the television table of assignments (§ 73.606(b) of the Commission's rules) is amended as follows:

City	Channel No.
Decatur, Ala.	
Huntsville-Decatur, Ala.	54

13. Authority for the action taken herein is found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307).)

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

[FR Doc. 78-28719 Filed 10-11-78; 8:45 am]

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

PART 1249—REPORTS OF MOTOR CARRIERS

Annual Reports and Uniform System of Accounts for Class I and Class II Motor Carriers of Property; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction notice.

SUMMARY: Parts 1207 and 1249 of the October 1, 1977, edition of Title 49, Transportation, Code of Federal Regulations, are not correct. In part 1207, notes D and E to the text of account 5930, Professional Services—Debit, contain errors. In part 1249, sections 1249.4, 1249.5, 1249.6, 1249.11, 1249.12 and 1249.15 were omitted. This notice corrects part 1207 and reinstates the appropriate sections in part 1249. The errors in part 1207 and omissions in part 1249 apparently stem from changes authorized in docket No. 36556, Annual Reports and Uniform System of Accounts for class I and class II Motor Carriers of Property. This appeared in the October 3, 1977, FEDERAL REGISTER (42 FR 53622). Notes D and E to account 5930 in part 1207 were correct in the FEDERAL REGISTER but incorrect in the CFR edition. The language amending part 1249 inadvertently omitted the paragraphs being reinstated by this notice.

EFFECTIVE DATE: October 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Bryan Brown, Jr., Chief, Section of Accounting, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, phone 202-275-7334.

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

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Account 5930, Professional Services—Debit, Notes D and E, is corrected to read as follows:

5930 Professional Services—Debit.

* * * * *

NOTE D.—Regulatory expenses which by approval or direction of the Commission are to be spread over future periods shall be charged to Account 1512—Other Deferred Debits, and amortized by charges to this account.

NOTE E.—This account shall not be used to record charges for services by affiliated companies that are routine in nature. Such amounts shall be charged to the appropriate transportation related operating expense account.

PART 1249—REPORTS OF MOTOR CARRIERS

Part 1249 is amended by adding the following to the list of sections appearing at the beginning of the part:

* * * * *

1249.3 * * *
1249.4 Annual reports of class III carriers of property.
1249.5 Annual reports of class I carriers of passengers.
1249.6 Annual reports of carriers of passengers other than class I carriers.
1249.11 Quarterly reports of passenger revenues, expenses, and statistics.
1249.12 Quarterly financial reports.
1249.15 Quarterly report of freight loss and damage claims.

The following sections are added after the text of § 1249.3—Annual reports of motor carrier holding companies:

* * * * *

§ 1249.4 Annual reports of class III carriers of property.

Commencing with the year ended December 31, 1976, and for subsequent years thereafter, until further order, all class III motor carriers of property, as defined in § 1240.5 of this chapter, are required to file a uniform annual report in accordance with Motor Carrier Annual Report Form M-3 (property). Such report shall be filed in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before April 30 of the year following the year to which it relates.

§ 1249.5 Annual reports of class I carriers of passengers.

Commencing with reports for the accounting year of 1974, as described in part 1206 instruction 3 of this chapter, and thereafter, until further order, all class I motor carriers of passengers, as defined in § 1240.4 of this chapter, are required to file annual reports in accordance with Motor Carrier Annual Report Form MP-1 (passenger). Such annual report shall be filed in duplicate in the Bureau of Accounts, Inter-

state Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the year to which it relates.

§ 1249.6 Annual reports of carriers of passengers other than class I carriers.

Commencing with the reports for the accounting year 1974, as described in part 1206 instruction 3 of this chapter, and thereafter, until further order, all motor carriers of passengers other than class I carriers, as defined in § 1204.4 of this chapter, are required to file annual reports in accordance with Motor Carriers Annual Report Form MP-2 (passenger). Such report shall be filed in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before April 30 of the year following the year to which it relates.

§ 1249.11 Quarterly reports of passenger revenues, expenses, and statistics.

Commencing with reports for the quarter ended March 31, 1968, and for subsequent quarters thereafter, until further order, all class I common and contract motor carriers of passengers, as defined in § 1240.4 of this chapter, subject to part II of the Interstate Commerce Act, shall compile and file quarterly reports in accordance with motor carrier Quarterly Report of Revenues, Expenses, and Statistics (class I carriers of passengers), form QPA. Such quarterly reports shall be filed in duplicate in the Office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days after the close of the period to which it relates.

§ 1249.12 Quarterly financial reports.

Commencing with reports for the quarter ending March 31, 1974, and for subsequent quarters thereafter, until further order, all class I and class II common and contract motor carriers of property as defined in § 1240.5 of this chapter, subject to part II of the Interstate Commerce Act, shall compile and file quarterly financial reports in accordance with the Quarterly Results of Operations Form QFR. Such quarterly reports shall be filed in duplicate in the Office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days after the close of the period to which it relates.

§ 1249.15 Quarterly report of freight loss and damage claims.

Commencing with reports for the quarter beginning January 1, 1976, and for subsequent quarters thereafter, until further ordered, all common and contract carriers of property having annual operating revenues (including interstate and intrastate) of $1 million, or more, from property motor carrier operations, shall compile and file quarterly reports in accordance with Motor Carrier Quarterly Report of Freight Loss and Damage Claims, form QL&D. Carriers shall be exempt from filing such quarterly reports commencing with the year immediately following the third consecutive year in which a carrier fails to meet the minimum revenue qualification. Such quarterly reports (which need not include damage to shipments transported in armored truck service, as described in Classification of Motor Carriers of Property, 2 MCC 703, at page 712) shall be filed in duplicate in the Office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 40 days after the close of each quarter.

[FR Doc. 78-28789, Filed 10-11-78; 8:45 am]

[3510-22-M]

Title 50—Wildlife and Fisheries

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

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Prohibition of Take Incidental to Commercial Fishing Operations—Northern Striped Dolphin

AGENCY: National Marine Fisheries Service.

ACTION: Notice of prohibition of take of the northern stock of striped dolphin incidental to commercial fishing operations.

SUMMARY: A prohibition on taking the northern stock of striped dolphin (*Stenella coeruleoalbra*) is being implemented because observer records show that the 1978 quota for that stock has been exceeded. The northern stock of striped dolphin may not be taken incidental to fishing operations pursuant to the general permit issued to the American Tunaboat Association, category 2; encircling gear, purse seining involving the intentional taking of marine mammals.

DATES: The effective date of this notice is October 19, 1978.

ADDRESS: Observer records may be reviewed at the Office of the Director, Southwest Region, 300 South Ferry Street, Terminal Island, Calif., telephone: 213-548-2575.

FOR FURTHER INFORMATION CONTACT:

William P. Jensen, Marine Mammal Program Manager, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235, telephone 202-634-7461.

SUPPLEMENTARY INFORMATION: 50 CFR 216.24(d)(2)(i)(A), (3) and the permit issued to the American Tunaboat Association for 1978, impose a limit of fifty (50) mortalities of the northern stock of striped dolphin in 1978. The Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration has determined that this limit has been exceeded. Therefore, further taking of the northern stock of striped dolphin will be prohibited except as provided for in 50 CFR 216.24(d)(2)(i)(C) (accidental take policy), and notice of the effective date of this prohibition is hereby published in accordance with 50 CFR 216.24(d)(2)(i)(B).

Dated: October 6, 1978.

JACK W. GEHRINGER,
Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 78-28743 Filed 10-11-78; 8:45 am]

proposed rules

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

[6714-01-M]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Parts 303, 304, and 328]

REMOTE SERVICE FACILITY

Proposed Revision of Procedures

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: These rules would revise FDIC procedures relating to "remote service facilities." Remote service facilities include automated teller machines, cash dispensing machines, point-of-sale terminals, and other remote electronic facilities where deposits are received, checks paid, or money lent. The proposed regulations are designed to (1) comply with judicial branching decisions, (2) reduce administrative burdens for applicant banks as well as the FDIC, and (3) provide the FDIC with information relating to these facilities necessary for proper supervision.

DATE: Comments must be received by November 13, 1978.

ADDRESS: Interested persons are invited to submit written data, views, or arguments regarding the proposed amendments to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429. All written comments submitted will be made available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT:

Roger A. Hood, Assistant General Counsel, Federal Deposit Insurance Corporation, Washington, D.C. 20429, 202-389-4628.

SUPPLEMENTARY INFORMATION: In recent years there has been controversy concerning whether remote service facilities (also called EFT or CBCT) constitute branches. Following a ruling by the Comptroller of the Currency that CBCT's were not branches, numerous lawsuits were filed. In all cases where this issue has been decided by U.S. Courts of Appeals, the courts have concluded that such facilities are branches. (See for example, *IBAA* v. *Smith*, 402 F. Supp. 207, aff'd 534 F. 2d 921 (D.C. Cir. 1976), cert. denied 429 U.S. 862; *State of Illinois* v. *Continental Illinois National Bank & Trust Co.*, 409 F. Supp. 1167 aff'd and rev'd in part 536 F. 2d 176 (7th Cir. 1976) cert. denied 429 U.S. 871; *State of Colorado* v. *First National Bank of Fort Collins*, 394 F. Supp. 979, aff'd 7 rev'd in part 540 F. 2d 497 (10th Cir. 1976), cert. denied 429 U.S. 1091; *State of Missouri* v. *First National Bank in St. Louis*, 405 F. Supp. 733, aff'd 538 F. 2d 219 (8th Cir. 1976), cert. denied 429 U.S. 941.)

These regulations are also designed to relieve some administrative burdens both for banks and the FDIC. Existing application and publication requirements have proven unduly burdensome when large numbers of banks share a network of remote facilities. Some States require any financial institution that establishes a remote service terminal to share any such terminal with all banks which wish to participate in the system. Under existing procedures each time another terminal is added to such a system, every State nonmember bank in the system must (a) have its board of directors adopt a resolution authorizing the application, (b) file a lengthy application form, and (c) publish notice in a newspaper in the community where ther terminal is located. These proposed regulations considerably simplify application requirements.

SUMMARY OF NEW PROCEDURES

Authority is to be delegated to the Director of the Division of Bank Supervision and Regional Diectors to approve remote service facility branches. Approval of remote service facility branches would be based on the six statutory factors listed at 12 U.S.C. 1816, and approval under delegated authority would not be subject to the additional criteria listed in § 303.12(c)1-9. Banks which establish (own or rent) remote service facilities would file a revised form 6210/09. Approval of this application will entitle the bank to establish additional terminals without further formal application by advising the FDIC in advance, by publishing notice of its intention, and by providing a current list of banks or other entities (if any) which share in the use of the facility. The FDIC would reserve the right during the 30-day period following the last publication of notice to suspend the automatic approval, and provide for approval or denial of the terminal by specific order. Denial of original applications or disapproval of new terminals will not be made through delegated authority.

2. Existing procedures permit banks to elect whether they want branch consideration of a proposed facility. These proposed rules attempt to minimize any refiling burden by treating original filings as applications under the new procedures, and requiring only minimal supplementation to place banks which have already filed in the same position as new applicants.

3. Remote service facilities will be excepted from certain requirements relating to posting of the official FDIC sign.

It is therefore proposed to amend parts 303, 304, and 328 of 12 CFR in the manner set forth below.

By order of the Board of Directors, October 5, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

1. By revising paragraph (c) of § 303.12 to read as follows:

§ 303.12 Applications where authority is not delegated.

* * * * *

(c) *Conditions precedent to delegation to approve branch applications other than remote service facility branch applications.* (Important: The requirements set forth in this paragraph (c) are procedural in nature only and should not be construed as standards or criteria which will be used in determining whether a specific application will be approved or denied.) Authority to approve branch applications, other than remote service facility branch applications, pursuant to § 303.11(a)(7) is delegated only where each of the six factors set forth in section 6 of the Federal Deposit Insurance Act has been considered and favorably resolved [4] and, in addition, all the following requisites have been satisfied:

* * * * *

2. By revising paragraph (a) (2) and (3) of § 303.14 to read as follows:

§ 303.14 Application procedures.

(a) * * * (2) applications by insured State nonmember banks to establish branches, including remote services facility branches; (3) applications by insured State nonmember banks to relocate their main or branch offices, including remote service facility branches offices; * * *

* * * * *

3. By adding a new paragraph (*l*) to § 303.14 to read:

* * * * *

(*l*) *Special procedures for remote service facility branches.*—(1) *Definition.* Remote service facilities include automated teller machines, cash dispensing machines, point-of-sale terminals, and other remote electronic facilities where deposits are received, checks paid, or money lent.

(2) *Application procedures.*—(i) *Establishing a remote service facility or system of facilities.* For purposes of this section "establishing" means owning or leasing a remote service facility either individually or jointly. An establishing bank will file a revised form 6210/09 with the appropriate Regional Office and comply with the notice provisions of paragraph (b) of this section. The applicant will be advised whether the application is approved. Once this application is approved, an establishing bank may add additional sites without further formal application by:

(A) Advising the appropriate Regional Office of the bank's intention to establish a new facility or facilities,

(B) Complying with the notice provisions of paragraph (b) of this section, and

(C) Providing a current list of banks, or other entities if any, which may share in the use of the facility.

Unless notified otherwise within 30 days of the last publication of the notice required by paragraph (b) of this section, the additional facility will be considered approved.

(ii) *Procedures for banks which have filed under preexisting regulations for consent to operate remote service facilities as branches.* (A) Establishing bank which has had one or more remote service facilities approved as a branch: The bank's previous filing will be considered an approved application under subparagraph (2)(i) of this paragraph, and additional sites may be added in accordance with that paragraph.

(B) Establishing bank which has established remote service facilities without obtaining branch approval: The bank's previous filing will be considered a pending application under subparagraph (2)(i) of this paragraph, except compliance with procedures for publication of notice will not be required. Unless the bank is notified otherwise by the Regional Director within 60 days of the effective date of this amendment, the application will be considered approved. Notification by the Regional Director during this period may be in the form of a request for additional information, and is not necessarily an indication the application will be denied. However, once notified by the Regional Director, the application will not be considered approved unless the bank receives a formal order from the FDIC. Once approval has been obtained, either through the passage of 60 days without notification, or the issuance of a formal order, additional sites may be added in accordance with subparagraph (2)(A) of this paragraph.

PART 304—FORMS, INSTRUCTIONS, AND REPORTS

4. By revising paragraphs (a), (b), (d), (e), (g), (h), and (z) of § 304.3 to read as follows:

§ 304.3 Forms and Instructions.

* * * * *

(a) *Form 82: Application of proposed bank (other than mutual savings) for Federal deposit insurance.* The proposed incorporators are required to make statements and representations and to submit information with respect to the several factors enumerated in section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816). The application on form 82 must be executed in quadruplicate. Three applications signed by the proposed incorporators must be forwarded to the Regional Director of the Federal Deposit Insurance Corporation region in which the proposed bank will be located and the other application may be retained by the prospective incorporators. Applications filed on form 82 must be accompanied by a certified copy of the proposed articles of incorporation or association and the requisite number of properly executed forms 83. A proposed bank's application on form 82 must be accompanied by a properly executed form 85 for each branch, other than a remote service facility branch, which it intends to establish, and by a properly executed form 6210/09 if it intends to establish one or more remote service facility branches. After incorporation is duly effected, the bank must submit a properly executed form 82a.

(b) *Form 82-M: Application of proposed mutual savings bank for Federal deposit insurance.* Form 82-M, which is substantially the same as form 82, should be used when the proposed bank is to be a mutual savings bank and should be prepared and submitted in the same manner as form 82. A proposed bank's application on form 82-M must be accompanied by a properly executed form 85-M for each branch, other than a remote service facility branch, which it intends to establish, and by a properly executed form 6210/09 if it intends to establish one or more remote service facility branches.

* * * * *

(d) *Form 84: Application for Federal deposit insurance by an existing noninsured State bank (other than mutual savings).* The applicant bank is required to submit statements, representations, and information with respect to the several factors enumerated in section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816) and a copy of the resolution of its board of directors authorizing the bank's president or vice president and cashier or secretary to make the application. The application must be executed in quadruplicate, signed by such officers, and the bank's corporate seal attached thereto. Three signed applications must be forwarded to the Regional Director of the Federal Deposit Insurance Corporation region in which the bank is located and the other application may be retained by the bank. Applications filed on form 84 must be accompanied by the requisite number of properly executed form 83 and a certified copy of the articles of incorporation or association, including any amendments thereto. A bank's application on form 84 must be accompanied by a properly executed form 85 for each branch, other than a remote service facility branch, and by a properly executed form 6210/09 for any or all of its remote service facility branches.

(e) *Form 84-M: Application for Federal deposit insurance by an existing noninsured mutual savings bank.* Form 84-M, which is substantially the same as form 84, should be used by mutual savings banks and should be prepared and submitted in the same manner as form 84. A bank's application on form 84-M must be accompanied by a properly executed form 85-M for each branch, other than a remote service facility branch, and by a properly executed form 6210/09 for any or all of its remote service facility branches.

(f) * * *

(g) *Form 85, form 85a, and form 85b: Application of insured State nonmember bank (except district bank and mutual savings bank) to establish or move its main office or branch (other than remote service facility branch).* (1) Form 85 is an application to establish a branch other than a remote service facility branch. The applicant bank is required to submit statements, representations, and infor-

mation with respect to the several factors enumerated in section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816) and a copy of the resolution of its board of directors authorizing the bank's president or vice president and cashier or secretary to make the application. The application must be executed in quadruplicate, signed by the president or vice president, have the corporate seal of the bank affixed thereto, and be attested by the cashier or secretary. Three signed applications must be forwarded to the Regional Director of the Federal Deposit Insurance Corporation in which the applicant bank is located and the other application may be retained by the bank. The application must be accompanied by a certified copy of the bank's articles of incorporation or association, including any amendments thereto unless previously submitted to the Corporation and not subsequently amended.

(2) Form 85a is an application to move a main office or branch other than a remote service facility branch. It is similar to form 85 and should be prepared and submitted in the same manner as form 85.

(3) Form 85b is an application to establish a branch other than a remote service facility branch pursuant to designation as depository and financial agent of the U.S. Government. It is similar to form 85 and should be prepared and submitted in the same manner as form 85.

(h) *Form 85-M and form 85a-M: Application by insured nonmember mutual savings banks to establish a branch other than a remote service facility branch, or move its main office or branch other than a remote service facility branch.* (1) Form 85-M is substantially the same as form 85 and should be prepared and submitted in the same manner as form 85.

(2) Form 85a-M is substantially the same as form 85a and should be prepared and submitted in the same manner as form 85a.

* * * * *

(z) *Form 6210/09: Remote service facility branch.* Form 6210/09 is an application by an insured State nonmember bank to establish a remote service facility branch or branches. Form 6210/09 is to be filed with the Regional Director of the Federal Deposit Insurance Corporation region in which the bank's main office is located.

PART 328—ADVERTISEMENT OF MEMBERSHIP

5. By revising paragraphs (a) and (c) of § 328.1 to read as follows:

§ 328.1 Mandatory requirements with regard to the official sign and its display.

(a) *Insured banks to display official sign.* Each insured bank shall continuously display an official sign as prescribed below at each station or window where insured deposits are usually and normally received in its principal place of business and in all its branches except remote service facility branches as defined in paragraph (a) of § 303.15: *Provided,* That no bank becoming an insured bank shall be required to display such official sign until twenty-one (21) days after its first day of operation as an insured bank. The official sign may be displayed by any insured bank prior to the date display is required. Additional signs in other sizes, colors, or materials, incorporating the basic design of the official sign, may be displayed in other locations within an insured bank.

* * * * *

(c) *Receipt of deposits at same teller's station or window as noninsured bank or institution.* An insured bank is forbidden to receive deposits at any teller's station or window, except a remote service facility as defined in paragraph (a) of § 303.15, where any noninsured bank or institution receives deposits or similar liabilities.

* * * * *

(Secs. 9 and 18, Pub. L. 797, 64 Stat. 881, 891 (12 U.S.C. 1819, 1829).)

* * * * *

[FR Doc. 78-28796 Filed 10-11-78; 8:45 am]

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 78-ASW-47]

TRANSITION AREA

Proposed Alteration: Raton, N. Mex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of the action being taken is to propose alteration of the transition area at Raton, N. Mex. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Crews Field Airport. The circumstance which created the need for the action was the establishment of a nondirectional radio beacon (NDB) off the airport.

DATE: Comments must be received by November 13, 1978.

ADDRESSES: Send comments on the proposal to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

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: Subpart G 71.181 (43 FR 440) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Alteration of the transition area at Raton, N. Mex., will necessitate an amendment to this subpart.

COMMENTS INVITED

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received by November 13, 1978, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking

(NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, or by calling 817-624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

PROPOSAL

The FAA is considering an amendment to subpart G of part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Raton, N. Mex. The FAA believes this action will enhance IFR operations at the Crews Field Airport by providing additional controlled airspace for aircraft executing proposed instrument approach procedures using the newly established NDB located off the airport. Subpart G of part 71 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 440).

PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) by altering the Raton, N. Mex., transition area to read as follows:

RATON, N. MEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Crews Field (latitude 36°44'29" N., longitude 104°30'04" W.) excluding that portion northwest of a line 5 miles northwest of and parallel to the Cimarron VORTAC 050° radial, an within 3.5 miles each side of the 214° bearing from the NDB (latitude 36°42'02" N., longitude 104°32'21" W.) extending from the 8.5-mile radius area to 9.5 miles southwest of the NDB; and that airspace extending upward from 1,200 feet above the surface within 6.5 miles northwest of the Cimarron VORTAC 050° radial extending from the VORTAC to 45 miles northeast, within 16.5 miles southeast of the Cimarron VORTAC 050° and 230° radials extending from 1.5 miles southwest to 29 miles northeast of the VORTAC, and within 8.5 miles southeast of the Cimarron VORTAC 050° radial extending from 29 miles northeast to 45 miles northeast of the VORTAC.

(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 3, 1978).

Issued in Fort Worth, Tex., on September 29, 1978.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc. 78-28712 Filed 10-11-78; 8:45 am]

[4910-13-M]

[14 CFR Part 71]

[Airspace Docket No. 78-ASW-46]

TRANSITION AREA

Proposed Designation: Kountze-Silsbee, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Kountze-Silsbee, Tex. The intended effect of the proposed action is to provide controlled airspace for aircraft executing instrument approach procedures to the Hardin County Airport. The circumstance which created the need for the action was the establishment of a nondirectional radio beacon (NDB) on the airport to provide capability for flight under instrument weather conditions to the airport.

DATE: Comments must be received by November 13, 1978.

ADDRESSES: Send comments on the proposal to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

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: Subpart G 71.181 (43 FR 440) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of the transition area at Kountze-Silsbee, Tex., will necessitate an amendment to this subpart.

COMMENTS INVITED

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received by November 13, 1978, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, or by calling 817-624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

PROPOSAL

The FAA is considering an amendment to subpart G of part 71 of the Federal aviation regulations (14 CFR Part 71) to designate a transition area at Kountze-Silsbee, Tex. The FAA believes this action will enhance IFR operations at the Hardin County Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the newly established nondirectional radio beacon (NDB) located on the airport. Subpart G of part 71 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 440).

PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of part 71 of the Federal aviation regulations (14 CFR Part 71) as republished (43 FR 440) by adding the Kountze-Silsbee, Tex., transition area as follows:

KOUNTZE-SILSBEE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hardin County Airport (latitude 30°20'13" N., longitude 94°15'34" W.) and within 3.5 miles either side of the 327° bearing from the NDB (latitude 30°20'14" N., longitude 94°15'36" W.) extending from the 5-mile radius to 8.5 miles northwest of the NDB.

(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 3, 1978).

Issued in Fort Worth, Tex., on October 2, 1978.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc. 78-28714 Filed 10-11-78; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[PSDR-37C; Docket No. 25875; Dated: September 29, 1978]

U.S./EUROPE CHARTER SERVICE

General Rate Policy; Termination of Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Termination of rulemaking in docket 25875; PSDR-37.

SUMMARY: The Civil Aeronautics Board is terminating a proposed rulemaking which would have established minimum-rate guidelines for charter service between the United States and Europe. This action is being taken on the Board's initiative formally to close this proceeding.

FOR FURTHER INFORMATION CONTACT:

Steven Rothenberg, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5205.

SUPPLEMENTAL INFORMATION: In PSDR-37, 38 FR (25453), September 7, 1973, the Board proposed to amend part 399 of its regulations (14 CFR Part 399) by establishing minimum-rate guidelines for charter service between the United States and Europe.

Citing the deteriorating health of the charter industry and the inability of the carriers to establish an acceptable minimum charter rate structure themselves, the Board issued a final rule in PS-57 on October 18, 1974, adopting minimum charter rate guidelines. The guidelines set by the Board were not those suggested in its notice of proposed rulemaking but, rather, reflected the comments and cost data subsequently submitted by the carriers. The guidelines adopted added seasonal variations, equipment differentials, and some other minor adjustments.

On February 11, 1975, the Board issued PS-64, vacating the guidelines adopted in PS-57. In doing so, we cited our inability to determine the proper equipment differentials with the information then available to us and the impossibility of adopting guidelines soon enough to be applicable to the 1975 charter season.[1] PS-64 also invited comments from interested parties on what further steps the Board might take in dealing with charter fares.

Ten comments were received, four favoring an unregulated charter market and six favoring some form of price control.[2] Those opposing a price floor argued that it would harm the educational system, tour operators, the airline industry, and the public generally. Those favoring minimum-rate guidelines cited the need to coordinate policies with other governments, protect scheduled carriers, and foster the charter industry.

After reviewing those comments, we have concluded that there is no reasonable basis upon which to reestablish minimum-fare guidelines and that we should terminate the proceeding. Minimum ratefixing is contrary to the competitive pricing policies we are trying to implement, and there is no reason in this instance to make an exception. The charter industry is an important component of the air transportation system, which provides a competitive spur to scheduled service. Setting minimum prices might tend to raise charter prices and thus weaken that pressure. Reestablishing minimum fare guidelines would be especially unwise now because they would reduce the ability of charters to compete with scheduled carriers, which have been given increased pricing flexibility. Thus, minimum charter price regulation would provide no protection for charter carriers; significantly, the all-charter carriers oppose the idea.

Because there is no reasonable basis for minimum-rate guidelines, the Board is formally terminating this proceeding.

Accordingly, the Civil Aeronautics Board terminates the proceeding in docket 25875.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-28830 Filed 10-11-78; 8:45 am]

[1] The Board's decision to vacate its minimum-rate guidelines was also a response to a suit brought by the Department of Justice challenging PS-57 and a report issued by the Senate's Subcommittee on Administrative Practice and Procedure severely criticizing the guidelines.

[2] Comments were received from the Rochester Institute of Technology, the Airline Charter Tour Operators Association, the National Student Travel Bureau, Roger Conant, British Caledonian Airways, the Justice Department, the European Civil Aviation Conference, British Airways, Trans World Airlines, and Pan American World Airways.

[7040-01-M]

SUSQUEHANNA RIVER BASIN COMMISSION

[18 CFR Part 803]

WATER CONSERVATION POLICY AND STANDARDS FOR THE SUSQUEHANNA RIVER BASIN

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice of proposed policy, proposed regulation, and opportunity for public comment.

SUMMARY: The Commission proposes to adopt a water conservation policy requiring new users and suppliers to maximize their water use efficiency by using available, feasible water conservation technology. Existing water users and suppliers would also have to comply with the conservation requirement within a reasonable time. In conjunction with adoption of the policy, the Commission also proposes to amend its regulations governing review of projects.

DATES: A public hearing to receive comments has been scheduled for November 9, 1978, beginning at 2 p.m. Written comments from those not wishing to testify at the hearing must be submitted by December 8, 1978.

ADDRESSES: The public hearing will be held at the Penn Harris Motor Inn, Bypass Routes 11 and 15, Camp Hill, Pa. Written comments should be sent to the Office of the Executive Director, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, Pa. 17102.

FOR FURTHER INFORMATION CONTACT:

Robert J. Bielo, Executive Director, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, Pa. 17102, 717-238-0422.

SUPPLEMENTARY INFORMATION: The Commission is a Federal-interstate agency charged with the overall management and development of the water and related resources of the

basin. As the water resource management agency with basinwide authority, the Commission's goal is to effect coordinated planning, conservation, management, utilization, development, and control of the basin's water resources.

The proposed water conservation policy and implementing measures are one part of a three-part program to fulfill the Commission objective of assuring the availability of water for all users. Wise use of the basin's available resources is an important element to justifying future water supply development programs and reconciling potential water use conflicts.

The proposed policy requires that all new water users and suppliers maximize their water use efficiency by using available, feasible water conservation technology. Existing users and suppliers would also have to comply with the conservation requirement within a reasonable time. Available technology to reduce water usage includes reuse of water, metering, and pressure control as well as water reduction devices.

The proposed water conservation policy is considered by the Commission as a logical step toward achieving its overall water supply objective as set forth in the comprehensive plan, and as a necessary action to assure efficient use of available surface and ground water supplies. Expected beneficial effects of the policy when implemented are reduced water use, waste water flow and treatment costs, and energy consumption in the basin's water supply/waste water management systems.

The Commission will coordinate its water conservation program with appropriate signatory agencies and to the extent practical utilize their existing resources and authority. To implement the water conservation policy, the Commission will adopt appropriate standards, evaluate economic incentives, and actively promote through an information program the public's understanding and acceptance of water conservation measures.

Standards that the Commission is proposing to adopt are listed below. They would be applied in the Commission's review of proposed projects and promoted through direct contacts with existing users. Because the Commission is considering adoption of the proposed standards concurrently with the proposed policy, the attention of interested parties is directed to the proposed standards and comments on the standards are solicited.

Economic incentives often provide a mechanism to allocate resources to the best uses. Evaluation of a water pricing program designed to encourage demand reduction and support development of increased water supplies will be a part of the conservation program development.

The Commission will develop information reports relating to the varied aspects of water conservation measures and their applicability. This information will be made available on request and informational meetings will be held with various interest groups from agriculture, industry, and municipalities to discuss conservation technology, droughts, and problems.

The proposed water conservation policy and implementing standards are printed below. For a copy of background information regarding the proposed policy and standards, contact the Office of the Executive Director at the address given above.

Proposed Policy

Now therefore be it resolved, That:

1. The Commission hereby adopts a water conservation policy (a) to require new industrial, commercial, municipal, and agricultural water users in the Susquehanna River Basin to maximize their water use efficiency by utilizing available, feasible water conservation technologies including the reuse of water, metering, pressure control and other use reduction techniques and (b) to require within reasonable time and as may be feasible existing users adopt similar water conservation practices.

2. To implement this policy, the Commission shall develop a water conservation program consisting of appropriate standards, economic incentives, and measures to promote the public understanding of conservation benefits and costs.

3. The Commission shall coordinate implementation of its conservation program with the appropriate signatory agencies to take full advantage of their ongoing programs and capabilities.

Proposed Standards

§ 803.63 Water conservation requirements.

Any project sponsor proposing to withdraw water from surface or ground water sources or both shall comply with the following requirements:

(a) *Public water supply utilities.* As circumstances warrant, the utility shall:

(1) Reduce distribution system losses to a level not exceeding 20 percent of the gross withdrawal.

(2) Install meters for all users and/or otherwise establish a program of water conservation that will include:

(i) The installation of water conservation devices, as applicable, by all classes of users;

(ii) Preparation and distribution of literature to customers describing available water conservation techniques; and

(iii) Implementation of a water pricing structure which encourages conservation.

(b) *Industrial water users.* Industrial users shall:

(1) Establish a company representative to manage plant water use.

(2) Install meters as necessary for accurate determination of water use by various parts of the company operation.

(3) Install flow control devices, which match the needs of the equipment being used for production.

(4) Evaluate and implement applicable recirculation and reuse practices.

(c) *Agricultural irrigation.* Water users for irrigation purposes shall:

(1) Utilize irrigation systems properly designed for the farm's respective soil characteristics, topography, and cropping systems.

(2) Irrigate for food crops only as necessary to achieve optimum crop production, except in periods of prolonged drought when irrigation is applied to protect against crop failure.

Dated: October 3, 1978.

Robert J. Bielo,
Executive Director.

[FR Doc. 78-28709 Filed 10-11-78; 8:45 am]

[4810-22-M]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 6]

INTERNATIONAL AIRPORTS OF ENTRY

Proposed Revocation of International Airport Status of Akron Municipal Airport, Akron, Ohio

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed rule

SUMMARY: This document proposes to revoke the international airport status of Akron Municipal Aiport in Akron, Ohio. Air traffic in the area has shifted to the newer and larger Akron-Canton Airport, located between Akron and Canton in Summit County, Ohio. Because of this shift, the volume of Customs business clearing through Akron Municipal Airport no longer justifies the maintenance of inspection equipment and personnel. In addition, it is becoming increasingly difficult for Customs to provide adequate and timely service to both airports. If this change in status is made, all international flight normally will be inspected by Customs at Akron-Canton Airport. This will enable Customs to improve service to the public and provide for more effective enforcement of the Customs laws and regulations.

DATE: Comments must be received on or before December 11, 1978.

ADDRESS: Comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, Room 2335, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Robert Schenarts, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-8151.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Under section 1109(b), Federal Aviation Act of 1958, as amended (49 U.S.C. 1509(b)), the Secretary of the Treasury is authorized to designate places in the United States as ports of entry for civil aircraft arriving from any place outside of the United States and for merchandise carried on the aircraft. These airports are referred to as "international airports," and the location and name of each are listed in § 6.13, Customs Regulations (19 CFR 6.13). In accordance with § 6.2, Customs Regulations (19 CFR 6.2), the first landing of every civil aircraft arriving in the United States must be at one of these international airports unless the aircraft has been specifically exempted from this requirement or permission to land elsewhere has been granted. Customs officers are assigned to all international airports to accept entries of entries of merchandise, collect duties, and enforce Customs laws and regulations. If a civil aircraft desires to land at a "landing rights airport," which means an airport which has not been designated as an international airport, permission must first be obtained and Customs must assign personnel to that airport for that aircraft.

Within the Akron, Ohio, area there are two airports: Akron Municipal Airport, which has been designated as an "international airport," and Akron-Canton Airport, A "landing rights airport."

There has been a significant decrease in the number of international arrivals landing at Akron Municipal Airport. During the past 3 years, only 146 aircraft required Customs clearance there. International flights have shifted to the newer and larger Akron-Canton Airport, located between Akron and Canton, in Summit County, Ohio.

A review of Customs operations in the area indicates that because of this shift in air traffic, the volume of business clearing through Akron Municipal Airport no longer justifies the maintenance of inspection equipment and personnel. In addition, it is becoming increasingly difficult for Customs to provide adequate and timely service to both airports.

Therefore, to improve service to the public and provide more effective enforcement of the Customs laws and regulations, it is considered desirable to revoke the international airport status of Akron Municipal Airport. This revocation would not preclude aircraft arriving from foreign countries from applying for permission to land at Akron Municipal Airport as a "landing rights airport" under the same procedure aircraft now use to land at the Akron-Canton Airport. Aircraft denied permission to land at Akron Municipal Airport could easily be handled, without undue inconvenience, at Akron-Canton Airport, where Customs service would be available.

AUTHORITY

The authority for this proposed revocation is provided in section 1109(b), Federal Aviation Act of 1958, as amended (49 U.S.C. 1509(b)).

COMMENTS

Before adopting thisd proposal, consideration will be given to any written comments that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations, (19 CFR 103.8(b)), during regular business hours at the Regulations and legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

DRAFTING INFORMATION

The principal author of this document was Harold M. Singer, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

PROPOSED AMENDMENTS

It is proposed to amend § 6.13, Customs Regulations (19 CFR 6.13) by deleting "Akron, Ohio-Akron Municipal Airport" from the alphabetical list of international airports set forth in that section.

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: September 21, 1978.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury.

[FR Doc. 78-28703 Filed 10-11-78; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 19660; RM-690]

INTERNATIONAL RECORD CARRIER'S SCOPE OF OPERATIONS IN THE CONTINENTAL UNITED STATES, INCLUDING POSSIBLE REVISIONS TO THE FORMULA PRESCRIBED UNDER SECTION 222 OF THE COMMUNICATIONS ACT

Order Extending Time for Filing Requested Information

AGENCY: Federal Communications Commission.

ACTION: Order extending time.

SUMMARY: Action taken herein extends the time for filing comments in a proceeding involving the authorization of additional gateways and free direct access.

DATE: Comments must be received on or before October 30, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Helene Bauman, Common Carrier Bureau, 202-632-7834.

SUPPLEMENTARY INFORMATION: None.

Order. In the matter of International record carrier's scope of operations in the continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act, docket No. 19660, RM-690.[1]

1. The Commission is herein considering a motion for extension of time filed by TRT Telecommunications Corp. (TRT) on September 14, 1978, requesting an extension of time from September 29, 1978, until October 30, 1978, in which to file an amended gateway application and related data required by paragraphs 14 and 17 of the Commission's notice of inquiry and further notice of proposed rulemaking (notice) released in this docket on July 28, 1978 (FCC 78-511).

2. In reply to TRT's motion, Western Union International, Inc. (WUI) submitted a letter of support on September 20, 1978. RCA Global Communications, Inc. (RCAGC) also submitted a letter, and ITT World Communications Inc. (ITTWC) submitted a reply, both filed September 22, 1978.

3. TRT states that the notice calls for the submission of detailed data and information which is not readily obtainable from TRT's records, involving the collection of historic data, the formulation of forecasts, and the conduct of engineering and cost studies for 26 gateway areas. TRT further

[1] 43 FR 34167, Aug. 3, 1978.

states that although it is proceeding diligently, it is clear that it will be impossible to complete this task by September 29, 1978, for filing in a form facilitating review by the Commission and other parties. The above-mentioned submissions by WUI, RCAGC, and ITTWC, in essence, support TRT's motion.

4. We find the foregoing adequate cause for the requested extension of time. Accordingly, your request is hereby granted, and the time in which all parties may file the above-mentioned requested information is extended until October 30, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
LARRY F. DARBY,
Acting Chief,
Common Carrier Bureau.

[FR Doc. 78-28720 Filed 10-11-78; 8:45 am]

[6712-01-M]

[47 CFR Part 21]

[CC Docket No. 78-183]

PERMITTING THE USE OF OFFSET CHANNELS IN THE DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE ON THE 150 MHZ BAND

Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: The FCC extends the time period within which to file reply comments on the notice of inquiry on whether to permit the use of offset channels in the domestic public land mobile radio service on the 150 MHz band. The extension is in response to a request from the American Telephone & Telegraph Co.

DATE: Reply comments must be filed on or before October 6, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Robert J. Miller, Common Carrier Bureau, 202-632-6450.

Adopted September 29, 1978.

Released October 3, 1978.

Order. In the matter of amendment of part 21 of the Commission's rules to permit the use of offset channels in the domestic public land mobile radio service on the 150 MHz band, CC docket No. 78-183.[1]

1. The American Telephone & Telegraph Co. (A.T. & T.) has filed a request for an extension of time from September 29, 1978, to October 6, 1978, to file its reply comments on the above-captioned proceeding.

2. According to A.T. & T., it did not receive copies of the comments filed from its copy service until September 12, 1978, despite ordering the service 2 weeks earlier on a "rush basis." A.T. & T. claims that because of the technical complexity of the issues involved, coupled with the late date it received the comments, it now needs additional time to file its comments. Based on these reasons set forth by A.T. & T., we believe that the requested extension of time is consistent with the public interest.

3. We believe that the difficulty of the issues involved also warrants additional time for the other parties to file their reply comments. Therefore, the request made by A.T. & T. to extend the filing date for reply comments will apply to all parties to this proceeding.

4. Accordingly, *it is ordered*, pursuant to § 0.303 of the Commission's rules, that the extension of time request to file reply comments is granted.

LARRY F. DARBY,
Acting Chief,
Common Carrier Bureau.

[FR Doc. 78-28718 Filed 10-11-78; 8:45 am]

[1] See 43 FR 35969, Aug. 14, 1978.

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.

[6110-01-M]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON JUDICIAL REVIEW

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 10 a.m., Thursday, October 26, 1978, in the seventh floor conference room at Covington and Burling, 888 Sixteenth Street NW., Washington, D.C.

The Committee will meet for the second time to discuss Professor Frederick Davis' report on whether or not Veterans Administration determinations should be subject to judicial review.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least 2 days in advance. The committee Chairman, if he deems it approriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the committee before, during or after the meeting.

For further information concerning this meeting contact Jeffrey S. Lubbers 202-254-7065. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

OCTOBER 5, 1978.

[FR Doc. 78-28725 Filed 10-11-78; 8:45 am]

[6110-01-M]

COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10:30 a.m., October 27, 1978, in the Library of the Conference, 2120 L Street NW., Suite 500, Washington, D.C.

The committee will meet to discuss the Conference's project on the Federal Trade Commission, trade regulation rulemaking.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least 2 days in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the committee before, during, or after the meeting.

For further information concerning this committee meeting, contact Joseph B. Scott, 202-254-7020. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

OCTOBER 6, 1978.

[FR Doc. 78-28724 Filed 10-11-78; 8:45 am]

[3410-11-M]

DEPARTMENT OF AGRICULTURE

Forest Service

GOSPEL-HUMP ADVISORY COMMITTEE

Meeting

The Gospel-Hump Advisory Committee will meet at 7 p.m., November 2, 1978, in the Nezperce Forest Supervisor's Office, Grangeville, Idaho. The purpose of this meeting is to evaluate and advise on the fish and game research program and the multipurpose resource development plan for the "management areas" in the Gospel-Hump area of the Nezperce National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Ed Laven, 319 East Main, Grangeville, Idaho, telephone 208-983-1950. Written statements may be filed with the committee before or after the meeting.

Minutes of all committee meetings will be published.

DON BIDDISON,
Forest Supervisor.

OCTOBER 3, 1978.

[FR Doc. 78-28748 Filed 10-11-78; 8:45 am]

[3410-11-M]

NATIONAL FOREST MANAGEMENT ACT COMMITTEE OF SCIENTISTS

Extension of Comment Period

Proposed rules for National Forest System land and resource management planning pursuant to the National Forest Management Act of 1976 were published in the FEDERAL REGISTER on August 31, 1978. The review period was set from August 31, 1978, to October 30, 1978. Due to numerous requests, the comment period was later extended to November 29, 1978.

With this notice, the review period is now extended to November 29, 1978.

Dated: October 4, 1978.

DOUGLAS R. LEISZ,
Deputy Chief.

[FR Doc. 78-28781 Filed 10-11-78; 8:45 am]

[3410-16-M]

Soil Conservation Service

DRY CREEK WATERSHED, KANSAS

Intent To Not Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Qualities Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Dry Creek Watershed, Clay, Cloud, Republic, and Washington Counties, Kans.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the human environment. As a result of these findings, Mr. Robert K. Griffin, State conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The Dry Creek Watershed project concerns watershed protection and flood prevention. The proposed project is to be implemented under authority of the Watershed Protection and Flood Prevention Act (Pub. L. 566, 83d Cong., 68 Stat. 666) as amended. The plan includes three floodwater retard-

ing dams, an accelerated land treatment program to achieve 90 percent of the needed land treatment in the watershed, and an educational program on wildlife habitat improvement.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 760 South Broadway, Salina, Kans. 67401, 913-825-9535. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until November 13, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and flood Prevention Program—Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated: October 4, 1978.

VICTOR H. BARRY, Jr.,
Deputy Administrator for Programs, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 78-28745 Filed 10-11-78; 8:45 am]

[3410-16-M]

INDIAN CREEK-VAN BUREN WATERSHED PROJECT, IOWA AND MISSOURI

Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Indian Creek-Van Buren Watershed Project, Van Buren County, Iowa and Clark County, Mo.

The environmental assessment of this federally assisted action indicates that the project may cause significant local regional, or national impacts on the environment. As a result of these findings, Mr. William J. Brune, State conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for flood prevention, fish and wildlife development, and additional water for municipal and industrial and other agricultural use. The planned works of improvement include one multiple purpose structure for flood prevention, fish and wildlife, and additional water for municipal and industrial and other agricultural use and nine additional structures for flood prevention.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. William J. Brune, State Conservationist, Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, 515-284-4260.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public L. 83-566, 16 U.S.C. 1001-1008.)

Dated: October 4, 1978.

VICTOR H. BARRY, Jr.,
Deputy Administrator, for Programs, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 78-28746 Filed 10-11-78; 8:45 am]

[3410-16-M]

LOWER ELK RIVER WATERSHED SUPPLEMENTAL PLAN NO. 1, KANSAS

Intent To Not Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lower Elk River Watershed Supplemental Plan No. 1, Elk, Chautauqua, and Wilson Counties, Kans.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the human environment. As a result of these findings, Mr. Robert K. Griffin, State conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The supplemental project action involves adding municipal and industrial water supply to Floodwater Retarding Structure No. 21. The supplemental action will provide 170,000 gallons per day water supply for the city of Moline and a rural water district. Surface area permanently inundated by this structure will increase from 55 to 185 acres.

The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 760 South Broadway, Salina, Kans. 67401, 913-825-9535. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until November 13, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated: October 4, 1978.

VICTOR H. BARRY, Jr.,
Deputy Administrator for Programs, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 78-28747 Filed 10-11-78; 8:45 am]

[6320-01—M]

CIVIL AERONAUTICS BOARD

[Docket No. 30390; Order 78-9-136]

ALLEGHENY AIRLINES, INC., AND EASTERN AIR LINES, INC.

Order To Show Cause Regarding Route Realinement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of September 1978.

By application and petition filed October 29, 1976, conforming to the June 26, 1976 informational guidelines in order 76-7101, Eastern Air Lines has requested the Board to issue an order directing interested persons to show cause why Eastern's certificate of public convenience and necessity for route 5 should not be amended and modified to realine the existing certificates for route 5, and the domestic authority on routes 6, 10, 71 and 145, into a single linear segment and to eliminate specific operation restrictions which Eastern claims are no longer required for competitive reasons.

In support of its application and petition, Eastern alleges that the goals sought by route realinements of increased economic efficiency and improved service to the public apply to the unsubsidized trunk carriers as well as the local service carriers. Furthermore, Eastern claims its proposed realinement is consistent with our realinement guidelines established in orders 76-5-101 and 76-7-101, issued May 21, 1976 and July 26, 1976, respectively.

Answers in opposition were filed by several carriers and two civic parties. The following local service carriers objected to Eastern's proposed realinement because of their general opposition to trunkline realinements,[1] in addition to their objection to the removal of restrictions in specific markets: Allegheny Airlines, Frontier Airlines, North Central Airlines, Ozark Air Lines, Piedmont Aviation, Southern Airways, and Texas International Airlines.[2 3] Objections to specific markets in Eastern's petition were filed by the following trunk carriers: American Airlines, Braniff Airways, Continental Air Lines, Delta Air Lines, National Airlines, Trans World Airlines, United Air Lines and Western Air Lines. Finally, the State of Maryland and the cities and Chambers of Commerce of Tallahassee, Fla., and Cincinnati, Ohio, have filed objections to Eastern's proposed realinement which concern the possible increase of dormant authority at Baltimore/Washington International Airport, Tallahassee, and Cincinnati, respectively in addition to Maryland's opposition to the use of show-cause procedures rather than oral hearing for realinements generally. The Cincinnati parties otherwise favor the adoption of Eastern's proposed realinement.

Eastern filed a reply to the answers in opposition to its petition.

As we stated in Ozark, Delta, and Western route realinements,[4] it is our policy to realine the route systems of the certificated scheduled carriers to maximize the opportunities for scheduling flexibility and equipment utilization, to conform route authority to traffic flows, and to eliminate or modify certificate conditions which serve no useful purpose, impair meaningful market development, and inhibit significant improvement in the carrier's economic performance. These objectives are equally applicable to trunk and local service carriers.[5]

We tentatively conclude that Eastern's proposed realinement, as modified by this order, and in accordance with our realinement guidelines, conforms with the board's policy and objectives discussed above and that substantial service and carrier benefits will result from the realined route system. Furthermore, the proposed realinement will allow Eastern significantly to improve its operating efficiency and permit it to provide improved service to the traveling public.

No arguments have been raised by the local service carriers, the trunk carriers, or the civic parties that we have not already fully discussed in the Western, Delta, Ozark and American realinement orders. In our orders in the Western (order 76-5-101) and Delta (order 78-4-109) realinements, we have in effect addressed ourselves to the concerns of the local service carriers and the civic parties over the use of show-cause procedures and the increase in dormant authority which is likely to occur if Eastern receives improved authority in minor and monopoly markets; the contention that the doctrine of *Ashbacker Radio Corp.* v. *F.C.C.*, 326 U.S. 327 (1945) bars the Board's consideration of requests by Eastern for improved authority in specific markets; and the problem of realinement applicants receiving under the guidelines authority at satellite airports which is superior to what they could obtain at principal metropolitan airports under the same guidelines. As stated more fully in the previous realinement orders: Show-cause procedures protect the rights of all parties; *Ashbacker* is not a bar to our realinement decisions; and authority will not be granted to a realinement applicant at satellite airports which is superior to that which it could obtain under the realinement guidelines at the principal municipal airport, unless its satellite authority is already superior to its main airport authority.

Finally, Eastern has requested a waiver of the requirements of Part 312 of the Board's Procedural Regulations, which require the filing of an environmental evaluation. Eastern supports its request by stating that the realignment of its routes will enable it to operate more efficiently and produce greater opportunities for improved scheduling, flexibility and equipment use. Furthermore, Eastern states that, while it is possible some new service may be provided as a result of the realignment, in any given market it will be relatively minor and cannot be projected with any degree of specificity. We tentatively find that the action we propose here will not constitute a major Federal action significantly affecting the quality of the environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, and, under our authority in section 312.6, we waive the requirement of filing an environmental evaluation. We also tentatively find, under Part 313 of our Procedureal Regulations, that realignment of Eastern's Route 5 will probably lead to more efficient use of fuel through the greater opportunity to provide nonstop and single-plane service in place of multi-stop service and on-line connections. Therefore, our action does not constitute a major regulatory action requiring an energy statement under the Engery Policy and Conservation Act (42 U.S.C. 6201 et seq.).

The restriction removals proposed for Allegheny, American, Braniff, National, North Central, Northwest, Piedmont, Southern, Texas International, TWA and United in the accompanying orders will enable those carriers to operate more efficiently, and will not constitute either major Federal actions within the meaning of NEPA or major regulatory actions within the meaning of the energy Policy and Conservation Act.

We further tantatively find that Eastern 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 will give interested persons 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; answers will be due within 10 days thereafter. 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-examinatin 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. We will not entertain gereral, vague, or unsupported objections.

Accordingly,

1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Eastern's certificates for Routes 5, 6, 10, 71 and 145 in the manner set forth in the accompa-

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[1] Eight local service carriers, including those in this case, filed a motion requesting a stay of further procedural steps on trunkline realinement applications for purposes of receiving written and oral argument on certain legal and policy issues. This motion was denied in the Western realinement proceeding by Order 77-11-74, November 17, 1977, at 4-13. See also, Order 78-4-109, April 19, 1978, at 3 n.6, for fuller history of this motion.

[2] Piedmont, on January 10, 1977, filed an application to amend its certificate for inclusion of various markets involved here. Piedmont did not file a motion to consolidate its application, but requested contemporaneous consideration with the Eastern realinement. We will not consider Piedmont's application here. See fn. 3 below.

[3] Allegheny, on January 21, 1977, filed a motion to consolidate its own application for certificate amendment for Route 97 into the Eastern proceeding. Subsequently, American, Delta, Eastern and United filed answers in opposition to Allegheny's Motion to Consolidate. We view Allegheny's motion as repetitive of the local service carriers' motion denied in Order 77-11-74, November 17, 1977, at 4-13, and will deny it.

[4] Orders 78-6-4, 78-4-109 and 77-11-74, finalizing Order 76-5-101, respectively.

[5] See Order 78-6-4 at 2; Order 78-4-109 at 4-5.

nying proposed certificate (Appendix A[6]);

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions and certificate amendments and modifications set forth here shall, no later than November 6, 1978, file with the Board and serve upon all persons listed in Appendix I a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to suport the stated objections; answers to objections shall be filed no later than November 16, 1978;

3. If timely and properly supported objections are filed we will accord full consideration to the matters or issues raised by the objections before we take further action; [6a]

4. In the event no objections are filed to any part of this order, we will deem all further procedural steps relating to such part or parts to have been waived, and we will take final action;

5. We grant Eastern's application for a waiver of Part 312;

6. We will serve a copy of this order upon all persons listed in Appendix I; and

7. We deny Allegheny's motion to consolidate its application for certificate amendment.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-28813 Filed 10-11-78; 8:45 am]

[6320-01-M]

[Docket No. 32845]

BALTIMORE/WASHINGTON-ST. LOUIS ROUTE PROCEEDING

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 28, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served May 18, 1978, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

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

RICHARD J. MURPHY,
Administrative Law Judge.

[FR Doc. 78-28828 Filed 10-11-78; 8:45 am]

[6320-01-M]

[Docket No. 33320]

HOUSTON SERVICE INVESTIGATION

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 2, 1978, at 10 a.m. in Room 1003, Hearing Room C, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned Judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Pricing and Domestic Aviation will circulate its material on or before October 13, 1978, and the other parties on or before October 26, 1978. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Pricing and Domestic Aviation, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., October 5, 1978.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 78-28829 Filed 10-11-78; 8:45 am]

[6320-01-M]

[Docket Nos. 31496, etc.; Order 78-9-148]

PIEDMONT AVIATION, INC. AND SOUTHERN AIRWAYS, INC.

Order To Show Cause and Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of September 1978.

In the matter of application of Piedmont Aviation, Inc., for amendment of its certificate for Route 87, application of Piedmont Aviation, Inc., for an exemption under section 416(b) of the Federal Aviation Act of 1958, as amended, and application of Southern Airways, Inc., for amendment of its certificate for Route 98.

On October 7, 1977, Piedmont applied to amend its certificate of public convenience and necessity for Route 87 to add a new segment between the terminal point Charleston, S.C., and the terminal point Miami-Fort Lauderdale. On December 16, 1977, it filed an amended application to authorize air transportation over a new segment between the terminal points of Charleston and Columbia, S.C., on the one hand, and the hyphenated terminal point Miami-Fort Lauderdale, on the other. It simultaneously moved for a hearing.[1] On August 4, 1978, it applied for an exemption from section 401 of the act to permit it to operate one daily nonstop round trip between Columbia and Miami. It requested this authority for 2 years, or until 60 days after final Board decision on its application in Docket 31496.[2]

Southern, on August 23, 1978, applied to amend its certificate for Route 98, to add a new segment between the coterminal points Charleston and Columbia, and the terminal point Miami-Fort Lauderdale, and it simultaneously moved to consolidate with Piedmont's applications and motion for hearing in Dockets 31496 and 33150.[3]

Piedmont supports its request to extend its system to Miami/Fort Lauderdale by arguing that, if it receives this authority, nearly 290,000 passengers will be benefited in the first year of its operations; that it will make $14.1 million in passenger revenues (amounting to 10 percent of its total 1976 transport revenues); and that it will be able to operate the Columbia-Charleston-Miami route at lower than its average systemwide costs, because the length of hop will be twice that of its current system and its passenger haul 1.75 times. Finally, it states that the new route will strengthen its system and contribute to the efficiency of the air transportation industry, without significantly harming other carriers. It suggests the use of a show-cause order.

The Greensboro-High Point Airport Authority, the State of Maryland, Dade County, Fla., the Miami Traffic Association, the Metropolitan Richmond Chamber of Commerce, the Charleston County Aviation Authori-

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[6] Appendices A through I filed as part of the orginal document.

[6a] 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.

[7] All Members Concurred.

[1] Docket 31496.

[2] Docket 33150. On August 19, 1978, by means of Order 78-4-129, we granted Piedmont an exemption to permit it to operate one daily round trip flight between Charleston and Miami. We took this action in response to an October 4, 1977, exemption request by it, the Charleston County Authority, County of Charleston, city of North Charleston, and all other related aviation interests, and the State of Maryland.

[3] Docket 33280. Southern currently holds authority at all three points, but its route structure prohibits it from operating nonstop frequencies between Columbia or Charleston and Miami.

ty, the Commonwealth of Virginia, and the Richland-Lexington Airport Commission answered in support of Piedmont's proposal. The North Carolina Department of Transportation moved for leave to file an untimely answer in support. We will grant its motion.

Delta, National, and Eastern oppose and question Piedmont's exhibits. They claim that its projected stimulation and participation factors are overstated and that it did not adequately account for the services currently available in the Miami-Charleston/Columbia/Greensboro/Raleigh/Richmond markets.[4] Eastern argues that, once these factors are considered, Piedmont's proposed services would produce an operating profit of only $88,000 (as opposed to Piedmont's forecast of $2.64 million)[5] and would divert $3.304 million of Eastern's revenues.[6]

The opposing carriers also argue that additional service is not warranted by the size of these markets and the service currently offered in them. Indeed, Delta and Eastern contend that Piedmont does not need Miami authority to operate some of the flights it proposes (i.e., between Charleston and Columbia, on the one hand, and Baltimore, Richmond, and Raleigh, on the other). They calculate that it can make a profit on these flights independently of Miami traffic, and conclude that it should concentrate on those markets.

The carriers also make the procedural arguments that we should not give Piedmont priority hearing treatment, in view of allegedly more important and urgent matters on our docket, and that show-cause procedures should not be used because material facts are in dispute.

Piedmont filed a consolidated reply.[7] In support of its request for exemption authority, Piedmont states that it is concerned that we may not be able to take final action on its Miami entry application in time for it to prepare its schedule changes for the Miami peak season, which begins on December 15;[8] that the public interest requires the grant of the exemption because its service will remedy existing service deficiencies in the market and produce significant low fare benefits; that the grant of the exemption will produce an operating profit of $955,000 and will result in minimal diversion from other carriers; and that its proposal meets the statutory prerequisites of section 416(b) of the act.

Dade County, Fla., the Greater Miami Traffic Association, the Metropolitan Richmond Chamber of Commerce, and the Richland-Lexington Airport Commission support the exemption application.

Eastern opposes the exemption request, contending that there is no "imminent crisis or critical shortage of service" in the Columbia-Miami market that would justify a statutory finding of unusual circumstances; it and Delta are providing adequate service in the market; and the market is not subject to significant seasonal variations.

Piedmont replied to Eastern's answer.

Southern moved for leave to file an untimely answer opposing Piedmont's exemption application.[9] It objects to any award of Columbia-Miami authority to Piedmont unless and until the Board considers its own application for authority in the Charleston/Columbia-Miami market. It did not file for an exemption to operate in the Columbia-Miami market.

Piedmont replied to Southern's answer and in opposition to its motion to consolidate.

On the basis of the tentative findings below, we tentatively conclude that the public convenience and necessity require the addition of new segments to Piedmont's certificate for Route 87 and to Southern's certificate for Route 98,[10] between the coterminal points [11] Charleston and Columbia, on the one hand, and the coterminals Miami and Fort Lauderdale, on the other.[12] We will also grant Piedmont's exemption request for a period of 2 years or until 60 days after final decision in Docket 31496, whichever occurs first.[13][14] The grant of the certificate requests by an order to show cause is warranted because there are no issues involving material, determinative facts requiring resolution in an oral evidentiary hearing. The requests clearly fall within the class of applications we have considered by show-cause procedures.[15]

Implementation of the proposal will produce significant improvements in single plane and competitive service in many markets, as shown in the appendix.[15a] The contention that Piedmont can operate some of its proposed routes without the Miami extension does not dissuade us from our tentative conclusion that the public will be benefited from the grant of its application.

As to Eastern's downward revisions of Piedmont's profit forecast,[16] we

[4] In September 1977, National discontinued its Charleston-Miami single-plane service and reinstated a two-stop north-bound flight in the peak winter season. Delta and National argue that Piedmont should have considered National's service in its analysis of its projected market share.

[5] PI-401.

[6] Eastern's answer, at 11.

[7] The reply was accompanied by a motion to file an unauthorized document. We will grant this motion.

[8] Piedmont requests that we act on its exemption application by October 15, so that it can make the necessary schedule changes in time for the start of the winter season.

[9] We will grant its motion.

[10] We have tentatively decided to amend Southern's certificate because this amendment is in the nature of a restriction removal, and it is our policy to remove restrictions in the absence of affirmative reasons for their retention. The amendment of its certificate will make possible improvement in its scheduling flexibility, equipment utilization, and operating efficiency. We have not received any objections to its application. Further, we believe that the award of authority to both carriers is in the public interest because, even if one carrier does not use its authority, its presence on the edge of the market will influence the incumbents to offer the price/service options desired by the traveling public. (See also Piedmont's Dallas/Fort Worth Entry Application, Order 78-9-60, September 13, 1978, at 3).

[11] By our designation of certain city-pairs as coterminals, we intend to permit the carriage of local traffic between them. See Order 78-3-45, March 9, 1978, fn. 1, indicating that the terminology, "coterminal points" signifies the authority to carry local traffic between them.

[12] We have decided to add Miami and Fort Lauderdale as separate points, even though Piedmont and Southern requested their hyphenation. Our decision is based on the fact that, by virtue of Order 78-8-192, we proposed to grant Braniff, Continental, National, Delta, Northwest, United, Eastern, and TWA operating authority between Miami and Fort Lauderdale, in the interests of affording them servicing and operating flexibility. It is only fair to give Piedmont and Southern the same flexibility. Charleston and Columbia will also be separately added in recognition of the carriers' current authority to carry local traffic between them.

[13] This authority also will be subsidy-ineligible under Category II.

[14] We tentatively find that Piedmont and Southern are citizens of the United States and are fit, willing, and able properly to perform the proposed air transportation and to conform to the provisions of the Act and the Board's rules.

On the basis of Piedmont's environmental evaluation, we tentatively conclude that our proposed action will not be a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, or a major regulatory action under the Energy Policy and Conservation Act of 1975 (EPCA), as defined in § 313.9(2)(1) of the Board's Procedural Regulations. Southern did not file an environmental evaluation or request a waiver under Part 312 of the Board's Procedural Regulations. We tentatively find, however, that this certificate amendment is not likely to be a major Federal action with a significant effect on the quality of the human environment or a major regulatory action under EPCA. It will make possible improved scheduling flexibility, equipment utilization, and operating efficiency, and produce greater opportunities for reduction in fuel consumption, air pollution, and ambient noise levels. We will waive the filing of an environment evaluation.

[15] E.g., Piedmont Boston Entry, Order 78-8-97, August 17, 1978; Eastern Albany Entry, Order 78-7-168, July 31, 1978, and Air New England Hartford/Springfield Entry, Order 78-8-129, August 23, 1978.

[15a] Appendix filed as part of the original document.

[16] EA-1. We note, however, that even under Eastern's forecast Piedmont would make a profit.

find that there is sufficient traffic in the markets for which it would receive authority to sustain profitable operations, if not under its proposal, then under a plausible variation.[17] We need not find that Piedmont's precise proposal here, or any other specific service pattern, can in fact be profitably operated.[18] If Piedmont's proposal or a variation can be operated on a profitable basis, service is likely to be provided, and we are persuaded that this has been plausibly shown here.[19] However, even if the service is or becomes unprofitable the carrier is free, under permissive authority, to cease serving the markets. We are satisfied that nothing developed in an oral evidentiary hearing would reverse this conclusion.[20] Further, since we propose to make these operations permissive and Category II subsidy-ineligible, Piedmont can reduce them or leave the market if its predictions prove overly optimistic and its service unprofitable.

Eastern is the only carrier that complained of diversion. Piedmont's exhibits calculate diversion from the incumbents, using both the projected participation and growth offset methods. Under the projected participation method, Piedmont forecasts diversion of $4.276 million from Eastern,[21] and, under the growth offset method, $1.451 million.[22] Eastern made no attempt to show that either figure is incorrect or that diversion will threaten its ability to perform its certificate obligations or necessarily will result in their termination of essential services that could not be replaced by other carriers. Either amount is substantially less than 1 percent of Eastern's commercial revenues.[23]

The public interest warrants grant of Piedmont's exemption request since the Columbia-Miami market currently lacks nonstop service and Piedmont's proposal will fill that gap in time for the peak winter season. It also will offer improved service in four beyond markets, as a result of its New York/Newark-Richmond-Columbia-Miami flight routing.[24] In view of the circumstances, and given the time required for a certification proceeding, enforcement of section 401 would deprive the public of required service.

We find that enforcement of the act and the terms, conditions, and limitations of the carrier's certificate would be an undue burden by reason of the limited extent of, and unusual circumstances affecting, its operations. Clearly the expense of a certification proceeding would be prohibitive in view of the limited and temporary operation to be authorized and would be totally out of proportion of the benefits to be derived by the carrier.[25]

We will not take Piedmont's Columbia-Miami operations into account in making our final detemination in this proceeding. As the carrier is aware, commencing service under exemption authority before the outcome of a certificate application is inherently risky. In this case, we do not believe the risk is economically unjustifiable. Since exemption authority is permissive, Piedmont will be able to reduce or eliminate its services without prior Board approval if they prove uneconomic; and since Piedmont already has stations at both Columbia and Miami, the operation will not require a great commitment of resources.

Accordingly, we find that enforcement of section 401 of the act, and the terms, conditions, and limitations of Piedmont's certificate for Route 87, to the extent they would otherwise prevent Piedmont from providing one daily round trip Columbia-Miami flight, would be an undue burden on it by reason of the unusual circumstances affecting its operations and would not be in the public interest.[26]

We will give interested persons 30 days following the date of service of this order to show cause why these tentative findings and conclusions should not be made final. We expect their objections to be supported by detailed economic or legal arguments. If an oral evidentiary hearing 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. We will not entertain general, vague or unsupported objections. Answers shall be filed within 10 days after the date for filing objections.

Accordingly, 1. We direct all interested persons to show cause why we should not issue an order making final the tentative findings and conclusions stated here and amending Piedmont's certificate for Route 87 and Southern's certrificate for Route 98 so as to add a new segment, which is permissive and Category II subsidy ineligible, to each of the respective routes, between the coterminal points Charleston and Columbia, S.C., on the one hand, and the coterminal points Miami and Fort Lauderdale, on the other;

2. We order any interested person objecting to the issuance of an order making final the proposed findings, conclusions and certificate amendments set forth here to, no later than November 2, 1978, file with us and serve upon all persons listed in paragraph 9 a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support its objections; answers to objections shall be filled no later than November 13, 1978;

3. If timely and properly supported objections are filed, we will fully consider the issues raised before we take further action; [27]

4. In the event no objections are filed, we will deem all further procedural steps to have been waived and we may proceed to enter an order in accordance with the tentative findings and conclusions we have set forth here;

5. We exempt Piedmont Aviation from the provisions of section 401 of the act and the terms, conditions, and limitations of its certificate of public convenience and necessity for Route 87 to the extent necessary to permit it to provide one daily round trip flight between Columbia, S.C. and Miami, Fla.;

6. The authority granted in paragraph 5 shall be on a Category II subsidy-ineligible basis, shall be effective on the date of this order, shall terminate after 2 years or 60 days after final decision in Docket 31496, whichever occurs first, and may be amended or revoked at any time in our discretion without a hering;

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[17] Order 78-4-69. For the calendar year 1977, the O. & D. plus connecting traffic in the Miami-Charleston market was 17,990, and 17,850 in the Miami-Columbia market. Source: CAB O. & D. Survey Tables 8 and 10.

[18] See Piedmont Boston Entry Application Order 78-4-69 (order to show cause), at pp. 6-7, Order 78-8-97 (final order).

[19] As noted in Order 78-4-69, our conclusion that Piedmont has made a plausible showing that service can be profitably provided is not an element of our tentative findings of public convenience and necessity but rather of our determination to give this application priority of processing.

[20] National and Delta claim that Piedmont's base year statistics are too high and its estimated growth rate excessive. The objecting carriers also argue that Pidemont's true O. & D. plus on-line connecting stimulation factors are excessive. Even if all of these criticisms are well taken, our conclusion that Piedmont's proposal, or some plausible variation, can be operated on an economic basis, is not undermined.

[21] PI-502.

[22] PI-504.

[23] PI-502, 504.

[24] It will offer the only Newark-Columbia service, both northbound and southbound and provide the only morning service from New York to Columbia. In the New York/Newark-Richmond market, it will offer the first morning departure at 8:15. It will supplement the existing one-stop round trip service offered in the Richmond-Miami market, and will offer the first single-plane service between Richmond and Columbia.

[25] We have granted exemption applications under similar circumstances. *See, e.g.,* Order 78-4-129, April 19, 1978.

[26] As only one daily round trip is involved, we find that this decision does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[27] Since we have provided for the filing of objections, we will not entertain petitions for reconsideration of the show cause order.

7. We consolidate into Docket 31496 Southern's application, filed in Docket 33280;

8. We grant Piedmont's motion for leave to file an unauthorized document and those of the North Carolina Department of Transportation and Southern Airways to file late;

9. We waive Southern's requirement to file an environmental evaluation under Part 312 of the Board's Procedural Regulations; and

10. We will serve this order on Piedmont Aviation, Allegheny Airlines, Ameican Airlines, Braniff International, Continental Air Lines, Delta Air Lines, Eastern Air Lines, National Airlines, Northwest Airlines, Ozark Air Lines, Southern Airways, Trans World Airlines, The Maryland Department of Transportation, United Air Lines, the North Carolina Department of Transportation, the South Carolina Aeronautics Commission, the Greensboro/High Point Airport Authority, the Charleston County Aviation Authority, New Jersey Department of Transportation, the Newark Airport Authority, the Columbia Airport Authority, the Virginia Division of Aeronautics, the Charleston International Airport, The Richmond Airport Authority, the Airport Director Raleigh/Durham Airport Authority, the Airport Managers, Byrd International Airport and Roanoke Municipal Airport, the Greater Miami Traffic Association, the Richmond-Metropolitan Chamber of Commerce, the Mayors of West Columbia, Charleston, Columbia, Raleigh, Durham, Greensboro, Miami, Richmond, Fort Worth, and the Governors of the States of North Carolina, Virginia, Florida, and South Carolina.

We will publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[28]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-28823 Filed 10-11-78; 8:45 am]

[6320-01-M]

[Docket No. 33575; Order 78-9-144]

SOUTHERN AIRWAYS, INC.

Order To Show Cause Regarding Amendment of Certificate of Public Convenience and Necessity for Route 98

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of September 1978.

By Order 78-9-136, issued concurrently with this Order, the Board has proposed to realine the domestic route system of Eastern Air Lines in a manner which would, among other things, give Eastern unrestricted authority in 14 minor markets [1] where Southern holds restricted authority.[2] As discussed in Orders 78-4-109, 77-11-74 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 Southern as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, 77-11-74, and 76-5-101, we tentatively conclude that the elimination of restrictions on Southern's operations in the 14 markets listed in Appendix A is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

We will give interested persons 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth 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 a full-blown 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 he would expect to establish through such a hearing that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections.[3]

Accordingly,

1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Southern's certificate for Route 98 to remove operating restrictions in the markets listed in Appendix A;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, no later than November 6, 1978, file with the Board and serve upon all persons listed in Appendix I of Order 78-9-136, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed no later than November 16, 1978;

3. If timely and properly supported objections are filed, we will accord full consideration to the markets or issues raised by the objections before we take further action; [4]

4. In the event no objections are filed to any part of this order, we will deem all further procedural steps relating to such part or parts to have been waived, and we will take final action; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-9-136.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-28824 Filed 10-11-78; 8:45 am]

[6320-01-M]

[Docket No. 33577; Order 78-9-146]

TRANS WORLD AIRLINES, INC.

Order To Show Cause Regarding 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 29th day of September 1978.

By order 78-9-136, issued concurrently with this order, the Board has proposed to realign the domestic route system of Eastern Air Lines in a manner which would, among other things, give Eastern unrestricted authority in the Columbus-Nashville minor market [1] where TWA holds restricted authority.[2] As discussed in orders 78-4-109, 77-11-74, and 76-5-

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[28] All Members concurred.

[1] A minor market is one with fewer than 20 true O. & D. plus interline connecting passengers a day or 7,300 per year.

[2] The minor markets where both Southern and Eastern currently hold restricted authority are set forth in Appendix A to this order. (Appendix A filed as a part of the original document.)

[3] We further conclude that Southern 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 conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[4] 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.

[5] All members concurred.

[1] A minor market is one with fewer than 20 true O. & D. plus interline connecting passengers a day or 7,300 per year.

[2] For the year ending Sept. 30, 1975, there were 6,280 true O. & D. plus interline connecting passengers in this market, where TWA currently has one-stop via St. Louis authority.

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 the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in order 78-4-109, 77-11-74, and 76-5-101, we tentatively conclude that the elimination of restrictions on TWA's operations in the Columbus-Nashville market is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

We will give interested persons 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth should not be made final. We expect such persons to direct their objections, if any, to the specific market, and to support such objections with detailed economic analysis. If a full-blown 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 he would expect to establish through such a hearing that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections.[3]

Accordingly, 1. We direct all interested persons 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 to remove operating restrictions in the Columbus-Nashville market;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments the modifications set forth here shall, no later than November 6, 1978, file with the Board and serve upon all persons listed in appendix I of order 78-9-136, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed no later than November 16, 1978;

3. If timely and properly supported objections are filed, we will accord full consideration to the markets or issues raised by the objections before we take further action; [4]

4. In the event no objections are filed to any part of this order, we will deem all further procedural steps relating to such part or parts to have been waived, and we will take final action; and

5. We shall serve a copy of this order upon all persons listed in appendix I of order 78-9-136.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-28825 Filed 10-11-78; 8:45 am]

[3] We further 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 conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[4] 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.

[5] All members concurred.

[6320-01-M]

[Docket No. 33576; Order 78-9-145]

TEXAS INTERNATIONAL AIRLINES, INC.

Order to Show Cause Regarding 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 29th day of September 1978.

By Order 78-9-136, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Eastern Air Lines in a manner which would, among other things, give Eastern unrestricted authority in the Corpus Christi-Memphis minor market [1] where TXI holds unrestricted authority.[2] As discussed in Orders 78-4-109, 77-11-74 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 TXI as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, 77-11-74, and 76-5-101, we tentatively conclude that the elimination of restrictions on TXI's operations in the Corpus Christi-Memphis market is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

We will give interested persons 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth should not be made final. We expect such persons to direct their objections, if any, to the specific market, and to support such objections with detailed economic analysis. If a full-blown 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 he would expect to establish through such a hearing that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections.[3]

Accordingly,

1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending TXI's certificate for Route 82 to remove operating restrictions in the Corpus Christi-Memphis market;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, no later than November 6, 1978, file with the Board and serve upon all persons listed in Appendix I of Order 78-9-136, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed no later than November 16, 1978;

3. If timely and properly supported objections are filed, we will accord full consideration to the markets or issues

[1] A minor market is one with fewer than 20 true O&D plus interline connecting passengers a day or 7,300 per year.

[2] For the year ending September 30, 1975, there were 2,850 true O&D plus interline connecting passengers in this market, where TXI currently has one-stop authority.

[3] We further conclude that TXI 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 conform to the provisions of the Act and the Board's rules, regulations, and requirements.

raised by the objections before we take further action; [4]

4. In the event no objections are filed to any part of this order, we will deem all further procedural steps relating to such part or parts to have been waived, and we will take final action; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-9-136.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,[5]
Secretary.

[FR Doc. 78-28826 Filed 10-11-78; 8:45 am]

[6320-01—M]

[Docket No. 33578; Order 78-9-147]

UNITED AIR LINES, INC.

Order To Show Cause Regarding Amendment of Certificate of Public Convenience and Necessity for Route 1

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of September 1978.

By Order 78-9-136, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Eastern Air Lines in a manner which would, among other things, give Eastern unrestricted authority in 92 minor markets[1] where United holds restricted authority.[2] As discussed in Orders 78-4-109, 77-11-74 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 United as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, 77-11-74, and 76-5-101, we tentatively conclude that the elimination of restrictions on United's operations in the 92 markets listed in Appendix A is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

We will give interested persons 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth 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 a full-blown 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 he would expect to establish through such a hearing that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections.[3]

Accordingly,

1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending United's certificate for Route 1 to remove operating restrictions in the markets listed in Appendix A;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, no later than November 6, 1978, file with the Board and serve upon all persons listed in Appendix I of Order 78-9-136, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed no later than November 16, 1978;

3. If timely and properly supported objections are filed, we will accord full consideration to the markets or issues raised by the objections before we take further action;[4]

4. In the event no objections are filed to any part of this order, we will deem all further procedural steps relating to such part or parts to have been waived, and we will take final action; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-9-136.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-28827 Filed 10-11-78; 8:45 am]

[6320-01-M]

[Docket 33568; Order 78-9-137]

ALLEGHENY AIRLINES, INC.

Amendment of Certificate of Public Convenience and Necessity for Route 97; Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of September 1978.

By Order 78-9-136, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Eastern Air Lines in a manner which would, among other things, give Eastern unrestricted authority in 28 minor markets [1] where Allegheny holds restricted authority.[2] As discussed in Orders 78-4-109, 77-11-74 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 Allegheny as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, 77-11-74, and 76-5-101, we tentatively conclude that the elimination of restrictions on Allegheny's operations in the 28 markets listed in appendix A is required

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[4] 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.

[5] All members concurred.

[1] A minor market is one with fewer than 20 true O&D plus interline connecting passengers a day or 7,300 per year.

[2] The minor markets where both United and Eastern currently hold restricted authority are set forth in Appendix A to this order. (Appendix A filed as part of the original document.)

[3] We further conclude that United 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 conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[4] 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.

[5] All members concurred.

[1] A minor market is one with fewer than 20 true O&D plus interline connecting passengers a day or 7,300 per year.

[2] The minor markets where both Allegheny and Eastern currently hold restricted authority are set forth in Appendix A to this order. (Appendix A filed as part of original document.)

by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

We will give interested persons 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth 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 a full-blown 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 he would expect to establish through such a hearing that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections.[3]

Accordingly,

1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Allegheny's certificate for Route 97 to remove restrictions in the markets listed in appendix A;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, no later than November 6, 1978, file with the Board and serve upon all persons listed in Appendix I of Order 78-9-136, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed no later than November 16, 1978;

3. If timely and properly supported objections are filed, we will accord full consideration to the markets or issues raised by the objections before we take further action; [4]

4. In the event no objections are filed to any part of this order, we will deem all further procedural steps relating to such part or parts to have been waived, and we will take final action; and

5. We shall serve a copy of this order upon all persons listed in appendix I of Order 78-9-136.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-28814 Filed 10-11-78; 8:45 am]

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[3] We further conclude that Allegheny 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 conform to the provisions of the act and the Board's rules, regulations, and requirements.

[4] 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.

[5] All Members concurred.

[6320-01-M]

[Docket 33569; Order 78-9-138]

AMERICAN AIRLINES, INC.

Amendment of Certificate of Public Convenience and Necessity for Route 4; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of September, 1978.

By Order 78-9-136, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Eastern Air Lines in a manner which would, among other things, given Eastern unrestricted authority in three minor markets[1] where American holds restricted authority.[2] As discussed in Orders 78-4-109, 77-11-74 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 American as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, 77-11-74, and 76-5-101, we tentatively conclude that the elimination of restrictions on American's operations in the three markets listed in Appendix A is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

We will give interested persons 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth 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 a full-blown 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 he would expect to establish through such a hearing that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections.[3]

Accordingly,

1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings, and conclusions stated here and amending American's certificate for Route 4 to remove operating restrictions in the markets listed in appendix A;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, no later than November 6, 1978, file with the Board and serve upon all persons listed in appendix I of Order 78-9-136, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed no later than November 16, 1978;

3. If timely and properly supported objections are filed, we will accord full consideration to the markets or issues raised by the objections before we take furtyher action;[4]

4. In the event no objections are filed to any part of this order, we will deem all further procedural steps relating to such part or parts to have been waived, and we will take final action; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-9-136.

We shall publish this order in the FEDERAL REGISTER.

By Civil Aeronautics Board.[5]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 28815 Filed 10-11-78; 8:45 am]

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[1] A minor market is one with fewer than 20 ture O&D plus interline connecting passengers a day or 7,300 per year.

[2] The minor markets where both American and Eastern currently hold restricted authority are set forth ion appendix A to this order. (Appendix A filed as part of the original document.)

[3] We further conclude that American 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 conform to the provisions of the act and the Board's rules, regulations, and requirements.

[4] 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.

[5] All members concurred.

[6320-01-M]

[Docket 33570; Order 78-9-139]

BRANIFF AIRWAYS, INC.

Amendment of Certificate of Public Convenience and Necessity for Route 9; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of September 1978.

By Order 78-9-136, issued concurrently with this order, the Board has proposed to realine the domestic route system of Eastern Air Lines in a manner which would, among other things, give Eastern unrestricted authority in 14 minor markets[1] where Braniff holds restricted authority.[2] As discussed in Orders 78-4-109, 77-11-74 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 Braniff as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, 77-11-74, and 76-5-101, we tentatively conclude that the elimination of restrictions on Braniff's operations in the 14 markets listed in Appendix A is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

We will give interested persons 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth 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 a full-blown 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 he would expect to establish through such a hearing that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections.[3]

Accordingly, 1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Braniff's certificate for Route 9 to remove operating restrictions in the markets listed in Appendix A;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, no later than November 6, 1978, file with the Board and serve upon all persons listed in Appendix I of Order 78-9-136, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed no later than November 16, 1978;

3. If timely and properly supported objections are filed, we will accord full consideration to the markets or issues raised by the objections before we take further action;[4]

4. In the event no objections are filed to any part of this order, we will deem all further procedural steps relating to such part or parts to have been waived, and we will take final action; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-9-136.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-28816 Filed 10-11-78; 8:45 am]

[1] A minor market is one with fewer than 20 true O&D plus interline connecting passengers a day or 7,300 per year.

[2] The minor markets where both Braniff and Eastern currently hold restricted authority are set forth in Appendix A to this order. (Appendix A filed as part of the original document.)

[3] We further conclude that Braniff 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 conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[4] 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.

[5] All Members concurred.

[6320-01-M]

[Docket No. 33571; Order 78-9-140]

NATIONAL AIRLINES, INC.

Amendment of Certificate of Public Convenience and Necessity for Route 31; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of September 1978.

By Order 78-9-136, issued concurrently with this Order, the Board has proposed to realine the domestic route system of Eastern Air Lines in a manner which would, among other things, give Eastern unrestricted authority in 27 minor markets[1] where National holds restricted authority.[2] As discussed in Orders 78-4-109, 77-11-74, 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 the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, 77-11-74, and 76-5-101, we tentatively conclude that the elimination of restrictions on National's operations in the 27 markets listed in Appendix A is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

We will give interested persons 30 days following the date of service of this Order to show cause why the tentative findings and conclusions set forth 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 a full-blown 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 he would expect to establish through such a hearing that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections[3]

[1] A minor market is one with fewer than 20 true O. & D. plus interline connecting passengers a day or 7,300 per year.

[2] The minor markets where both National and Eastern currently hold restricted authority are set forth in Appendix A to this order. (Appendix A filed as part of the original document.)

[3] We further 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 transporta-

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Accordingly, 1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending National's certificate for Route 31 to remove operating restrictions in the markets listed in Appendix A;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, no later than November 6, 1978, file with the Board and serve upon all persons listed in Appendix I of Order 78-9-136, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed no later than November 16, 1978;

3. If timely and properly supported objections are filed, we will accord full consideration to the markets or issues raised by the objections before we take further action; [4]

4. In the event no objections are filed to any part of this order, we will deem all further procedural steps relating to such part or parts to have been waived, and we will take final action; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-9-136.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-28817 Filed 10-11-78; 8:45 am]

[6320-01-M]

[Docket 33573; Order 78-9-142]

NORTH CENTRAL AIRLINES, INC.

Amendment of Certificate of Public Convenience and Necessity for Route 86; Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of September, 1978.

By Order 78-9-136, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Eastern Air Lines in a manner which would, among other things, give Eastern unrestricted authority in the Columbus-Omaha minor market [1] where North Central holds restricted authority.[2] As discussed in Orders 78-4-109, 77-11-74 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 the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, 77-11-74, and 76-5-101, we tentatively conclude that the elimination of restrictions on North Central's operations in the Columbus-Omaha market is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

We will give interested persons 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth should not be made final. We expect such persons to direct their objections, if any, to the specific market and to support such objections with detailed economic analysis. If a full-blown 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 he would expect to establish through such a hearing that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections.[3]

Accordingly, 1. We direct all interested persons 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 certification for Route 86 to remove operating restrictions in the Columbus-Omaha market;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, no later than November 6, 1978, file with the Board and serve upon all persons listed in Appendix I of Order 78-9-136, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed no later than November 16, 1978;

3. If timely and properly supported objections are filed, we will accord full consideration to the markets or issues raised by the objections before we take further action; [4]

4. In the event no objections are filed to any part of this order, we will deem all further procedural steps relating to such part or parts to have been waived, and we will take final action; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-9-136.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-28818 Filed 10-11-78; 8:45 am]

[6320-01-M]

[Docket 33572; Order 78-9-141]

NORTHWEST AIRLINES, INC.

Amendment of Certificate of Public Convenience and Necessity for Route 3; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of September 1978.

By Order 78-9-136, issued concurrently with this Order, the Board has proposed to realign the domestic route system of Eastern Air Lines in a manner which would, among other things, give Eastern unrestricted authority in the Portland-Tampa minor market [1] where Northwest holds restricted authority.[2] As discussed in

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tion proposed here and conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[4] 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.

[5] All members concurred.

[1] A minor market is one with fewer than 20 true O&D plus interline connecting passengers a day, or 7,300 per year.

[2] For the year ending September 30, 1975, there were 4,960 true O&D plus interline connecting passengers in this market where North Central currently has two-stop authority.

[3] We further 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 conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[4] 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.

[5] All Members concurred.

[1] A minor market is one with fewer than 20 true O. & D. plus interline connecting passengers a day or 7,300 per year.

[2] For the year ending September 30, 1975, there were 5,360 true O. & D. plus interline connecting passengers in this market, where

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Orders 78-4-109, 77-11-74, 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 Northwest as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, 77-11-74, and 76-5-101, we tentatively conclude that the elimination of restrictions on Northwest's operations in the Portland-Tampa market is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesireable.

We will give interested persons 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth should not be made final. We expect such persons to direct their objections, if any, to the specific market, and to support such objections with detailed economic analysis. If a full-blown 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 he would expect to establish through such a hearing that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections.[3]

Accordingly:

1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Northwest's certificate for Route 3 to remove operating restrictions in the Portland-Tampa market;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, no later than November 6, 1978, file with the Board and serve upon all persons listed in Appendix I of Order 78-9-136, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed no later than November 16, 1978;

3. If timely and properly supported objections are filed, we will accord full consideration to the markets or issues raised by the objections before we take further action;[4]

4. In the event no objections are filed to any part of this order, we will deem all further procedural steps relating to such part or parts to have been waived, and we will take final action; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-9-136.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

PHYLLIS T. KAYLOR,
Secretary.

[RF Doc. 78-28819 Filed 10-11-78; 8:45 am]

[6320-01-M]

[Docket Nos. 31897 and 32821; Order 78-10-4]

PAN AMERICAN WORLD AIRWAYS, INC., AND TRANS WORLD AIRWAYS, INC.

Order Extending Authorizations

Issued under delegated authority, October 3, 1978.

In the matter of application of Pan American World Airways, Inc. for further extension of authority to discuss the feasibility of a joint computerized reservations system for use in Germany and application of Trans World Airlines, Inc. for an extension of authority to discuss the feasibility of a joint computerized reservations system for use in Ireland.

By Order 78-1-70, January 17, 1978, the Board approved the petition by Pan American World Airways, Inc. (Pan American) for authorization to discuss with various other parties, including U.S. certificated and foreign air carriers, the feasibility of a joint computerized reservations system for use within the Federal Republic of Germany. The Board, by Order 78-2-75, February 14, 1978, extended the duration of that discussion authority to July 31, 1978. By Order 78-6-53, June 7, 1978, the Board approved the petition of Trans World Airlines, Inc. (TWA) for authority to discuss the implementation of a similar system within the Republic of Ireland. The order specified that TWA's authorization would expire after June 22, 1978.

Pan American, in Docket 31897, and TWA, in Docket 32821, now request that the Board extend their respective discussion authorizations for an additional six-month period.

Pan American states that the carrier participants in the earlier discussions continue to be interested in exploring the feasibility, cost, and pricing of the system proposed for Germany. Similarly, TWA states that various carriers present at its discussions demonstrated sufficient interest in a joint computerized reservations system to warrant formation of an airline committee to discuss further the pricing and development of a multi-access system for Ireland.[1] Both carriers submit that these systems could provide important public benefits through increased convenience for the traveling public public as well as through time and cost savings for the industry. In doing so they refer to the Board's discussion of these benefits in earlier orders.[2]

TWA filed an answer in support of Pan American's request. No answers in opposition to either petition have been received.

We conclude that the requests for extension of the discussion authorizations are reasonable and may result in a more definitive and useful period of research than might otherwise be possible. As the applicants submit, the Board previously has established that discussions of this type clearly could secure important public benefits. Therefore, we will waive the requirement that the applicants justify their requests in accordance with Order 78-7-110, July 21, 1978,[3] and will approve the requests. However, as we noted in approving the original discussion authority requests, we are concerned that all interested parties, not merely air carriers, are able to participate in the discussions and to have their comments considered by the air carrier participants. Therefore, we will attach conditions to our approval of these extensions.

Under authority delegated by the Board in its orders granting the origi-

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Northwest currently has one-stop via Chicago authority.

[3] We further conclude that Northwest 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 conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[4] 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.

[5] All Members concurred.

[1] TWA indicates that carrier participation in this working group initially will consist of Air Canada, British Airways, British Calendonian Airways Limited, Scandinavian Airlines System, and TWA, with the participation of all carriers having a sales interest in Ireland being solicited.

[2] The carriers cite the Board's approval of Pan American's earlier discussions in Germany and our approval in Orders 76-3-36, March 5, 1976, and 76-8-156, August 31, 1976, regarding the development of a multi-access computerized reservations system for use in the United States.

[3] In that order, we declared our intention to require that all future requests for discussion authority be fully justified under our Local Cartage standard as enunciated in the *Capacity Reduction Agreements Case*, Order 75-7-98, July 21, 1975, in order to show clearly and convincingly that the discussion authority is required by a serious transportation need or is necessary to secure other important public benefits.

nal discussion authorizations in Dockets 32821 and 31897, we will extend the duration of the respective authorizations for six (6) months from the date of service of this order, subject to conditions.

Accordingly,

1. We approve the petition of Trans World Airlines, Inc. for extension of its discussion authorization in Docket 32821, subject to the conditions set forth in subparagraphs 2(a) through 2(f) below;

2. We approve the petition of Pan American World Airways, Inc. for extension of its discussion authorization in docket 31897, subject to the following conditions:

(a) All U.S. certificated air carriers and foreign air carriers serving the country covered by the authorization, all interested travel agents and/or their trade associations, all interested government agencies, and all other interested persons shall be given an opportunity to be present at, to observe or participate in all discussions held pursuant to this order;

(b) Any notices agenda, or rules for the presentation of interested persons' views during the discussions shall be sent to all participants, the Board's Docket Section, and all persons who so request. The rules shall provide for the consideration of interested persons' views before the start of, or during, the discussions, and then after an oral presentation by the air carrier participants;

(c) Complete and detailed minutes of these discussions shall be maintained by the participants, including a summary of each item discussed and the opinions expressed on each point. These minutes shall be filed with the Board's Section, and sent to all other persons who so request,[4] within 5 business days after the date of the discussions;

(d) Any agreement or agreements reached as a result of the discussions shall be filed with the Board, pursuant to the requirements of section 412(a) of the Act (49 U.S.C. 1382) and Part 261 of the Board's Economic Regulations (14 CFR 261) and Subpart P of the Board's Rules of Practice (14 CFR 302.1608) and shall not become effective unless and until approved by the Board pursuant to section 412(b) of the Act; the air carriers filing the agreement shall accompany their application with a detailed justification for each aspect of it;

(e) The authorization granted shall extend to six (6) months after the date of service of this order;

(f) The authorization granted may be extended, modified, clarified, or revoked at any time.

[4]The participants are not precluded from setting a nominal charge to be paid for those requesting copies of the minutes; such charge should not exceed the cost of duplicating and sending such copies.

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

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

This order shall be served on all certificated air carriers, on all other persons who responded to the application, and on the United States Departments of Transportation and Justice.

This order shall also be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-28820 Filed 10-11-78; 8:45 am]

[6320-01-M]

[Docket 33354; Order 78-10-01]

PAN AMERICAN WORLD AIRWAYS, INC.

Petition for Authority To Discuss Feasibility of a Joint Computerized Reservations System For use in Italy; Order Authorizing Discussions

Issued under delegated authority, October 2, 1978.

On September 5, 1978, Pan American World Airways petitioned the Board for authorization to discuss with various other parties, including U.S. certificated and foreign air carriers, the feasibility of a multicarrier computerized reservations system for use within the Republic of Italy. Pan American states that, along with other international carriers serving Italy,[1] it has been invited to attend a meeting sponsored by KLM-Royal Dutch Airlines to discuss the technical and cost feasibility of jointly developing such a system. The initial meeting to be held in London on or about the last week in October, is expected to be followed by subsequent meetings in which interested carriers will discuss the pricing and possible implementation of the system. Thus, Pan American requests that the Board authorize discussions which would take place over a 6-month period.

Pan American submits that the Board previously has authorized similar discussions regarding the development of multicarrier computerized reservations systems for use abroad.[2] It contends that the important public benefits which the Board concluded could accrue from those discussions could also flow from these discussions.

Trans World Airlines, Inc. has filed an answer in support of the petition. We have received no answers in opposition to the petition.

We have decided to grant Pan American's request. As the applicant contends, the factors which moved the Board previously to authorize other discussions concerning joint computerized reservations systems are present here. The Board has established that discussions of this type clearly could secure important public benefits.[3] Thus, we will waive the requirement that the applicant justify its request in accordance with Order 78-7-110, July 21, 1978,[4] and will approve the request. However, as previously has been the case with discussions in this area, travel agents, various equipment and service suppliers, as well as all air carriers, may have an interest in the discussions.[5] Therefore, we will attach conditions to our approval to insure that all interested persons will be able to participate in the discussions and to provide that their comments will be considered by the air carrier participants.

Accordingly, we grant Pan American's petition in Docket 33354 for authorization to discuss the feasibility of a multicarrier computerized reservations system for use in Italy, subject to the following conditions:

(a) All U.S. certificated air carriers and foreign air carriers serving the Republic of Italy, all interested travel agents and/or their trade associations, all interested government agencies, and all other interested persons shall be given an opportunity to be present at, to observe or participate in all discussions held pursuant to this order;

(b) Any notices, agenda, or rules for the presentation of interested persons'

[1]According to Pan American, KLM-Royal Dutch Airlines, Trans World Airlines, Inc., British Airways and CP Air have expressed an interest in attending the discussions.

[2]Pan American cites Orders 78-1-70, January 17, 1978, and 78-6-53, June 7, 1978, respectively authorizing analogous discussions with respect to the Federal Republic of Germany and the Republic of Ireland.

[3]In addition to those orders cited by Pan American, see Order E-25635, September 6, 1967, approving various carriers' participation in the development of a common automated reservations system; Order 74-11-37, November 8, 1974, approving American Airlines' application for discussion authority; Order 76-3-36, March 3, 1976, approving ASTA's application for discussion authority, and order 76-8-156, August 31, 1976, approving the resulting agreement establishing pilot projects for a multicarrier/travel agent automated reservations system.

[4]In that order, we declared our intention to require that all future requests for discussion authority be fully justified under our local cartage standard as enunciated in the *Capacity Reduction Agreements* case, Order 75-7-98, July 21, 1975, in order to show clearly and convincingly that the discussion authority is required by a serious transportation need or is necessary to secure other public benefits.

[5]See Order 74-11-37, discussed in footnote 3.

views during the discussions shall be sent to all participants, the Board's Docket Section, and all persons who so request. The discussants shall provide for the consideration of interested persons' views before the start of, or during, the discussions, and then after an oral presentation by the discussants of the tentative conclusions reached in their discussions;

(c) Complete and detailed minutes of these discussions shall be maintained by the participants, including a summary of each item discussed and the opinions expressed on each point. These minutes shall be filed with the Board's Docket Section, and sent to all other persons who so request,[6] within 5 business days after the date of the discussions;

(d) Any agreement or agreements reached as a result of the discussions shall be filed with the Board, under section 412(a) of the act and Part 261 of the Board's Economic Regulations and Subpart P of the Board's Rules of Practice and shall not become effective unless and until approved by the Board under section 412(b) of the act; the air carriers filing the agreement shall accompany their application with a detailed justification for each aspect of it;

(e) The authorization shall extend to six (6) months after the date of service of this order;

(f) The authorization granted may be extended, modified, clarified, or revoked at any time.

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

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

This order shall be served on all certificated air carriers, on all other persons who responded to the application, and on the U.S. Departments of Transportation and Justice.

This order shall also be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-28821 Filed 10-11-78; 8:45 am]

[6] The discussants are not precluded from setting a nominal charge to be paid for those requesting copies of the minutes; such charge should not exceed the cost of duplicating and sending such copies. Pan American will serve as the party to contact to make such requests.

[6320-01—M]

[Docket 33574; Order 78-9-143]

PIEDMONT AVIATION, INC.

Amendment of Certificate of Public Convenience and Necessity for Route 87; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of September, 1978.

By Order 78-9-136, issued concurrently with this order, the Board has proposed to realine the domestic route system of Eastern Air Lines in a manner which would, among other things, give Eastern unrestricted authority in four minor markets [1] where Piedmont holds restricted authority.[2] As discussed in Orders 78-4-109, 77-11-74, 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 the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carrriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Orders 78-4-109, 77-11-74, and 76-5-101, we tentatively conclude that the elimination of restrictions on Piedmont's operations in the four markets listed in Appendix A is required by the public convenience and necessity, and is consistent with the board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

We will give interested persons 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth 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 a full-blown 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 he would expect to establish through such a hearing that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections.[3]

Accordingly, 1. We direct all interested persons 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 to remove operating restrictions in the markets listed in Appendix A;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, no later than November 6, 1978, file with the Board and serve upon all persons listed in Appendix I of Order 78-9-136, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed no later than November 16, 1978;

3. If timely and properly supported objections are filed, we will accord full consideration to the markets or issues raised by the objections before we take further action; [4]

4. In the event no objections are filed to any part of this order, we will deem all further procedural steps relating to such part or parts to have been waived, and we will take final action; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-9-136.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-28822 Filed 10-11-78; 8:45 am]

[1] A minor market is one with fewer than 20 true O. & D. plus interline connecting passengers a day or 7,300 per year.

[2] The minor markets where both Piedmont and Eastern currently hold restricted authority are set forth in Appendix A to this order. (Appendix A filed as part of the original document.)

[3] We further 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 conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[4] 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.

[5] All Members concurred.

[6335-01-M]

COMMISSION ON CIVIL RIGHTS

MINNESOTA ADVISORY COMMITTEE

Meeting Cancellation

Notice is hereby given, pursuant to the provisions of the rules and regula-

tions of the U.S. Commission on Civil Rights, that a planning meeting of the Minnesota Advisory Committee (SAC) of the Commission scheduled for October 13, 1978 (FR Doc. 78-24004) on page 38068 has been canceled.

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

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-28758 Filed 10-11-78; 8:45 am]

[3710-08-M]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY SCIENCE BOARD

Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

NAME OF COMMITTEE: Army Science Board

DATES OF MEETING: 31 October-1 November 1978.

PLACE: The Pentagon, Washington, D.C. (2E715B).

TIME: 0800-1700 hours, 31 October 1978; 0800-1600 hours, 1 November 1978.

PROPOSED AGENDA: The meeting is partially closed because the members will receive classified briefings and classified discussions regarding the threat which relate to the offensive and defensive postures of the U.S. and other nations in the area of "Chemical Decontamination/Contamination Avoidance." The portion of the meeting which will be closed is between 0800-1230 hours, 31 October 1978. This portion will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof.

ROBERT F. SWEENEY,
Lieutenant Colonel, GS Executive Secretary Army Science Board.

[FR Doc. 78-28732 Filed 10-11-78; 8:45 am]

[3810-70-M]

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held at the Pentagon, Washington, D.C. on: Wednesday and Thursday, 6 and 7 December 1978.

The entire meetings commencing at 0900 hours are devoted to the discussion of classified information as defined in section 552b(c)(1), title 5 of the United States Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

OCTOBER 6, 1978.

[FR Doc. 78-28723 Filed 10-11-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

POWER AUTHORITY OF THE STATE OF NEW YORK AND LONG SAULT, INC.

Application to Amend Presidential Permits PP-24, 25

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Application to amend Presidential Permits PP-24, 25.

SUMMARY: The Department of Energy given notice of application by Power Authority of the State of New York and Long Sault, Inc. to amend their respective Presidential Permits so as to modify an existing international transmission line at the United States-Canadian border.

DATE: Petitions and protests must be received by November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr, Systems Reliability and Emergency Response Branch, Department of Energy, Room 538, Vanguard Building, 2000 M Street NW., Washington, D.C. 20461, 202-634-5620.

Lise Courtney Howe, Office of General Counsel, Department of Energy, Room 5116, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9995 or 202-566-9380.

SUPPLEMENTARY INFORMATION: On August 22, 1978, the Power Authority of the State of New York (PASNY) and Long Sault, Inc. (Long Sault) filed for modification of Presidential Permits issued by the Federal Power Commission pursuant to Executive Order No. 10485 in Docket Nos. E-6631 and E-6632 respectively authorizing the construction, operation, maintenance and connection of electric transmission facilities to cross the United States-Canadian border. The modifications requested are: (1) That ownership of an existing 115 kilovolt circuit, which was constructed and maintained by PASNY on PASNY's double circuit tower, but owned and operated by Long Sault in accordance with FPC Docket No. E 6632, be transferred to PASNY pursuant to a prior agreement between the two companies; (2) That the 115 kV circuit be operated at 230 kV, and (3) that the present interconnection at the international border with facilities of Cedars Rapids Transmission Co, Ltd. a Canadian corporation (Cedars) be abandoned and the line be made part of the 230 kV interconnection between PASNY and Ontario Hydro. According to the applicants, no change in the facilities will be required since the tower, insulators and conductors were initially designed and installed for eventual operation of the 115 kV line at 230 kV.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Director, Division of Power Supply and Reliability, Economic Regulatory Administration, room 538, Vanguard Building, 2000 M Street NW., Washington, D.C. 20461 in accordance with sections 1.8 and 1.10 of the Rules of Practice and Procedure (18 CFR 1.8, 1.10).

All such petitions and protests should be filed on or before November 30, 1978. Protests will be considered by ERA 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 filed a petition to intervene. Copies of this application are on file with the Economic Regulatory Administration and will, upon request, be made available for public inspection and copying at the ERA Docket room, room B-210, 2000 M Street NW., Washington, D.C., and at the Division of Power Supply and Reliability, room 4070, 1111 20th Street NW., Washington, D.C.

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

JERRY L. PFEFFER,
Acting Assistant Administrator for Utility Systems, Economic Regulatory Administration, U.S. Department of Energy.

[FR Doc. 78-28726 Filed 10-11-78; 8:45 am]

[6740-02-M]

Federal Energy Regulatory Commission

PIPELINES

Tentative Valuations

Notice is hereby given that tentative valuations are under consideration for the common carriers by pipeline listed below:

1977 REPORTS

(OCTOBER 5, 1978).

Valuation Docket No PV	
1364	Acorn Pipe Line Co., P.O. Box 5008, Houston, Tex. 77012.
1414	Allegheny Pipeline Co., P.O. Box 2521, Houston, Tex. 77001.
1439	Amdel Pipe Line Co., P.O. Box 2159, Dallas, Tex. 75221.
1440	American Petrofina Pipe Line Co., P.O. Box 1311, Big Spring, Tex. 79720.
1302	Amoco Pipeline Co., P.O. Box 6110-A, Chicago, Ill. 60680.
1378	Arapahoe Pipe Line Co., 1650 East Golf Rd., Schaumburg, Ill. 60196.
1329	Arco Pipe Line Co., Arco Building, Independence, Kans. 67301.
1291	Ashland Pipe Line Co., 1409 Winchester Ave., Ashland, Ky. 41101.
1381	Badger Pipe Line Co., P.O. Box 300, Tulsa, Okla. 74102.
1430	Belle Fourche Pipeline Co., P.O. Drawer 2360, Casper, Wyo. 82602.
1425	Black Lake Pipe Line Co., P.O. Box 308, Independence, Kans. 67301.
1322	Buckeye Pipe Line Co., P.O. Box 368, Emmaus, Pa. 18049.
1382	Butte Pipe Line Co., P.O. Box 2648, Houston, Tex. 77001.
1404	Calnev Pipe Line Co., 1901 Slover Ave., Bloomington, Calif. 92316.
1416	Chevron Pipe Line Co., 575 Market St., San Francisco, Calif. 94105.
1368	Cheyenne Pipeline Co., P.O. Box 370, Cody, Wyo. 82414.
1427	Chicap Pipe Line Co., 1650 East Golf Rd., Schaumburg, Ill. 60196.
1312	Cities Service Pipe Line Co., P.O. Box 300, Tulsa, Okla. 74102.
1433	Collins Pipeline Co., P.O. Box 2511, Houston, Tex. 77001.
1422	Colonial Pipeline Co., Lenox Towers, P.O. Box 18855, Atlanta, Ga. 30326.
1316	Continental Pipe Line Co., P.O. Drawer 1267, Ponca City, Okla. 74601.
1426	Cook Inlet Pipe Line Co., P.O. Box 900, Dallas, Tex. 75221
1341	CRA, Inc., 3315 North Oak Trafficway, Kansas City, Mo. 64116.
1352	Crown Central Pipe Line & Transportation Corp., 6750 West Loop South, Suite 300, Bellaire, Tex. 77401.
1365	Crown-Rancho Pipe Line Corp., 6750 West Loop South, Suite 300, Bellaire, Tex. 77401.
1349	Diamond Shamrock Corp., P.O. Box 631, Amarillo, Tex. 79173.
1320	Phillips Pipe Line Co., 890 Adams Building, Bartlesville, Okla., 74004.
1372	Pioneer Pipe Line Co., P.O. Drawer 1267, Ponca City, Okla. 74601.
1343	Plantation Pipe Line Co., P.O. Box 18616, Atlanta, Ga. 30326.
1367	Platte Pipe Line Co., 539 South Main St., Findlay, Ohio. 45840.
1410	Portal Pipe Line Co., 2900 First National Bank Building, Dallas, Tex. 75202.
1347	Portland Pipe Line Corp., P.O. Box 2590-30 Hill St., South Portland, Maine 04106.
1437	Powder River Corp., 890 Adams Building Bartlesville, Okla. 74004.
1327	Pure Transportation Co., 1650 East Golf Rd., Schaumburg, Ill. 60196.
1428	Santa Fe Pipe Line Co., 1200 Thompson Building, 5th & Boston Sts., Tulsa, Okla. 74103.
1369	Shamrock Pipe Line Corp., P.O. Box 631, Amarillo, Tex. 79173.
1326	Shell Pipe Line Corp., P.O. Box 2648, Houston, Tex. 77002.
1335	Sohio Pipe Line Co., P.O. Box 5774, Cleveland, Ohio. 44101.
1424	Southcap Pipe Line Co., 1650 East Golf Rd., Schaumburg, Ill. 60196.
1393	Southern Pacific Pipe Line Inc., 610 South Main St., Los Angeles, Calif. 90014.
1370	Sun Oil Line Company of Michigan, P.O. Box 2039, Tulsa, Okla. 74102.
1315	Sun Pipe Line Company, P.O. Box 2039, Tulsa, Okla. 74102.
1386	Tecumseh Pipe Line Co., P.O. Box 308, Independence, Kans. 67301.
1300	Texaco-Cities Service Pipe Line Co., P.O. Box 430, Bellaire, Tex. 77401.
1408	Texas Eastern Transmission Corp., (Little Big Inch Division) P.O. Box 2521, Houston, Tex. 77001.
1293	Texas-New Mexico Pipe Line Co., P.O. Box 430, Bellaire, Tex. 77401.
1330	The Texas Pipe Line Co., P.O. Box 430, Bellaire, Tex. 77401.
1379	Trans Mountain Oil Pipe Line Corp., 400 East Broadway, Vancouver, B. C., Canada V5T1X2
1412	Trans-Ohio Pipeline Co., P.O. Box 2521, Houston, Tex. 77001.
1388	West Emerald Pipe Line Corp., P.O. Box 631, Amarillo, Tex. 79173.
1411	Dixie Pipeline Co., P.O. Box 2220, Houston, Tex. 77001.
1385	Emerald Pipe Line Corp., P.O. Box 631, Amarillo, Tex. 79173.
1338	The Eureka Pipe Line Co., 963 Market St., Parkersburg, W.Va. 26101.
1394	Exxon Pipeline Co., P.O. Box 2220, Houston, Tex. 77001.
1389	Four Corners Pipe Line Co., 1957 East Del Amo Blvd., Compton, Calif. 90220.
1402	Getty Pipeline Inc., 1437 South Boulder, Tulsa, Okla., 74119.
1436	Gulf Central Pipeline Co., 5th & Boston, Tulsa, Okla. 74103.
1333	Gulf Refining Co., P.O. Box Drawer 2100, Houston, Tex. 77001.
1409	Hess Pipeline Co., P.O. Box 502, Woodbridge, N.J. 07095.
1431	Hydrocarbon Transportation, Inc., 2223 Dodge St., Omaha, Nebr. 68102.
1406	Jayhawk Pipeline Corp., P.O. Box 1030, Wichita, Kans. 67201.
1413	Jet Lines, Inc., 522 Cottage Grove Rd., Bloomfield, Conn. 06002.
1375	Kaneb Pipe Line Co., P.O. Box 22029, Houton, Tex. 77027.
1299	Kaw Pipe Line Co., P.O. Box 430, Bellaire, Tex. 77401.
1399	Kenai Pipe Line Co., P.O. Box 575 Market St., San Francisco, Calif. 94105.
1429	Kerr-McGee Pipeline Corp., Kerr-McGee Center, Oklahoma City, Okla. 73125.
1435	Kiantone Pipeline Corp., P.O. Box 780, Warren, Pa. 16365.
1419	Lake Charles Pipe Line Co., P.O. Drawer 1267, Ponca City, Okla., 74601.
1354	Lakehead Pipe Line Co., Inc., 3025 Tower Ave., Superior, Wisc. 54880.
1403	Laurel Pipe Line Co., P.O. Box 3706, Houston, Tex. 77001.
1392	Marathon Pipe Line Co., 539 South Main St., Findlay, Ohio 45840.
1357	Michigan-Ohio Pipeline Corp., 600 West Pickard St., Mt. Pleasant, Mich. 48858.
1395	Mid-America Pipeline System Division, 1800 South Baltimore Ave., Tulsa, Okla. 74119.
1353	Mid-Valley Pipeline Co., P.O. Box 2039, Tulsa, Okla. 74102
1384	Minnesota Pipeline Co., 4111 E. 37th St., North, Wichita, Kans. 67220.
131	Mobil Pipe Line Co., First International Building, 1201 Elm, Dallas, Tex. 75270.
1292	Ohio River Pipe Line Co., 1409 Winchester Ave., Ashland, Ky. 41101.
1417	Olympic Pipe Line Co., P.O. Box 900, Dallas, Tex. 75221.
1420	Paloma Pipe Line Co., 1600 First National Bank Building, Dallas, Tex. 75202.
1396	West Shore Pipe Line Co., 200 East Randolph Drive, Chicago, Ill. 60601.
1362	West Texas Gulf Pipe Line Co., P.O. Box 3706, Houston, Tex. 77001.
1421	White Shoal Pipeline Corp., Kerr-McGee Center, Oklahoma City, Okla., 73102.
1423	Williams Pipe Line Co., P.O. Drawer 3448,Tulsa, Okla. 74101.
1377	Wolverine Pipe Line Co., P.O. Box 900, Dallas, Tex. 75221.
1355	Wyco Pipe Line Co., 200 East Randolph Drive, Chicago, Ill. 60601.
1373	Yellowstone Pipe Line Co., P.O. Drawer 1267, Ponca City, Okla. 74601.

On or before November 13, 1978, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file, pursuant to rule 72 of the Interstate Commerce Commission's "General Rules of Practice" (49 CFR 1100.72), and original and three copies of a petition for leave to intervene in this proceeding. Jurisdiction over oil pipelines, as it relates to establishment of valuations for pipelines, was transferred from the Interstate Commerce Commission to the Federal Energy Regulatory Commission (FERC), pursuant to sections 306 and 402 of the Department of Energy Organization Act, 42 U.S.C. §§ 7155 and 7172, and Executive Order No. 12009, 42 FR 46267 (September 15, 1977).

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under section 19a(h) of the act, thereby enabling it to file a protest. It is required that a copy of the petition to intervene be served on the individual company at the address shown above and that an appropriate certificate of service be attached to the petition. Persons specifically designated in section 19a(h) of the act need not file a petition: they are entitled to file a protest as a matter of right under the statute.

LEON J. SLAVIN
Administrative Officer
Oil Pipeline Board.

[FR Doc. 78-28694 Filed 10-11-78; 8:45 am]

[3128-01-M]

Office of the Secretary

International Energy Agency, Industry Working Party

Voluntary Agreement and Plan of Action to Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy

and Conservation Act (Pub. L. 94-163), notice is hereby provided of the following meeting:

A meeting of the Industry Working Party (IWP) to the International Energy Agency (IEA) will be held on October 12, 1978, at the offices of the International Energy Agency, 2 Rue Andre Pascal, Paris 16, France, beginning at 9:30 a.m. The purpose of this meeting is to permit attendance by representatives of the IWP at a meeting of the IEA Standing Group on the Oil Market (SOM). The agenda for the meeting is under the control of the SOM, and is as follows:

1. Discussion of FIS Forms IV and V and instructions for their completion.
2. Discussion of IWP response to SOM paper on publication of oil market data.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and conservation Act, this meeting will not be open to the public. as provided by § 209.32 of DOE regulations, IEP requirements and unanticipated procedural delays in processing this notice require the usual 7 day notice period to be shortened.

Issued in Washington, D.C. October 5, 1978.

ROBERT C. GOODWIN, JR.,
Assistant General Counsel for International Trade and Emergency Preparedness.

[FR Doc. 78-28761 Filed 10-11-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 985-7); [OPP-50385]

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 3125-EUP-153. Mobay Chemical Corp., Chemagro Agricultural Division, Kansas City, Mo. 64120. This experimental use permit allows the use of 375 pounds of the herbicide 4-amino - 6 - (1,1-dimethylethyl) - 3- (methylthio)-1,2,4-triazin-5(4*H*)-one on sugar cane to control certain grasses and broadleaf weeds. The experimental use permit is effective from August 15, 1978 to August 15, 1979. (Room E-315, telephone 202/755-4851)

No. 3125-EUP-154. Mobay Chemical Corp., Chemagro Agricultural Division, Kansas City, Mo. 64120. This experimental use permit allows the use of 375 pounds of the herbicide 4-amino - 6 - (1,1-dimethylethyl) - 3- (methylthio)-1,2,4-triazin-5(4*H*)-one on sugar cane to evaluate control of certain grasses and broadleaf weeds. A total of 500 acres is involved for both this permit and the one above; the programs are authorized only in the State of Florida. This experimental use permit is also effective from August 15, 1978 to August 15, 1979. The permits will use the same active ingredient, but different formulations. A permanent tolerance for residues of the active ingredient in or on sugarcane has been established (40 CFR 180.332). Food additive regulations for residues of the active ingredient in sugarcane molasses and sugar cane bagasse have been established (21 CFR 561.41 and 21 CFR 193.25). (Room E-315, telephone 202/755-4851)

No. 41847-EUP-1. Mobil Chemical Co., Plastics Division, Macedom, N.Y. 14502. This experimental use permit allows the use of 3.95 pounds active ingredient of a formulation of cinnamaldehyde and methyl nonyl ketone to evaluate its effectiveness as a dog and cat repellent on trash bags/cans in households at 60 locations. The program is authorized only in the State of New York. The experimental use permit is effective from August 17, 1978 to August 17, 1979. (Room E-229, telephone 202/755-9315).

Interested parties wishing to review the experimental use permits are refered to the Registration Division (TS-767), Office of Pesticide programs, EPA, 401 M Street, SW., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

STATURORY AUTHORITY: Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

Dated October 4, 1978.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc. 78-28690 Filed 10-11-78; 8:45 am]

[6560-01-M]

[FRL 985-8]

REGULATORY REFORM INITIATIVES

Quarterly Report and Request for Public Comments

ACTION: Quarterly report and request for public comments.

SUMMARY: The Environmental Protection Agency (EPA) reports on its progress in identifying and implementing regulatory reforms. The reforms include specific initiatives to use alternatives and supplements to direct regulation, to improve the regulation development process, to reduce regulatory burdens on the public, and to improve external participation in EPA decision making.

CONTACT: If you have suggestions or comments, please contact Lawrence E. McCray, Regulatory Reform Unit (PM-223), EPA, Washington, D.C. 20460.

EPA's REGULATORY REFORM INITIATIVES

THE ADMINISTRATOR'S STATUS REPORT: AUGUST 1978

Preface

Regulatory reform is one of the Environmental Protection Agency's top priorities. We are trying:

- To test new, flexible approaches to Government regulation;
- To improve the quality of our regulations;
- To minimize both avoidable costs and regulatory delay;
- To open the regulatory process as much as possible to outside ideas and participants;
- And, most important, to insure that the Nation's environment and public health are adequately protected.

Last December, I released a list of 40 regulatory reform initiatives EPA was proposing. Attached is the first of our quarterly status reports on those and subsequent reforms.

EPA has a very broad, rapidly evolving, and technically complex set of jobs to do. In large part, regulatory reform means learning how to do these jobs better—more surely, more efficiently, less intrusively. We are trying to find better ways: To reduce the health risks of our advanced industrial technology, particularly risks from increased use of toxic chemicals; to make the air, water, and land safe; and to encourage new pollution control technologies and new economic patterns that conserve scarce environmental resources.

Our reform agenda grows largely out of specific problems and opportunities the Agency has identified as a result of a series of critical reviews we have undertaken of our operations. I am sure there are many other opportunities we should exploit. Please let me or my regulatory reform staff know if you have any suggestions. We will follow up, and future reports will summarize our progress in exploring and implementing suggestions that I feel offer real promise.

There are many different types of regulatory reform. Let me identify the

most important and give an example or two of each from the list of projects on which we are now working.

Alternatives/Complements to Traditional "Command and Control" Regulation

Most regulation now follows a common pattern: The regulatory agency writes a series of rules that define what the public must do, and then it seeks to enforce these rules through the courts. Because this form of regulation cannot make fine or quick distinctions, it tends to be rigid, wasteful, and sometimes simply illogical. We are trying to complement this traditional legalistic approach with more flexible, more economically-oriented alternatives where possible.

EPA commonly regulates individual processes in a plant such as storage vessels and loading/transfer facilities. This approach facilitates our inspections, but leaves the plant's managers little room to find more cost effective ways of reducing the plant's overall emissions. We are working to develop an easily enforceable way to put an emissions control "bubble" over the plant as a whole and let the plant manager substitute a relatively inexpensive tightening of his storage vessel controls for more costly abatement in his loading and transfer facilities. Removing a pound of pollution for fifty cents rather than a dollar is good for the manager as well as the environment.

We are already implementing another example: economically determined penalties for firms that ignore their clean-up responsibilities. Until now, delay in complying with the law has been profitable. Now we will seek penalties equal to what violators save by not complying, including the rate of return they can earn on the use of these savings. This new approach finally makes compliance economically profitable, protects complying firms from the unfair edge a noncomplying firm would otherwise gain, and gives both the Agency and the courts an objective standard to use in assessing uniform penalties across the country.

The Regulation Development Process

We are further refining the internal process we use to develop regulations. Our process (the model for the President's recent Executive Order on Improving Governmental Regulations) ensures an open discussion, a review of all the issues (environmental impact, economic, public participation, etc.), and full peer collaboration across organizational lines. Strengthening this process is the most effective way of improving the quality of our regulations.

We will adopt our new, improved regulation development process in a formal Agency Manual this fall. The changes we are now proposing will help move us toward a number of important goals:

- It will help top management *focus on the most important regulations.*
- We will subject the most significant new regulations to a *Regulatory Analysis,* which will study the environmental, economic, and energy effects of each proposal and of a number of alternative options. All Regulatory Analyses will be made public in draft and final form.
- We have made *English our official language:* We will not approve regulations unless they are clearly and understandably written.
- We will continue to publish a *Regulatory Agenda* on a regular basis. It describes each regulatory proposal on which the Agency is working and lists its expected date of publication and the name, address and telephone number of an Agency contact.
- We are beginning to *review all our existing regulations* to root out those that are duplicative or otherwise do not contribute to effective environmental protection and to simplify or improve the rest.
- We have coordinated our regulatory actions for hazardous substances with three other Federal agencies—the Food and Drug Administration, the Occupational Safety and Health Administration, and the Consumer Product Safety Commission. So far, the *Interagency Regulatory Liaison Group* has set up eight teams, each working to avoid duplication and conflicting action in such areas as enforcement, testing, research, risk assessment, public education, and regulation writing. The regulation writing team has already developed an *early warning system* to ensure cooperative action on upcoming regulations that affect more than one agency.

Reductions in Avoidable Regulatory Burdens

Where we can reduce the burden of regulation without any substantive relaxation, we must do so.

Reducing the paperwork burden we impose on both business and State and local governments is one such opportunity we are pursuing vigorously. Starting this summer, all reporting requirements contained in new regulations will be subject to a "sunset" provision, by which they will lapse after five years (in most cases) unless EPA can justify a continued need for the information. In addition, we will subject these new requirements to a reports impact analysis before we formally propose them, in order that we can determine in advance if the degree of burden imposed is justified by the need for the information.

We are also trying to encourage industry to use new pollution control techniques which show promise but which may not yet meet current standards. Under new provisions of the 1977 Clean Air and Clean Water Amendments, EPA can waive some control requirements for limited periods of time to test these new control systems.

Simpler, Faster Proceedings

We are trying to simplify and speed our hearings, grant reviews, permitting procedures, etc.

We have changed our grant regulations to allow applicants to file only one application when seeking funds under different EPA programs. We have appointed permit expeditiors in each regional office to harmonize scheduling for different new source permit applications, help resolve potential conflicts among different environmental requirements, and help reduce duplicate reviews. We are working to develop common forms for a number of different permit programs.

Increased Public Participation in EPA Decisionmaking

We are trying to remove obstacles to public participation.

We have begun a pilot project to reimburse the expenses of participants in Agency rulemaking on the recently proposed regulations to control polychlorinated biphenyls (PCBs). The Agency will pay the costs of participants in its public hearings who will make a substantial contribution to a fair determination of the issues, who have a small economic stake in the issues, and who do not have sufficient resources to participate without EPA assistance. The results of this pilot project should help us extend the concept of reimbursement to other types of agency proceedings so that financial barriers no longer inevitably prevent an outside group or individual from participating in the decisionmaking process.

With this first quarterly report, EPA reaffirms its commitment to be a regulatory reform leader.

OCTOBER 4, 1978.

DOUGLAS M. COSTLE,
Administrator.

REGULATORY REFORM INITIATIVES
ENVIRONMENTAL PROTECTION AGENCY

AUGUST 1978, STATUS REPORT

I. ALTERNATIVES TO TRADITIONAL "COMMAND AND CONTROL" REGULATORY APPROACHES

1. *Clean Air Noncompliance Penalties.* In the Clean Air Act Amendments of 1977, Congress for the first time

gave an executive agency the authority to use economic disincentives as a supplement to traditional regulation. Under section 120 of the new law, EPA will collect from each violator of air pollution standards the amount of money which the violator has saved by not installing pollution control equipment. EPA, rather than a court as is true with traditional civil penalties, will assess and collect the penalties. The noncompliance penalties will provide more effective enforcement for air pollution regulations, end the current economic incentive to resist environmental standards rather than comply with them, and remove the competitive advantage which violators currently enjoy because their costs are lower than those of companies that have complied with the laws.

The Administrator vigorously supported the proposed noncompliance penalties when testifying before Congress on the Clean Air Act Amendments.

The Agency created a work group in September 1977, shortly after passage of the amendments, to begin implementation of the section. The group has prepared working drafts of the regulations and of a technical support document, and together with a contractor has developed a proposed formula for the calculation of the penalties.

The amendments set a February 1978, deadline for EPA to issue the noncompliance regulations. The Agency missed that deadline, but the work group hopes to publish proposed regulations in the FEDERAL REGISTER this month.

Agency contact: Bob Homiak, Stationary Source Enforcement Division (EN-341), 755-2581.

2. *Economic Disincentive Basis for Air and Water Civil Penalties.* The Agency's Office of Enforcement (OE) last year began using the amount of a violator's cost savings as the starting point for setting the amount of a traditional (court-imposed) civil penalty for a violator of the Clean Air Act or the Clean Water Act. A private contractor helped OE develop uniform formulas for calculating the amount of the violator's savings. After using these formulas to determine how much the violator has saved, OE examines other relevant factors to see if it should adjust this amount before proposing it to the court as the civil penalty.

Agency contact: Mike Richardson, Office of Enforcement (EN-329), 755-2500.

3. *Study of Economic Incentives.* EPA initiated in 1977 a major research program on economic incentives as alternatives to traditional regulatory controls. The agency has designed and is carrying out the program with the cooperation of the Council on Environmental Quality, the Council of Economic Advisors, and a panel of experts from industry, academia, and local government. EPA is paying for the program with money from its research and development budget.

The research program is in three phases. Phase One is an evaluation of existing regulatory and administrative programs for controlling air pollution from stationary sources. For this phase, a contractor will collect data on: Actions which trigger the existing incentives (such as permit writing); compliance and noncompliance; ways of determining whether sources are in complance (such as reporting, monitoring, inspecting, and sampling); the types of sanctions available to, and their use by government agencies; and the response of polluters to these sanctions. EPA has requested and received proposals for research in this phase, and expects to award a contract calling for a study and final report by January 1979.

Phase Two will focus on the effectiveness of existing economic incentive programs. A contractor will collect and analyze data on municipal sewer "surcharges" (now used in Los Angeles, Calif.; Salem, Oreg.; and Cincinnati, Ohio); selected European effluent charge systems; and the Connecticut delayed compliance fee program. EPA is now reviewing an internal draft request for proposals for a research contract for this phase.

Phase Three is a study of using economic incentives to get companies to properly operate and maintain the pollution control equipment which they have installed. This phase of the research program is a part of the evaluation of operation and maintenance strategies which is described in item I. 8.

In addition to this three-phase research program, the Agency is conducting, under the Clean Air Act Amendments of 1977, related studies of economic incentives for air pollution control. One study, mandated by section 405(f) of the act, concerns the possible use of economic incentives to: (1) Strengthen the effectiveness of existing methods of controlling air pollution; (2) abate air pollution to a greater degree than current regulatory approaches do; and (3) control air pollution problems that the current programs do not address. The interagency work group has identified several possible uses of economic incentives, and has awarded a contract to a Harvard research team to study the use of economic incentives to reduce: (1) nitrogen oxide pollution from motor vehicles, (2) sulfuric oxide pollution from copper smelters, and (3) benzene pollution. The group is planning to award other contracts to study other possible uses of economic incentives, such as ensuring that owners properly operate and maintain pollution control equipment for stationary sources of air pollution, and that automobiles meet pollution standards while they are in use (as well as when they come off the assembly line).

Agency contacts: Jim Vickery, Program Evaluation Division (PM-222), 755-0306, for Phases One and Two; Willard Smith, Economic Analysis Division (PM-220), 755-2887, for Phase Three and section 405.

4. *Analysis of Alternative Means for Limiting Fluorocarbon Emissions.* In September 1977, EPA contracted with the Rand Corp. for an evaluation of ways other than traditional "command and control" regulation to reduce fluorocarbon emissions from non-aerosol sources. Among the alternative ways of control Rand will examine is the use of marketable permits. Under this scheme EPA would allocate (possibly by auction) permits for the production or use of fluorocarbons. The manufacturers or users getting permits in turn could trade or sell them. The market, not the government, would thus determine which fluorocarbon uses should continue and which should end. Rand will also assess the relative advantages and disadvantages of product charges and emission fees to control fluorocarbon emissions. After the contractor completes its evaluation of the different strategies, the Agency will be able to choose among those innovative approaches and a traditional "command and control" regulatory approach which a work group in the Office of Toxic Substances is developing.

The contractor has completed its collection of data on fluorocarbon production and use, and is now beginning the analysis of alternative ways of emission reduction. Rand will make an interim report this summer on the basic data and the models for analysis of the data. A draft of the final report should be ready in December, 1978, with the final report itself ready in March of 1979.

To increase external participation in the evaluation of the alternative strategies and to encourge independent evaluations, EPA will release publicly Rand's interim report. This will make readily available to any interested person the contractor's data and models.

Agency contact: Douglas Hale, Economic Analysis Division (PM-220), 755-2669.

5. *Federal Procurement Incentives.* The Federal Government could use its purchase of goods from private industry to encourage the development of environmentally superior products. EPA is cooperating with other agencies in two efforts in this area, both as-

sociated with EPA's noise control program.

The first of EPA's efforts is under the authority of the Noise Control Act of 1972. Section 15 of that law authorizes the Federal Government to pay a premium for products which EPA has certified as low noise emitters. Under this premium program, the Government can pay for each low noise emission product as much as 12.5 section of the lowest bid price for a comparable uncertified product. In May 1977, as a step towards setting up this program, EPA proposed rules for certifying medium and heavy duty trucks and portable air compressors. The program office has spent the past 13 months resolving the issue of how much quieter than EPA standards a product must be to be eligible for certification, and expects to soon submit the final rules for internal Agency review.

In its second effort in this area, EPA has cooperated with the General Services Administration (GSA) and the Experimental Technology Incentives Program (ETIP) of the National Bureau of Standards in a successful experiment of Federal procurement of low noise lawn mowers. In 1977, when purchasing mowers, GSA indicated its willingness to pay more than the regular purchase price for mowers that are quieter than the normal GSA specification. The amount that GSA was willing to pay for the mowers increased as the mowers became quieter. GSA bought 10,000 mowers which were half as noisy as the normal specification, even with the premium, GSA paid less than the amount it normally pays for mowers, EPA, ETIP, and GSA are planning to extend this concept to other products. EPA and GSA have entered into an interagency agreement, which ETIP is now reviewing, for an expanded program. This summer EPA expects to identify other types of products for possible purchase under the expanded program.

Agency contact: Stanley B. Durkee, Technology and Federal Programs Division (AW-471), 557-8292.

6. *Study of Innovative Resource Conservation and Solid Waste Management Alternatives.* With enactment of the Resource Conservation and Recovery Act of 1976, Congress established the cabinet-level, interagency Resource Conservation Committee. The administrator of EPA chairs the committee, which is composed of the Secretaries of Treasury, Interior, Commerce, and Labor; the Chairman of the council on Environmental Quality; and representatives from the Council of Economic Advisors, the Office of Management and Budget, and the Department of Energy. The committee is examining serveral innovative actions as possible ways to conserve resources and manage solid waste.

In January 1978, the Committee issued a report to Congress and the public entitled "Committee Findings and Staff Papers on National Beverage Container Deposits". The committee found that a uniform deposit, of at lest five cents per container, on all sealed containers for beer and soft drinks would be an effective way to reduce litter, and could eliminate as much as 2 percent of the Nation's solid waste. However, the Committee postponed a decision on whether to recommend legislation establishing a national deposit on beverage containers. The Committee will decide whether to make that recommendation after it completes other studies.

In addition to beverage container deposits, the Committee is studying several other measures besides traditional requlation to conserve resources. These possible measures include:

- Imposing charges on products which will likely become solid waste, with the amount of the charge depending upon the amount of potential solid waste;
- Giving subsidies to users or suppliers of recycled materials;
- Requiring deposits on durable goods;
- Helping local governments impose user fees on people using municipal solid waste systems;
- Imposing small excise taxes on goods which consumers often throw away as litter;
- Using serverance taxes to discourage the use of virgin natural resources; and
- Revising existing Federal policies (such as depletion allowances, capital gains taxes, and shipping rates) which may encourage resource consumption.

The Committee held public meetings on June 23, 26, and 30, 1978 to gather public comment on the options before it. Although the Resource Conservation and Recovery Act requires the Committee to issue a final report by October, 1978, the committee does not expect to make its report until March, 1979.

Agency contact: John Robinson, Policy Planning Division (PM-221), 755-2733.

7. *Noise Emission Labelling for Consumer Products.* Although Congress has given EPA authority to directly regulate the noise emitted by consumer products, the Agency is trying to abate the noise products by requiring manufacturers to label them with their noise levels. Consumers can then make informed choices among competing products on the basis of their noise levels.

In June 1977, EPA proposed general product labelling provisions and specific rules covering effectiveness labels for hearing protectors. The Agency has not yet proposed final rules. EPA is also developing proposed labelling rules for vacuum cleaners, air conditioners, and chain saws.

Agency contact: Edwin Ricci, Office of Noise Abatement and Control (AW-471), 557-7695.

B. 8. *Study of Operation and Maintenance Strategies.* The Nation's recent pollution control efforts have emphasized installing new control equipment and facilities. A separate task, equally important to pollution control, is operating and maintaining the equipment and facilities.

In October 1977, the Agency began a 1 year examination of ways to insure that companies operate their pollution control equipment. Focusing on publicly owned treatment works, stationary sources of air pollution, and industrial dischargers of water pollution, the work group is analyzing three issues: (1) Whether there are operation and maintenance problems; (2) what is currently being done to deal with those problems; and (3) what alternatives exist for solving the problems.

Among policy options that the Agency is evaluating are two that may not resort to traditional Government requlations. These are (1) requiring suppliers of pollution control equipment to post performance bonds as a quarantee that the equipment will work and (2) calculating penalties for those who violate pollution standards at the level necessary to remove their cost savings from not maintaining the equipment.

Agency contacts: Ed Reich, Stationary Source Enforcement Division (EN-341), 755-2550; Walt Mardis, Office of Planning and Evaluation (PM-219), 755-0350.

9. *Study of Alternative Strategies for Clean Air Nonattainment Areas.* One of the most complex and difficult issues under the Clean Air Act is whether and to what extent the national ambient air quality standards permit new industrial growth in areas where pollution exceeds the standards. In December 1976, EPA issued a rule interpreting the law to allow the construction of a new or modified stationary source of air pollution in nonattainment areas if certain requirements are met. One of the requirements is that either the owner of the new source or others in the nonattainment area reduce emissions from existing sources enough to more than offset the expected pollution from the new source. Under this policy, a company which does not have existing plants in the area must seek either to persuade other companies to reduce their pollution enough to allow the first company to build its new plant, or to persuade the local government to require that reduction. This has created the

possibility of an offset emissions market, since existing sources can in effect sell their reducible pollution to others wanting to build plants in the area.

At the direction of both Congress and the President, EPA is reviewing this policy and alternative ways to deal with the control of pollution in nonattainment areas. In August 1977, a task force began examining, among other matters, policy options for new construction and pollution reduction in the areas. This analysis will include evaluations of such nontraditional means of pollution control as emission charges, the offset emissions market, and other economic approaches. The task force expects to make an interim report this month describing: (1) The nature and extent of the nonattainment problems; (2) the results of studies in three regions (Houston-Galveston, Philadelphia, and Chicago); and (3) the experience so far under the offset policy. The task force expects to make a final report by October or November 1978. The final report will include analysis of: (1) the costs of attainment, (2) the impacts on the iron and steel industry and the petroleum industry, and (3) policy alternatives.

Agency contacts: Cheryl Wasserman, Policy Planning Division (PM-221), 755-2733; Darryl Tyler, Office of Air Quality Planning and Standards, Research Triangle Park, N.C., FTS 629-5497.

10. *Study of Economic Incentives for Prevention of Significant Deterioration of Air Quality.* EPA is examining the merits and feasibility of marketable permits and other economic incentives for use in implementing the prevention of significant deterioration (PSD) of air currently cleaner than the national standards. This study will develop an alternative to the traditional system of "first come, first served" permit allocation. The Agency will make the results of the study available to States to use if they so desire in revising their implementation plans to prevent significant deterioration. The Agency hopes to complete its study by October; the States must revise their implementation plans by March 1979.

Agency contact: Marty Wagner, Policy Planning Division (PM-221), 755-4803.

11. *Plantwide Emission Reduction ("Bubble" Concept).* EPA is studying the "bubble" concept appropriate to air and water pollution control. Under their current policies, EPA and State agencies set separate pollution control standards for each polluting process in an industrial plant. Under the bubble concept, EPA would give a company some flexibility to adjust the stringency of its control efforts on different processes—further reducing pollution where the control is easiest and cheapest, and allowing more pollution where the control is more difficult and expensive—so long as total pollution from the plant (viewed as if it were under a bubble) would not exceed that allowed under the current standards. This concept offers the potential of meeting pollution standards at a lower cost.

The Agency organized a task force in May 1978 to examine the bubble concept and prepare a plan for implementing it. The group plans to propose its plan by the end of the summer.

Agency contact: James Kamihachi, Economic Analysis Division (PM-220), 755-2677.

II. IMPROVEMENTS IN THE QUALITY OF REGULATION

The procedure by which an agency develops a regulation is a prime determinant of the quality of the final regulation. EPA develops its regulations through procedures set forth in the Agency's manual, *Development of Regulations.* The basic procedural requirements in the Manual form the foundation upon which the Agency is building many of its regulatory reforms.

EPA produces regulations in a five stage process: (1) Starting work on a regulation, (2) preparing a development plan, (3) preparing a decision package, (4) internally reviewing the regulation and decision package, and (5) publishing the regulation in the FEDERAL REGISTER. Each regulation goes through the last three stages twice, first as a proposed regulation and again as a final regulation.

To begin work on a regulation, the lead office—the program office with primary responsibility for the subject of the planned regulation—prepares a decision memorandum for the Administrator. The memorandum includes enough information for the Administrator to determine whether: (1) A regulatory action is the most appropriate and effective course; (2) there will be an effective program of public participation throughout the regulation development process; and (3) the Agency has the resources necessary to develop the regulation. The lead office includes in the memorandum, among other information, an analysis of the alternatives to regulation and a public participation plan for involving other levels and agencies of government and the public in the regulation development. Before the lead office submits the decision memorandum to the Administrator, it is circulated through "red border" review (an internal agency review in which Assistant Administrators and staff office directors evaluate proposed Agency actions).

After the Admininstrator authorizes the lead office to begin preparing the regulation, the office forms a work group with members from relevant Agency offices. With the help of the work group, the lead office then prepares a plan for developing the regulation. The Steering Committee—a group of representatives of the Assistant Administrators and chief staff offices, that generally oversees the regulation development process—reviews the plan.

After the Steering Committee approves the development plan, the lead office, with the help of the work group, carries out the plan. Upon completion of that process, the office submits an action memorandum and supporting material to the Steering Committee and senior officials on the red border list for their review, and then to the Administrator for his decision. After the Administrator approves a proposed or final regulation, the Agency publishes it in the FEDERAL REGISTER.

Agency contact: Henry Beal, Standards and Regulations Evaluation Division (PM-223), 755-2265.

1. *Priority Classification of Regulations.* As part of its response to President Carter's Executive Order on improving Government regulations, EPA on June 28, 1978 changed its regulation development procedures to make them conform with the President's requirements. One of these changes is a classification of proposed regulations into priority categories, so that Agency officials and interested people outside EPA can concentrate their attention on the most important areas.

First, the lead office will classify proposed regulations as either significant or minor. The Agency will follow more stringent procedures in its review of significant regulations. (See, for example, II.7.

The lead office will further divide all significant regulations into major and routine. The lead office will prepare regulatory analyses on major regulations meeting certain criteria. (See II.4.)

The lead office will further divide all significant regulation into major and routine. The lead office will prepare regulatory analyses on major regulations meeting certain criteria. (See II.4.)

The Acting Administrator approved this classification system on June 28, 1978. The system will apply to all regulations that were not already before the Steering Committee for review on that date.

Agency contact: Henry Beal, Standards and Regulations Evaluation Division (PM-223), 755-2265.

2. *Regulatory Agenda and Regulatory Calendar.* EPA is currently preparing and preparing and printing a regulatory agenda and a regulatory calendar to inform both EPA staff and others of the status of regulations

which the Agency is developing. The regulatory agenda is a semiannual statement, published in the FEDERAL REGISTER, on the subject of regulations the Agency is preparing; of the authority for the possible Agency actions; of the expected dates for publication of the proposed or final regulations; and of the name, address, and phone number of an Agency contact for each regulation. The regulatory calendar is a quarterly booklet, for internal Agency use, containing similar information.

Agency contact: Phil Schwartz, Standards and Regulations Evaluation Division (PM-223), 755-2693.

3. *Evaluation of Regulatory alternatives.* Under the Agency's old procedures, a lead office included an analysis of alternatives to regulations in the decision memorandum it submitted to the Administrator before beginning work on a regulation. (See the introduction to category II.) Because this was the first step in the regulatory process, the decision memorandum in effect forced the program office to evaluate (and rule out, if it decided to proceed, with regulation development) alternatives to regulation early in the process, with no input from outside the program office.

Therefore, the Acting Administrator on June 28, 1978, approved new procedures under which a program office merely notifies the Agency's senior management that work is beginning on a regulation. The notification form does not include an evaluation of alternatives to regulation, as the current decision memorandum does. Instead, it informs others in the Agency that the program office is contemplating a regulation and invites relevant offices to designate members of the work group.

Under the new procedures, the lead office, with the advice and assistance of the work group, then prepares a development plan which includes a brief description of the possible need to regulate and the consequences of no regulation and a summary of the major options (including alternatives and supplements to traditional regulation) the lead office will evaluate. The Agency must approve the development plan before work can proceed. For routine regulation, the lead office must approve and the Steering Committee must review the development plan. For a major regulation, the Steering Committee must review the plan and the Administrator and Assistant Administrators must approve it.

When a lead office, after completing its analysis, submits to the Administrator a recommendation for action, it must attach an analysis of alternatives and supplements to traditional, direct regulation. Before making the final Agency decision to regulate, the Administrator will thus be able to satisfy himself that regulation would be preferable to possible alternatives.

Further, the Standards and Regulations Evaluation Division is in the process of hiring a contractor who will evaluate upcoming Agency actions to insure that the program offices consider all reasonable alternatives to regulations.

Agency contact: Henry Beal, standards and Regulations Evaluation Division (PM-223), 755-2265.

4. *Evaluation of the Impacts of Regulation.* EPA's current Regulation Development Manual requires the lead office to prepare economic impact analyses for all regulations which will:

- Impose additional costs on the regulated industries of at least $100 million within 1 year;
- Increase the price of a major product by more than 5 percent;
- Increase national energy consumption by the equivalent of 25,000 barrels of oil a day; or
- Increase the demand for or decrease the supply of key materials by three percent.

These economic impact analyses include identification of the incremental costs of compliance, the people who will pay those costs, the effects on economic productivity, indirect effects on the economy, and impacts on energy consumption. The Agency makes this information publicly available, and considers it during internal preparation and review of the proposed regulation.

To conform with President Carter's Executive Order on improving Government regulation, the Acting Administrator on June 28, 1978, approved a new Agency requirement for a regulatory analysis rather than the economic impact analysis. Except for the different name, the regulatory analysis differs from the economic impact analysis only in that the former includes an evaluation of alternatives to regulation.

Agency contacts: Henry Beal, Standards and Regulations Evaluation Division (PM-223), 755-2265; Frans J. Kok, Economic Analysis Division (PM-220), 755-0733.

5. *Studies of Cumulative Regulatory Impacts.* EPA is conducting, with contractor assistance, a number of studies of the cumulative impacts of the Agency's air and water regulations on major industries. These studies are assessments of the effects which pollution control has on prices, production, capital formation, employment, and the balance of trade, with forecasts of effects into the mid-1980's. The Agency can then use the studies to increase its awareness of the overall impacts of EPA regulations and to identify any industries which deserve special EPA attention.

The Agency completed studies of the petroleum refining and electric utility industries in 1976; of the integrated iron and steel industry, and the pulp and paper industry in 1977; and of the copper smelter industry in early 1978. The Agency is now conducting studies of the automobile and iron foundry industries and plans to undertake studies of the chemical and agricultural industries.

Agency contact: Willard Smith, Economic Analysis Division (PM-220), 755-2887.

6. *Plain English.* The Agency has established new requirements and has undertaken new projects to ensure that it writes its regulations and other documents in plain English.

Lead offices are primarily responsible for writing their regulations clearly. As part of the responsibility for helping lead offices prepare regulations, staff members of the Office of Planning and Evaluation and the Office of General Counsel are helping the program offices use clear language. They will recommend that their superiors not concur in poorly written new regulations.

The Agency is undertaking two specific projects to help its regulation writers use plain English. First, the Standards and Regulations Evaluation Division and the Office of General Counsel (OGC) are concentrating their efforts on the development of model regulations in plain English. The Acting Administrator on June 28, 1978 requested each program office to select an upcoming regulation and, with SRED and OGC assistance, prepare it in plain English. Those selections have been made and the regulations are now undergoing editorial review.

As a second project to help the Agency use plain English, SRED will hire one or more editorial consultants or contractors to help program offices use plain English and to review the language of proposed regulations. SRED has advertised its need for the consultant, and is now reviewing candidates. The Division hopes to have the consultant at work by this fall.

Agency contacts: Chris Kirtz, Standards and Regulations Evaluation Division (PM-223), 755-9010; Nell Minow, Office of General Counsel (A-130), 755-0709.

7. *Evaluation of New Regulations.* President Carter's Executive Order on Government regulation requires that each agency include in its new significant regulations a plan for a future evaluation of its effectiveness. To comply with the Executive Order, EPA requires each lead office, in consultation with the Program Evaluation Division, to develop an evaluation plan. Evaluation plans will indicate the resources and data needed for the

evaluation and a schedule for the review.

Agency contacts: Henry Beal, Standards and Regulations Evaluation Division (PM-223), 755-2265; Tom Kelly, Program Evaluation Division (PM-222), 755-3975.

8. *Retrospective Review of Existing Regulations.* EPA is in the first stages of beginning a review of all existing regulations to decide which can be eliminated, simplified, or otherwise improved. President Carter's Executive Order on improving Government regulation requires all agencies to undertake this review.

The Agency was already preparing to review many of its most important regulations in response to judicial or legislative requirements. These regulations in the air program cover ambient air quality standards; new source performance standards; and approval of implementation plans and monitoring and reporting procedures. These regulations in the water program cover water quality management regulations and national pollutant discharge elimination system (NPDES) permit regulations. The Agency will review these regulations first under the new Agencywide retrospective review.

To make the review of existing regulations a comprehensive program, EPA will screen all existing regulations to select those for more detailed review. Each program office will form a work group to conduct the screening. After completion of the initial screening, the program office will summarize its assessment of each regulation, designate those selected for intensive review, and prepare a plan for completion of that intensive review within 5 years.

The Acting Administrator approved on June 28, 1978, the procedures for the retrospective review, and the program offices are now conducting the initial screening.

Agency contacts: Henry Beal, Standards and Regulations Evaluation Division (PM-223), 755-2265; Tom Kelly, Program Evaluation Division (PM-222), 755-3975 for the initial screening.

9. *Interagency Regulatory Liaison Group (IRLG). EPA, the Food and Drug Administration, the Occupational Safety and Health Administration, and the Consumer Product Safety Commission have formed the Interagency Regulatory Liaison Group to coordinate all Federal efforts to reduce public exposure to harmful substances.*

The principals of the four agencies direct the IRLG, and have established interagency work groups to coordinate action in these eight areas:

Testing standards and guidelines,
Epidemiology,
Information exchange,
Regulatory development,
Compliance and enforcement,
Research planning,
Public education and communication, and
Risk assessment.

Agency contact: Toby Clark, Office of the Administrator (A-100), 755-0453.

III. REDUCTIONS IN THE BURDENS OF REGULATIONS AND AGENCY PROCEEDINGS

1. *Sunset Policy for New Reporting Requirements.* To reduce the burden on private industry of reporting information to the Government, the Agency adopted on June 28, 1978, a "sunset" policy for reporting requirements in new regulations. This policy will force a cyclical review of the burdens and benefits of all reports which EPA proposes to require from private parties, after the Agency and the people preparing the report have experience with the requirement, and repeal automatically those which the Agency cannot justify.

Under the sunset policy, new regulations that impose a reporting requirement will include a date on which the requirement will expire unless the Agency renews it. The date will normally be five years after the regulation takes effect, but the program office may adopt a different date in certain situations.

Six months before a requirement ends, the Agency will publish a notice of the upcoming expiration. If the program office or another party requests extension of the requirement, the Agency will create a work group to assess its costs, burdens, and usefulness. The work group will recommend whether the Agency should continue the requirement, modify it or allow it to die. The Administrator will decide what action to take, following Steering Committee review of the work group's recommendation.

Agency contact: Henry Beal, Standards and Regulations Evaluation Division (PM-223), 755-2265.

2. *Reports Impact Analysis.* President Carter's Executive Order requires all agencies to analyze any new reporting or recordkeeping requirements before adopting new significant regulations. On June 28, 1978, the Acting Administrator approved a new Agency policy of a reports impact analysis for new regulations. This analysis will describe the reason for any reports required by the regulation; evaluate alternatives to the reports (such as using existing information); outline the information the report would require and the format of the report; and estimate the costs of the report to EPA and the people collecting and preparing the information. The report's impact analysis will be part of the decision package for the regulation.

Agency contact: Richard M. Hardesty, Program Reporting Division (PM-227), 245-3000.

3. *Retrospective Review of Reporting Requirements.* During the Agency's review of existing regulations to see if it should eliminate or change them (see item II, 7), EPA will focus particular attention on the need to eliminate or modify current reporting and record-keeping requirements.

Agency contact: Richard M. Hardesty, Program Reporting Division (PM-227), 245-3000.

4. *Zero-Based Review of Reporting Requirements.* Before President Carter issued his Executive Order requiring agencies to retrospectively review their existing requirements for reports, EPA had initiated a pilot project for zero-based review of its existing reporting requirements, using procedures similar to zero-based budgeting. The Agency has tested the procedures using requirements for reports from grant recipients, and is now revising its Zero-base Reporting (ZBR) Manual. The Agency will test the ZBR procedure on a major program area reporting requirement in the near future.

Agency contact: Richard M. Hardesty, Program Reporting Division (PM-227), 245-3000.

5. *Report Reduction Task Forces.* In 1977 EPA established two task forces to reduce the reports it requires from its regional offices and State agencies.

In early 1977, the Deputy Administrator appointed a task force to examine the necessity for the reports which the Agency requires in its annual guidance to the regional offices. In April 1977 the task force reported to the Deputy Administrator that it had reduced by 36 percent the reports required by the Agency's formal planning and reporting system.

After completion of the first task force's work, the Deputy Administrator created another task force with the broader mission of identifying and reducing the major reporting problems at the EPA regional office and State levels. The task force visited five State governments that helped identify the problems. The task force has prepared a draft report on those reports which the regional offices and State governments identified as candidates for major reductions, and has discussed those candidates with the appropriate program offices. The task force is now preparing a final report to the Deputy Administrator, indicating the reductions which the task force and the program office agreed to, and recommending that she direct the program offices to make reductions in some instances where the task force and the program offices could not reach agreement.

Agency contacts: Ferial Bishop, Office of Toxic Substances (TS-794), 755-8963; Jack Stanton, Program Reporting Division (PM-227), 245-3064;

and Larry Reed, Program Evaluation Division (PM-222), 755-0306.

6. *Guidelines for Water Program Reports.* Section 308 of the Clean Water Act authorizes EPA to request information from dischargers. To ensure that the Agency does not overuse this authority, the Office of Water Planning and Standards in October 1977 required all offices preparing questionnaires to gather information from dischargers to comply with detailed guidelines and to prepare a justification. Statisticians review the proposed questionnaire and its justification to guarantee that the Agency is gathering the information with minimal cost and annoyance to the dischargers. As one example of the results of their review, the statisticians could propose a representative survey rather than an industry-wide questionnaire.

Agency contact: Swep T. Davis, Office of Water Planning and Standards (WH-551), 755-0402.

7. *Reduction in Small Business Impacts.* In the fall of 1977, EPA and the Small Business Administration (SBA) entered into an interagency agreement to coordinate EPA's requirements for pollution control by small businesses and SBA's programs of financial assistance to small businesses. Under our Memorandum of Understanding, the agencies cooperate to assure that small businesses do not bear an undue proportion of the impacts of environmental requirements, and that assistance is available to small businesses for their pollution control efforts.

Agency contact: Sheldon Sacks, Office of Analysis and Evaluation (WH-586), 426-2503.

8. *Encouragement of Innovative Technology.* In 1977, Congress added to the Clean Air Act two new provisions to encourage private industry to develop and use innovative technolgy to reduce air pollution from stationary sources. Under Section 113 EPA can give an existing source using innovative technology on extension of up to 5 years for meeting emission standards. Under Section 111 EPA can give a new source using innovative technology a waiver from the otherwise applicable new source performance standards for up to 4 years from the time the source begins operating. This flexibility will allow polluters to solve startup problems common to new mechanical systems.

The Agency has issued preliminary guidelines to its regional offices on the use of these provisions, and expects to issue final guidelines by the end of this summer. Meanwhile, seven existing sources have applied for section 113 extensions and three new sources have applied for section 111 waivers as of August 1. Of the seven section 113 applications, the Agency has sent three back to the regional offices for more information, has denied two, and is evaluating two. Of the three section 111 applications, the Agency has denied two and is evaluating one.

In 1977 Congress added similar flexibility to the Clean Water Act. Under the new provisions, EPA or a State can give a point source of water pollution (other than a publicly owned treatment facility) an extension of the normal date for compliance with an effluent limitation, if the source is using an innovative system of pollution control that has potential for industry-wide application. An extension under this section can be until as late as July 1987.

In addition, Congress instructed EPA to not make any grants to State or local government agencies for construction of treatment facilities unless the agencies had first fully investigated innovative alternatives to treatment plants. EPA has proposed regulations covering this requirement and expects to issue final regulations in September 1978.

Further, Congress authorized EPA to grant to State and local governments 85 percent of the construction cost of innovative and alternative pollution control facilities and processes, rather that 75 percent of the construction cost as is true for conventional facilities. Similarly, Congress authorized EPA to warrant the effectiveness of these innovative facilities and techniques. The Agency has proposed regulations covering these programs and expects to issue final regulations in September, 1978.

Agency contacts: Francis J. Biros, Stationary Source Enforcement Division (EN-341), 755-2560 for air program compliance date extensions; Stephen Bugbee, Permits Division (EN-336), 472-3665 for water program compliance date extensions; Tom O'Farrell, Municipal Construction Division (WH-547), 426-8976 for consideration of alternative systems; Joe Easley, Municipal Construction Division (WH-547), 426-4445 for grants and warranties for innovative systems.

9. *Simplified New Source Permit Reviews.* Different levels and agencies of government often require numerous permits before a company can begin construction of a new source of pollution. EPA often requires a new source to secure difficult permits from it different program offices. To reduce the delay, complexity, and uncertainty inherent in this type of situation, EPA in early 1978 created a New Source Review Task Force.

Last month the Deputy Administrator circulated to the Agency's senior management for comments a set of six management initiatives which the task force proposed. Upon final adoption of the recommendations, the Agency will:

- Appoint a new source permit facilitator/expeditor in each regional office to coordinate and track different offices' reviews of a new source's permit applications;
- Establish a permit tracking system with administrative milestone for each new source;
- Harmonize the schedules and procedures for the different permit reviews of a single applicant;
- Assist applicants in the completion of their permit applications;
- Agree with each State to reduce duplication among EPA, State, and local reviews; and
- Assess and resolve early in an applicant's review any potential conflict among different environmental requirements for that source.

The task force will next consider projects:

- To develop a consolidated permit application form;
- To computerize a system for tracking the progress of multiple permit applications;
- To harmonize regulatory procedures;
- To possibly consolidate one or more permit programs;
- To conditionally indicate to a company the likely acceptability of proposed new sources for which the company has not completed detailed designs;
- To develop screening procedures for companies to use in their early planning of new projects; and
- To encourage companies to consult with environmental agencies as early as possible in their planning for new sources.

Agency contact: Cheryl Wasserman, Policy Planning Division (PM-221), 755-2733.

10. *Revised Adjudicatory Hearing Procedures.* EPA's statutes require the Agency to use formal adjudicatory hearings in two types of agency proceedings: Cancellation of pesticide registration and issue of water pollution discharge permits. These hearings are patterned after formal court proceedings and are in many ways ill-suited for agency decisionmaking based upon complex technical information.

OGC is revising the pesticide cancellation procedures to use technical panels for gathering information and to increase the administrator's direction of the process by deciding interlocutory appeals. For the discharge permits, where the statute gives EPA greater flexibility, OGC is proposing to change the hearings from adversary proceedings to informal legislative style hearings before relevant program staffers under the direction of an Administrative Law Judge. In both situations, the proposed changes should

lead to better decisionmaking while preserving the parties' rights.

OGC has submitted its proposal for changes in the water pollution permit hearings to the Administrator, and will shortly circulate its proposal for changes in pesticide registration hearings for internal agency review.

Agency contact: Bill Pederson, Office of General Counsel (A-130), 426-0508 for water permits; David E. Menotti, Office of General Counsel (A-132), 755-9301 for pesticide registrations.

11. *Consolidation of Grant Procedures.* EPA has proposed to the Office of Management and Budget draft legislation to simplify and to increase the flexibility of its grant programs. Under the proposed bill, for example, an applicant receiving grants under different EPA programs could transfer money from one program category to another. OMB has not yet given EPA approval for submitting the bill to Congress.

Further, the Agency has administratively consolidated its grants program so that an applicant need file only one request for grants under different programs.

Agency contact; Gary Katz, Grants Administration Division, (PM-216), 755-2896.

IV. INCREASED EXTERNAL PARTICIPATION IN EPA DECISIONMAKING

1. *Special Assistant to the Administrator.* To increase public participation in the Agency's decisionmaking, the Administrator in April 1978 created the new position of Special Assistant to the Administrator for public participation and appointed Sharon Francis to that position.

Agency contact: Sharon Francis, Office of the Administrator (A-100), 755-0425.

2. *Public Participation Task Force.* In April 1978 the Administrator and Deputy Administrator created an internal task force on public participation, chaired by the Administrator's Special Assistant and composed of representatives of all major EPA offices. The task force is working to:

- Improve EPA's ability to involve the public in program development and implementation;
- Increase the effectiveness of EPA's techniques of obtaining public participation;
- Assure consistency and coordination of public participation efforts among programs and the wisest allocation of the Agency's public participation resources; and
- Recommend public participation goals for EPA.

The task force first met on May 30, 1978.

Agency contact: Sharon Francis, Office of the Administrator (A-100), 755-0425.

3. *Office of Public Awareness.* The Agency has reorganized the old Office Affairs, changing its title to the Office of Public Awareness and expanding its institutional support of public participation.

Agency contact: Joan Martin Nicholson, Office of Public Awareness (A-107), 755-0700.

4. *Agency Policy on Public Participation.* EPA plans to set up a standard policy for public participation in the regulation writing process. The Standards and Regulations Evaluation Division began working with the Administrator's task force and other Agency offices and members of the public in June 1978, to develop the policy.

Agency contact: Stephen Saunders, Standards and Regulations Evaluation Division (PM-223), 755-2884.

5. *Office of Water and Waste Management Public Participation Policy.* OWWM has prepared a proposed regulation establishing public participation requirements for programs under the Safe Drinking Water Act, the Resource Conservation and Recovery Act, and the Clean Water Act.

OWWM began work on the regulation in November 1977, with the creation of a working group. Before drafting the proposed rule, the working group prepared a set of concept papers on public participation and used them to solicit comments from 10,000 individuals, interested groups, EPA headquarters and regional staff, and State and local governments. OWWM has submitted the proposed regulation to the Administrator for his approval. After publication of the proposal in the FEDERAL REGISTER, OWWM will hold a public hearing and operate a toll-free long distance telephone line to gather public comments.

Agency contact: Lee Daneker, Office of Water and Waste Management (WH-556), 755-7638.

6. *Reimbursement for Public Participation.* The Agency has begun a pilot project on reimbursement of the expenses of participants in Agency rulemaking. The pilot project is on the regulation proposed on June 6, 1978, for control of polychlorinated biphenyls.

The Agency will pay the costs of participants in the public hearings who will "substantially contribute to a fair determination of the issues", whose economic state in the issue is small, and who do not have sufficient resources to participate on their own.

Agency contact: Bill Pederson, Office of General Counsel (A-130), 426-0508.

7. *Increased Participation by State and Local Governments.* EPA has undertaken two projects to expand State and local government participation in its operations.

First, the Agency has given a grant to the National Governors Association (NGA), the National Association of Counties (NACO), and the National League of Cities (NLC) to facilitate EPA, State, and local cooperation in the first year of implementation of the Clean Air Act Amendments of 1977. NGA, NACO, and NLC have held meetings in Washington, and are now holding regional meetings on implementation of the amendments. In addition, the three associations are disseminating information on the new law to their members.

Second, EPA is cooperating with the Southern California Association of Governments (SCAG) in a pilot project to improve the Office of Management and Budget's Circular A-85 guidelines for cooperation among the Federal and local governments. EPA gives SCAG quarterly reports to inform the Association members of upcoming regulatory actions; the local governments are therefore better able to contribute to EPA decisionmaking.

Agency contact: Dennis Tapsak, Office of Regional and Intergovernmental Operations (A-101), 755-0444.

8. *Toll-free Information Telephones.* The Agency has had two different sets of telephones for people to call for information on the status of regulations and other matters. Both have toll-free long distance lines. The Standards and Regulations Evaluation Division operated an experimental service for information on the status of regulations listed in the regulatory agenda. The Industry Assistance Office of the Office of Toxic Substances operates a service (No. 800-424-9065) for information on implementation of the Toxic Substances Control Act.

Agency contacts: Phil Schwartz, Standards and Regulations Evaluation Division (PM-223), 755-2693; John B. Ritch, Jr., Industry Assistance Office (TS-788), 755-3852.

[FR Doc. 78-28691 Filed 10-11-78; 8:45 am]

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 2255]

HIGHFIELD FINANCIAL GROUP (U.S.A.) LTD., AND KEY SAVINGS AND LOAN ASSOCIATION

Receipt of Application for Approval of the Acquisition of

OCTOBER 6, 1978.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Highfield Financial Group (U.S.A.) Ltd., 1773 South 8th Street, Building L, Suite 3, Colorado Springs, Colo. 80906 for approval, pursuant to

section 408(e) of the National Housing Act and § 584.4 of the regulations for Savings and Loan Holding Companies, of the acquisition of Key Savings and Loan Association 3501 South Broadway, Englewood, Colo 80110. Said acquisition is proposed to be accomplished through the purchase of approximately 89 percent of the outstanding common stock of Key Savings and Loan Association pursuant to a certain stock purchase agreement, and applicant's agreement to offer to purchase the remaining outstanding common stock. Comments on the proposed acquisition should be submitted to the Director, Office of District Banks, Federal Home Loan Bank Board, 1700 G Street, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

RONALD A. SNIDER,
Assistant Secretary,
Federal Home Loan Bank board.

[FR Doc. 78-28727 Filed 10-11-78; 8:45 am]

[6230-01-M]

FEDERAL MARITIME COMMISSION

AGREEMENT FILED

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., and Old San Juan, P.R. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 23, 1978. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement Nos. T-3727 and T-3727-A. Filing party: Mr. Stuart R. Breidbart, Secretary and General Counsel, United States Lines, Inc., One Broadway, New York, N.Y. 10004.

Summary: Agreement No. T-3727, between Sea-Land Service, Inc., (Sea-Land) and United States Lines, Inc. (USL), provides for USL's 5-year (with renewal options) sublease from Sea-Land of the berth space rights of Wharf 68 and right of use of Gantry Cranes Nos. 8 and 9, at Kaohsiung, Taiwan. Under the terms of the agreement, Sea-Land, as prime tenant, has priority berthing rights at Wharf 68. The rights subleased to USL are secondary, as outlined in the agreement. As compensation, USL shall pay a rental for berthing at Wharf 68 at a rate to be established in accordance with the proportion of the number of gantry crane moves (as defined by the Kaohsiung Harbour Bureau Tariff) made by or for USL during each rental period in relation to the total number of gantry crane moves during that period, such proportion to be calculated in accordance with the provisions set forth in FMC Agreement No. T-3727-A.

Agreement No: T-3727-A, between the same parties, provides that Sea-Land will: (1) sublease USL certain container yard, warehouse, and office facilities, together with four transtainers, two gantry cranes and berthing space; (2) furnish USL container crane services; and (3) furnish stevedoring services at Berth 68, Kaohsiung. The term of Agreement No. T-3727-A is coextensive with that of Agreement No. T-3727, above. Compensation is as set forth in detail in the agreement.

By order of the Federal Maritime Commission .

Dated: October 6, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-28808 Filed 10-11-78; 8:45 am]

[6730-01-M]

[Docket No. 78-35]

ALLIED CHEMICAL, S.A. v. FARRELL LINES, INC.

Filing of Complaint

Notice is hereby given that a complaint filed by Allied Chemical, S.A. against Farrell Lines, Inc. was served October 3, 1978. Complainant alleges that it has been subjected to charges in excess of those lawfully applicable in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before April 3, 1979. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-28695 Filed 10-11-78; 8:45 am]

[6730-01-M]

[Docket No. 78-36]

BALTIC SHIPPING CO.

RATES AND PRACTICES IN THE U.S. GULF COAST/NORTH EUROPE TRADE; ORDER TO SHOW CAUSE

The Baltic Shipping Co. (Baltic) is a common carrier in the foreign commerce of the United States providing liner service between the United States Gulf of Mexico ports and Continental European ports in the Bordeaux/Hamburg range. Baltic is a state corporation of the Union of Soviet Socialist Republics.

Pursuant to section 21 of the Shipping Act, 1916, the Comission issued an Order to Baltic to furnish certain specified information concerning its activities in the foreign commerce of the United States. The Order was issued on April 17, 1978. As indicated in that Order, the Commission has reason to believe that Baltic may be in violation of sections 15, 16, 17 and 18 of the Shipping Act, 1916, and the Commission has determined that the information requested of Baltic is necessary to establish whether such violations exist. Also, as indicated in the section 21 Order, the requested information will enable the Commission to determine whether conditions unfavorable to shipping in the foreign trade in the United States exist and have arisen out of, or result from, competitive methods or practices employed by Baltic requiring the Commission to promulgate rules and regulations pursuant to section 19 of the Merchant Marine Act, 1920, to adjust or meet such conditions.

On May 17, 1978, Baltic filed a Petition for Reconsideration of the Commission's section 21 Order. by Order dated May 26, 1978, the Commission denied Baltic's Petition for Reconsideration, established an extended timetable for compliance with its section 21 order, and required Baltic to file, no later than June 13, 1978, any further legal objections to compliance. The May 26, 1978 order notified Baltic that the filing of objections would not op-

erate to stay the prescribed time for compliance. Baltic filed its legal objections on June 13, 1978.[1]

To date, Baltic has filed cargo manifests and other documentation which respond adequately to paragraphs (A)(1) through (A)(3)(d), and paragraphs (C)(3) through (C)(5) of the Commission's April 17, 1978 section 21 order. Baltic has not, however, adequately responded to paragraphs (A)(3)(e), (B)(1) through (B)(3), (C)(1) and (C)(2) of the section 21 order.

Paragraph (A)(3)(e) of the order calls for tariff item numbers and tariff authority for Baltic rate assessments. Only Baltic knows the basis upon which it assessed rates; the Commission could only speculate, and even speculation would require an extremely cumbersome search of all the possible tariff provisions that might apply. The Commission cannot make a definitive determination of the legality of Baltic's rates and practices if it does not know how Baltic assessed the rates or established the practices.

Paragraphs (B)(1) through (B)(3) of the order call for records, descriptions and memoranda concerning the practice of combining Baltic's equipment with that of other carriers, and concerning container leasing arrangements with other carriers by Baltic. Through counsel, Baltic filed a response indicating that there are no such records, descriptions or memoranda. This response was accompanied by the sworn statement of Bernard Katz, employee of Baltic's sole general agent in the U.S. Gulf Coast/North Europe trade, stating that: "To the best of my personal information, knowledge, and belief, Baltic's Response herein is true and accurate and contains all documents requested in the order that are under the care, custody and control of Baltic in the United States." This statement apparently limited Baltic's response to information located within the United States, despite the fact that the information sought by the order would be more likely to exist outside the United States. In its May 26, 1978 order, the Commission required that: "[i]f Baltic's response to this paragraph is consistent with the statement made in the Affidavit of Bernard Katz, * * * the response shall be verified by a principal of Baltic, authorized to make such a statement, and who has made the necessary inquiries to determine the truth of the statement." If Baltic's original statement were true as to all the information in Baltic's possession *wherever located*, compliance with the requirements of the May 26, 1978 order by the June 30, 1978 deadline prescribed therein would have been a simple matter. Baltic has neither complied with the May 26, 1978 order nor offered any explanation for its failure to elaborate upon its initial response after being notified of its inadequacy. The information sought in paragraphs (B)(1) through (B)(3) is essential to the Commission's inquiry into Baltic's practices in the foreign commerce of the United States and is not available to the Commission except through Baltic.

Paragraphs (C)(1) and (C)(2) of the Commission's April 12, 1978 order apply to "space charters (containerships)", as described under rule 575, Baltic Shipping Co. Eastbound Gulf Intermodal Tariff No. 4, FMC 34, for the period of March 31, 1977 through March 31, 1978. Paragraphs (C)(1) and (C)(2) call for descriptions of all negotiations with other carriers subject to the Shipping Act regarding the chartering of space blocks, and copies or memoranda of all requests (written or oral) received from each "established common carrier." Baltic has not responded to paragraphs (C)(1) or (C)(2); it has only reiterated its legal objections and indicated that there are no *written* requests from "established common carriers" in its possession. The information sought in paragraphs (C)(1) and (C)(2) is necessary to an adequate evaluation by the Commission of the legality of Baltic's space charter rates and practices under the Shipping Act, 1916. The information is not accessible to the Commission except through Baltic.

To date, Baltic has not come forward with any adequate legal justification or factual excuse for its failure to comply with paragraphs (A)(3)(e), (B)(1)-(B)(3), and (C)(1)-(C)(2) of the Commission's section 21 order. In an attempt to justify its failure to comply fully with the Commission's orders of April 17, 1978 and May 26, 1978, Baltic has made the following legal arguments: (1) that the Commission's reach under section 21 of the Shipping Act, 1916, is limited to "facts and historical data" reflected in presently existing business records, and does not extend to information not contained in such records, such as the terms of oral agreements or negotiations; (2) that full compliance with the section 21 order would impose an unreasonable financial burden upon Baltic which is not justified by the scope of the Commission's inquiry; and (3) that Baltic is prevented by foreign law from complying with any portion of the section 21 order which would require the production of documents or information located outside the United States.

In support of the first argument, Baltic refers to cases and legislative history wherein the power of regulatory agencies to *inspect* corporate records has been limited to comport with the agencies' power to prescribe and regulate corporate record keeping procedures in the first instance.[2] The authorities cited by Baltic are not apposite to orders issued pursuant to section 21 of the Shipping Act to *produce* specific information.

Section 21 was enacted to enable the Commission to inquire into the possible violations of the Shipping Act, 1916:

> The purpose of section 21 is not far to seek. Other sections forbid allowance of rebates, require the filing of agreements fixing or regulating rates, granting special rates, accommodations or privileges, which may be disapproved, cancelled, or modified if the board finds them unjustly discriminatory or violative of the act, prohibit undue or unreasonable preferences or the cutting of established rates and unjust discrimination between shippers or ports. To enable it to perform its functions the [Federal Maritime] board may well need such information as that which the section gives it power to demand.[3]

To construe section 21 as limiting the Commission's inquiry to business records that the carrier chooses to keep would render it virtually useless in light of the fact that the Commission does not specify which records must be maintained in the normal course of the carrier's business. Congress did not intend such a result, and the courts have not attributed any such intent to it. Section 21 orders requiring that the terms of certain oral agreements be "set forth in a memorandum in sufficient detail to represent a true and complete record of the contract" have been upheld.[4] The fact that the information sought concerns oral discussions or other matters not presently memorialized in business records is beside the point. The permissible scope of an order issued pursuant to section 21 of the Shipping Act, 1916, is determined by the relevancy of the information sought to matters within the authority of the Commission, and:

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[1] The Commission's Bureau of Hearing Counsel submitted a memorandum of law in response to Baltic's legal objections, and, on July 12, 1978, Baltic filed a reply to hearing counsel's memorandum.

[2] *Alcoa Steamship Co.* v. *Federal Maritime Commission*, 348 F. 2d 756 (D.C. Cir. 1965), *Burlington Northern, Inc.* v. *Interstate Commerce Commission*, 462 F. 2d 280 (D.C. Cir. 1972).

[3] *Isbrandtsen-Moller Co.* v. *United States*, 300 U.S. 139, 144-145 (1937).

[4] *Kerr Steamship Co.* v. *United States*, 284 F. 2d 61 (2d Cir. 1960) *appeal dismissed as moot*, 369 U.S. 422 (1962). Baltic attempts to distinguish the *Kerr* case on the ground that it required only the filing of agreements that were required to be filed by other provisions of the Shipping Act. Baltic's assertion is incorrect; the *Kerr* case also upheld that portion of the contested section 21 order which required the filing of agreements between a carrier and another person "whether or not he was 'subject to the Act'." *Id.* at 64. *See also Monship Lines, Ltd.* v. *Federal Maritime Board*, 295 F. 2d 147 (D.C. Cir. 1961).

Nobody would argue, we should suppose, that oral agreements made in other countries could have no effect upon the commerce of the United States, which was the subject being investigated * * *. It would be absurd, for example, to hold that the [Federal Maritime] Board had no power to examine a witness as to what had been agreed abroad, if that was relevant to the terms and conditions of the eventual carriage.[5]

In support of its argument that the Commission's section 21 Order is unreasonably burdensome, Baltic had asserted, in its May 17, 1978 Petition for Reconsideration, that the commission's inquiry is essentially limited to Baltic's space charter shipments. The Commission corrected this misapprehension in its May 26, 1978 Order by again advising Baltic of the full Scope of its inquiry, which includes possible violations of sections 15, 16, 17 and 18 of the Shipping Act, 1916 and the possible existence of unfavorable conditions in the foreign trade, within the meaning of section 19 of the Merchant Marine Act, 1920. The matters encompassed by the sction 21 Order are of legitimate concern to the commission, and are within the scope of its statutory authority; the demand for informatin is not vague or indefinite and the information sought is clearly relevant to the matters under inquiry. This being the case, the Commission's section 21 Order is both reasonable and lawful.[6]

Finally, Baltic argues that "to the extent that certain documents or information requested by the Commission exist and are in the care, custody or control of Baltic outside the United States, the production of such documents or information in this proceeding is barred by the laws of the country(ies) in which such documents or information are located." Baltic refers to no specific laws, and no particulr country, in making the foregoing assertion, nor does it make any attempt to describe what type of information would be considered confidential under foreign law. Further, Baltic has not presented any evidence that it is unable to obtain a waiver of any applicable foreign law. The Commission cannot adequately consider Baltic's argument that foreign law precludes its compliance with the Commission's orders unless it has more information. Therefore:

Prior to determining whether these foreign laws do in fact forbid the production of documents such as those required by the * * * order and, if so, what effect this should have upon compliance, the appropriate procedure is to require these petitioners to make a good faith attempt to obtain a waiver of such restrictions from their respective governments * * *. *Societe Internationale* v. *Rogers*, 1958, 357 U.S. 197, 78 S. Ct. 1087, 2 L.Ed 1255.[7]

All of Baltic's legal objections to compliance with the commission's section 21 Order other than the applicability of foreign law have been aired and fuly considered by the Commission. They are without merit, and are rejected. It appears, therefore, that Baltic shipping Co. is in violation of the Commission's Order of April 17, 1978, as modified by its Order of May 26, 1978, to produce information in accordance with section 21 of the Shipping Act, 1916. Before finding that Baltic is in violation of section 21 and considering appropriate sanctions, however, the Commission wishes to consider the possible affirmative defense of foreign law which has been adverted to, but not yet presented, by Baltic.

Therefore, It Is Ordered, That pursuant to section 21 of the Shipping Act, 1916, and in accordance with Part 502.66 of the Commission's rules (46 CFR 502.66), the Baltic Shipping Co. is ordered to show cause why it should not be found to be in violation of section 21 of the Shipping Act, 1916, by reason of its failure fully to comply with the commission's Orders of April 17, 1978, and May 26, 1978 issued pursuant thereto;

It is Further Ordered, That this proceeding is limited to the submission of affidavits of fact and memoranda of law solely on the issue of the applicability and effect of foreign law upon the information sought by the commission's Orders of April 17, 1978 and May 26, 1978. Should any party feel that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, a description of the evidence which would be adduced to prove those facts, and why such proof cannot be submitted through affidavit. Request for hearing shall be filed no later than November 27, 1978.

It is further ordered, That pursuant to part 502.66 of the Commission's rules (46 CFR 502.66), Baltic Shipping Co. is required to answer this show cause order by providing all information available to it concerning:

(1) The existence and terms of any applicable foreign law or regulation which purports to prohibit the gathering or release of information by Baltic Shipping Co. in response to the Commission's Orders of April 17, 1978, and May 26, 1978;

(2) The nature, description and location of the information or documents covered by the Commission's Orders of April 17, 1978 and May 26, 1978, the gathering or release of which the foreign law purports to prohibit, or which Baltic Co. has not yet released for any other reasons;

(3) The penalties provided by the foreign law in the event it is violated; and

(4) The nature and extent of any efforts by Baltic Shipping Co. to obtain a waiver of any applicable foreign law purporting to prohibit the gathering or release of information by Baltic Shipping Co. in response to the Commission's Orders of April 17, 1978 and May 26, 1978;

It is further ordered, That notice of this show cause order be published in the FEDERAL REGISTER and that a copy thereof be served upon the Baltic Shipping Co.; and

It is further ordered, That the Baltic Shipping Co. shall file the information described in the third ordering paragraph hereof, together with any additional matters it may wish to submit in accordance with the second ordering paragraph hereof, no later than October 25, 1978 with the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, in an original and 15 copies;

It is further ordered, That the Commission's Bureau of Hearing Counsel be made a party to this proceeding. Reply affidavits and a memorandum of law shall be filed by the Bureau of Hearing Counsel no later than November 9, 1978, with the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, in an original and 15 copies; and

It is further ordered, That a rebuttal memorandum and affidavits responding to the memorandum and affidavits filed by the Bureau of Hearing Counsel shall be filed by Baltic Shipping Co. no later than November 20, 1978 with the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573 in an original and 15 copies.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-28696 Filed 10-11-78; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

COLONIAL AMERICAN BANKSHARES CORP.

Proposed Retention of Colonial American Mortage Corp. Lynchburg, Va. Office.

Colonial American Bankshares Corp., Roanoke, Va., has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. §1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to retain the Lynchburg, Va. office of Colonial American Mortgage Corp., Roanoke, Va.

Notice of the application was published on August 21, 1978 in *The News*,

[5] *Kerr Steamship Co.* v. *United States*, 284 F. 2d 61, 64 (2d Cir. 1960).

[6] *Montship Lines, Ltd.* v. *Federal Maritime Board*, 295 F. 2d 147, 154 (D.C. Cir. 1961), *Cf. Isbrandtsen-Moller Co.* v. *United States*, 300 U.S. 139 (1937).

[7] *Montship Lines, Ltd.* v. *Federal Maritime Board*, 295 F. 2d and 156.

a newspaper circulated in Lynchburg, Va.

Applicant states that the proposed subsidiary would engage in the activities of making, acquiring or servicing loans secured primarily by second mortgages on real property and acting as agent in the sale of credit life insurance and credit accident and health insurance in connection with such loans. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested person may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased compitition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 3, 1978.

Board of Governors of the Federal Reserve System, October 4, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-28734 Filed 10-11-78; 8:45 am]

[6210-01-M]

FALSBUILDING, INC.

Acquistion of Bank

Falsbuilding, Inc., Columbia Falls, Mont., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3) to indirectly acquire 80 percent of the voting shares of United National Bank of Libby, Libby, Mont., by directly acquiring Lincoln Corp., Libby, Mont. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 6, 1978.

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

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-28735 Filed 10-11-78; 8:45 am]

[6210-01-M]

FIRST BANC GROUP OF OHIO, INC.

Acquisition of Bank

First Banc Group of Ohio, Inc., Columbus, Ohio, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the Marion County Bank, Marion, Ohio. 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 Cleveland. 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 November 6, 1978.

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

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-28736 Filed 10-11-78; 8:45 am]

[6210-01-M]

FIRST TEXAS BANCORP, INC.

Proposed Acquisition of Universal Bankers Life Insurance Co. of Texas

First Texas Bancorp, Inc., Georgetown, Tex. has applies, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 22.4(b) (2) of the Board's regulation Y (12 CFR 225.4 (b) (2)), for permission to aquire voting shares of Universal Bankers Life Insurance Co. of Texas, Georgetown, Tex. ("Bankers"). Notice of the application was pubished on: September 13, 1978, in the Killeen Daily Herald of Killeen; September 14, 1978, in the Lampasas Record of Lampasas County, the Round Rock Leader of Williams County, and the Temple Daily Telegram of Bell County; and September 17, 1978, in the Sunday Sun of Williamson County; all in Texas.

Applicant states that Bankers would engage in the activity of acting as underwriter for credit life insurance and credit accident and health insurance, which is directly related to extensions of credit by the member banks in the holding company system. Mortgage redemption and mortgage cancellation insurance will not be underwritten. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as under concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 6, 1978.

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

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-28737 Filed 10-11-78; 8:45 am]

[6210-01-M]

MARYLAND NATIONAL CORP.

Proposed Acquisition of GECC and MN Leasing Corporation

Maryland National Corp., Baltimore, Md., has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y (12 CFR § 225.4(b)(2)), for permission to engage through its wholly owned subsidiary, Maryland National Leasing Corp., in forming a joint venture with General Electric Credit Corp., Stamford, Conn., to acquire voting shares of GECC and MN Leasing Corp., Stamford, Conn. Notice of the application was published on July 24, 1978, in the Wall Street Journal, a newspaper of general circulation; on September 15,

1978, in the Baltimore News-American, a newspaper circulated in Baltimore, Md.; and on September 21, 1978, in the Advocate, a newspaper circulated in Stamford, Conn.

Applicant states that the proposed joint venture would engage generally in the activities of leasing personal and real property. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, such to Board approval of individual proposals in accordance with the procedures of § 225.4(b)

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 6, 1978.

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

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-28738 Filed 10-11-78; 8:45 am]

[6210-01-M]

NEW VIRGINIA BANCORP.

Acquisition of Bank

New Virginia Bancorp., Springfield, Va., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares of First City Bank of Newport News, Newport News, Va. 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 Richmond. 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 30, 1978.

Board of Governors of the Federal Reserve System, October 4, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-28739 Filed 10-11-78; 8:45 am]

[6210-01-M]

JACKSONVILLE NATIONAL CORP.

Formation of Bank Holding Company

Jacksonville National Corp., Jacksonville, Fla., 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 98 percent or more of the voting shares of Jacksonville National Bank, Jacksonville, Fla. 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 Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve bank, to be received not later than October 31, 1978.

Board of Governors of the Federal Reserve System, October 4, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-28740 Filed 10-11-78; 8:45 am]

[6210-01-M]

ST. ANTHONY NATIONAL CO.

Formation of Bank Holding Company

St. Anthony National Co. St. Anthony Village, Minn. has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring approximately 93.32 percent or more of the voting shares of St. Anthony National Bank, St. Anthony Village, Minn. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than November 6, 1978.

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

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-28741 Filed 10-11-78; 8:45 am]

[1610-01-M]

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 29, 1978. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before October 30, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory reports Review, United States General Accounting Office, room 5106, 441 G Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

INTERSTATE COMMERCE COMMISSION

The ICC requests clearance for the new reporting requirements embodied in Ex Parte No. 55 and identified as 49 CFR 1106.7. This section provides for the inclusion of energy impact information along with other evidence submitted by the applicant in support of an application. The information is required with applications identified in section 1106.5 as major regulatory actions. The data will be used by the Commission to consider energy impact in its decisions as required by the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6201, et. seq.). The ICC states that respondents will be ICC regulated transportation firms. The ICC estimates that it will receive 10,000 responses annually and that reporting burden for the energy impact information will average 1 hour per response.

Ex Parte 55, which was served on July 12, 1978, made this reporting requirement effective immediately. However, the reporting is contingent on ICC's compliance with 44 U.S.C. 3512 which precludes the collection of information from 10 or more persons until the Comptroller General has had the opportunity to determine that the information required is not presently available from other Federal sources and that the proposed reporting requierment is consistent with section 3512. This notice represents the beginning of the GAO review.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 78-28722 Filed 10-11-78; 8:45 am]

[4110-39-N]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

PANEL FOR THE REVIEW OF LABORATORY AND CENTER OPERATIONS

Meeting

Notice is hereby given that the next meeting of the Panel for the Review of Laboratory and Center Operations will be held on October 28-29, 1978, in room 823 of the National Institute of Education, 1200 19th Street NW., Washington, D.C. The Panel will meet from 9 a.m. until 5:30 p.m. on Saturday, October 28 and from 9 a.m. until 3 p.m. on Sunday, October 29.

The Panel for the Review of Laboratory and Center Operations is established under section 405 of the General Education Provisions Act, as amended by section 403(d) of the Education Amendments Act of 1976, 20 U.S.C. 1221e. Its functions include: (a) The review of long-range plans submitted by the 17 existing educational laboratories and research and development centers to the National Institute of Education; (b) the review of the operations of the laboratories and centers; and (c) making recommendations for the improvement and continuation of individual laboratories and centers and for the support of new laboratories and centers.

The entire meeting will be open to the public. Although the agenda cannot be specified with precision, it will consist of four main elements: (1) Discussion and determination of recommendations to NIE and the Congress with regard to the support of individual laboratories and centers, based in part on the Panel's review of long-range institutional plans and the recommendations of Panel site visit teams; (2) discussion of the scope and content of the final report to Congress and the Director of NIE, including discussion of the first drafts of aspects of the report prepared by Panel members and groups of Panel members since the last meeting (September 23-24, 1978); (3) discussion of the schedule and strategies for completing the writing and production of the final report; and (4) discussion of the dates and purposes of future meetings. The discussion of recommendations for the support of individual labs and centers will be the first major item on the agenda on October 28, and will likely carry over into the afternoon. The remainder of the session on October 28 and on October 29 will be devoted to issues related to the Panel's final report and future activities.

Interested persons are invited to attend these sessions. Written statements relevant to an agenda item or any topic deemed of interest to the Panel may be submitted to the Panel staff at the address below.

Copies of the records of all Panel proceedings may be obtained through the office of the Panel staff. Minutes require approval by the Panel at a subsequent meeting and are available to the public 2 weeks following their approval.

In order to verify the tentative agenda, or assure adequate seating arrangements, persons likely to attend the Panel meeting may contact the Panel staff office as indicated below:

Panel for the Review of Laboratory and Center Operations, National Institute of Education, Washington, D.C. 20208, 202-254-5830 or 254-5306.

Dated: October 10, 1978.

GRADY MCGONAGILL,
Staff Director, Panel for the Review of Laboratory and Center Operations.

[FR Doc. 78-28862 Filed 10-11-78; 8:45 am]

[4110-12-M]

Office for Civil Rights

PROPOSED ANNUAL OPERATION PLAN, FISCAL YEAR 1979

Extension of Comment Period

This notice extends the period for comments to the notice, published September 1, 1978 (43 FR 39262), proposing the Office for Civil Rights (OCR) compliance and enforcement activities for fiscal year 1979. The time has been extended to October 30, 1978, to give additional time for constructive comments from all interested parties.

Dated: October 5, 1978.

DAVID S. TATEL,
Director, Office for Civil Rights.

[FR Doc. 78-28728 Filed 10-11-78; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 18073; Survey Group 108]

MINNESOTA

Filing of Plats of Survey

On September 27, 1977, four plats of survey of islands were accepted. They will be officially filed in this office as of 10 a.m. on November 6, 1978.

The plats represent surveys of islands omitted from the original township surveys. All of the following described lands are similar to the adjacent surveyed lands in that they were formed by the deposition of glacial debris, and all are located in the fifth Principal Meridian, Minnesota:

T. 142 N., R. 37 W.
Tract 37 (2.86 acres);
Tract 38 (0.88 of an acre);
Tract 39 (0.44 of an acre).
T. 143 N., R. 37 W.
Tract 37 (0.78 of an acre);
Tract 38 (2.69 acres);
Tract 39 (3.13 acres).
T. 143 N., R. 39 W.
Tract 37 (3.52 acres);
Tract 38 (0.56 of an acre).
T. 146 N., R. 39 W.
Tract 37 (3.64 acres);
Tract 38 (0.40 of an acre).

The area aggregates 18.90 acres, more or less.

The islands in T. 142 N., R. 37 W., which are located in Lake of the Valley, have a soil composition of a thin layer of organic matter on a base of glacial till. All are scattered with rocks. Tract 37 rises from the ordinary high water line to an elevation of approximately 10 feet; Tract 38 rises to approximately 8 feet; and Tract 39 rises to approximately 6 feet. Timber on these islands consists primarily of Norway and Jack pine, spruce, balsam, birch, and poplar. The undergrowth is comprised of young timber, briars, hazel, juneberry, and/or native grasses and vines.

In T. 143 N., R. 37 W., the islands described are located in Long Lost Lake. All have a soil composed of a base of glacial till with a layer of duff and undergrowth primarily consisting of native grasses and young timber. On Tract 37, the timber is mainly red and white pine, aspen, and white birch. The timber on Tracts 38 and 39 is mostly red and white pine, ash, oak, basswood, and aspen. Tracts 37, 38 and 39 rise to elevations of approximately 4 feet, 10 feet, and 12 feet, respectively.

The two islands in Bass Lake were omitted from the original survey of T. 143 N., R. 39 W. Tract 37, rising to an elevation of approximately 20 feet, has a soil composition of glacial till with a moderate amount of organic matter

incorporated in the top layer. Timber consists of white and red pine, oak, ash, basswood, aspen, elm, and birch; undergrowth consists of native grasses, willow, hazel, briars, and vines. Tract 38, having a soil composition of a thin layer of duff on a base of glacial till, rises to an elevation of approximately 6 feet. The timber therein is comprised of red and white pine, aspen, and white birch with an undergrowth of grasses and young timber.

Located in Island Lake are the two tracts described in T. 146 N., R. 39 W. Rising to approximately 7 feet, Tract 37 has: Soil composed of a thin layer of duff on a base of glacial till; timber consisting of red and white pine, aspen, elm, ash, birch, willow, balm of Gilead, oak, poplar, balsam, and spruce; and an undergrowth of native grasses, briars and small trees. Tract 38 barely rises above the ordinary high water mark, has soil composed of glacial till covered with a thin layer of sand and gravel, and has vegetation consisting of native grass, briars, and willows.

Tract 38, T. 146 N., R. 39 W., was found to be less than 50 percent upland in character within the interpretation of the Swampland act of September 28, 1850. Therefore, title to that tract inured to the State of Minnesota as of that date, and it is subject only to selection by the State under that act.

The remaining lands described are over 50 percent upland in character within the meaning of the Act of September 28, 1850. They are, therefore, held to be public land.

Except for valid existing rights, there lands will not be subject to application, petition, location, selection, or to any other type of appropriation under any public law, including the mining and mineral leasing laws, until a further order is issued.

All inquiries relating to these lands should be addressed to Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Md. 20910.

LANE J. BOWMAN,
Acting Director,
Eastern States.

Copies of the notice will be mailed to:

1. Honorable Wendell R. Anderson, U.S. Senate, Washington, D.C. 20510.
2. Honorable Muriel Humphrey, U.S. Senate, Washington, D.C. 20510.
3. Honorable Arlan Stangeland, House of Representatives, Washington, D.C. 20515.
4. Mr. Robert F. Schneider, Schneider & Buxton, Box 292, Walker, Minn. 56484.
5. Mr. Donald D. Busker, First National Bank Building, Box 871, Detroit Lakes, Minn. 56501.
6. Mr. James G. Bingham, Midwest Minnesota Corp. P.O. Box 376, Mahnomen, Minn. 56557.
7. Area Director, Minneapolis Area Office, Bureau of Indian Affairs, 831 Second Avenue South, Minneapolis, Minn. 55402.
8. Bureau of Indian Affairs, Third Floor, Federal Building, Bemidji, Minn. 56601.
9. Clerk of Courts, Clearwater County, Bagley, Minn. 55308.
10. Clerk of Courts, Becker County, Detroit Lakes, Minn. 56501.
11. Clerk of Courts, Mahnomen County, Mahnomen, Minn. 56557.
12. Postmaster, Bagley, Minn. 55308.
13. Postmaster, Detroit Lakes, Minn. 56501.
14. Postmaster, Mahnomen, Minn. 56557.
15. The Farmers Independent, Farmers' Publishing Co., Bagley, Minn. 55308.
16. Becker County Record, Box 826, Detroit Lakes, Minn. 56501.
17. The Pioneer, Box N, Mahnomen, Minn. 56557.
18. State of Minnesota, Department of Natural Resources, 658 Cedar Street, St. Paul, Minn. 55155.

[FR Doc. 78-28749 Filed 10-11-78; 8:45 am]

[4310-84-M]

[ES 17760; Survey Group 109]

MINNESOTA

Filing of Plat of Survey; Correction

In FR Doc. 78-25892, appearing on pages 41099 and 41100 in the issue for Thursday, September 14, 1978, in the first column of page 41100, the first sentence of the third paragraph of the notice, "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," should be corrected to read, "By Proclamation No. 2216 of December 29, 1936, all public lands in T. 147 N., R. 30 W., Fifth Principal Meridian, Minnesota, were included in the Chippewa National Forest."

LANE J. BOUMAN,
Acting Director,
Eastern States.

[FR Doc. 78-28750 Filed 10-11-78; 8:45 am]

[4310-84-M]

[NM 34673]

NEW MEXICO

Application

OCTOBER 3, 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), Southern Union Gathering Co. has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 11 W.,
Sec. 1, S½SW¼.

This pipeline will convey natural gas across 0.20 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 promtly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-28751 Filed 10-11-78; 8:45 am]

[4310-84-M]

[NM 34690]

NEW MEXICO

Application

OCTOBER 2, 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), Yates Petroleum Corp. has applied for two 2⅞-inch natural gas pipelines right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 24 E.,
Sec. 1, SW¼NE¼ AND SE¼NW¼.

These pipelines will convey natural gas across .604 of a mile of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the 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 1397, Roswell, N. Mex. 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-28752 Filed 10-11-78; 8:45 am]

[4310-84—M]

[NM 34762]

NEW MEXICO

Application

OCTOBER 3, 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), Phillips Petroleum Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 14 S., R. 28 E.,
Sec. 11, SE¼SW¼.

This pipeline will convey natural gas across .126 of a mile of public land in Chaves 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 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-28753 Filed 10-11-78; 8:45 am]

[4310-84-M]

[NM 34755, 34778, and 34779]

NEW MEXICO

Applications

OCTOBER 2, 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), transwestern Pipeline Co. has applied for three 4-inch natural gas pipeline and related facilities rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 17 S., R. 24 E.,
Sec. 4, E½SW¼;
Sec. 8, E½NE¼, SW¼NE¼ AND NW¼SE¼;
Sec. 9, NW¼NW¼;
Sec. 18, SE¼SW¼.
T. 18 S., R. 24 E.,
Sec. 12, SW¼SE¼.

These pipelines will convey natural gas across 1.06 miles of public lands in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-28754 Filed 10-11-78; 8:45 am]

[4310-84-M]

[NM 34734, 34736, 34739, 34767, 34768, 34769, 34770, 34776 and 34777]

NEW MEXICO

Applications

OCTOBER 2, 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 nine 4½-inch natural gas pipelines and related facilities rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 7 W.,
Sec. 4, S½NW¼.
T. 28 N., R. 7 W.,
Sec. 8, SW¼SW¼;
Sec. 11, SE¼SW¼;
Sec. 17, NW¼NE¼ AND N½NW¼;
Sec. 19, NW¼NE¼;
Sec. 32, NE¼NW¼.
T. 30 N., R. 7 W.,
Sec. 3, SE¼NW¼;
Sec. 9, SW¼NE¼ AND W½SE¼.

These pipelines will convey natural gas across 2.445 miles of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-28755 Filed 10-11-78; 8:45 am]

[4410-09-M]

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

[Docket No. 78-14]

THOMAS R. PRENDERGAST, CONROY'S PHARMACY, CORAOPOLIS, PENNSYLVANIA

Hearing

Notice is hereby given that on June 30, 1978, the Drug Enforcement Administration, Department of Justice, issued to Thomas R. Prendergast, Conroy's Pharmacy, Coraopolis, Pa., an Order to Show Cause as to why the Drug Enforcement Administration should not deny Respondent's application for registration, executed March 17, 1978, under 21 U.S.C. 823, to dispense controlled substances listed in Schedule(s) II, IIN, III, IIIN, IV and V as a retail pharmacy.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Friday, October 27, 1978, in the Hearing Room, room 1210, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C.

Dated: October 4, 1978.

PETER B. BENSINGER,
Administrator, Drug Enforcerment Administration.

[FR Doc. 78-28762 Filed 10-11-78; 8:45 am]

[4910-58-M]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-41]

ACCIDENT REPORT; RESPONSES TO SAFETY RECOMMENDATIONS

MARINE ACCIDENT REPORT

The National Transportation Safety Board has released its report on investigation into the accident involving the M/V CHESTER A. POLING which occurred January 10, 1977, about 6nmi ESE of Cape Ann, Mass. The report, No. NTSB-MAR-78-7, was made available October 3, 1978.

Investigation revealed that the 281-foot coastal tankship broke in two in 25- to 30-foot seas while en route from Everett, Mass., to Newington, N.H., during a severe winter storm. The vessel was partially ballasted and carried no cargo; only a minor pollution resulted. Of the seven persons aboard, six were rescued. One person, who fell into the ocean while attempting to enter the Coast Guard helicopter's

rescue basket, is missing and presumed dead.

The Safety Board determined that the probable cause of the accident was the brittle fracture of a bottom longitudinal stiffener, which led to buckling of the adjacent bottom plating panels and subsequent failure of the complete bottom and sides. The bottom longitudinal stiffener failed because of the high stresses created by the improper distribution of ballast water and the heavy seas. Contributing to the accident were the lack of a loading manual to indicate proper ballasting procedures, the speed of the vessel, and the inaccuracy of the National Weather Service's weather forecasts.

Contributing to the loss of life were the lost seaman's failure to wear a personal flotation device, and the improper handling of the Coast Guard helicopter's resuce basket by the POLING's crew, which resulted from the crew's lack of training and their inability to hear Coast Guard instructions over the noise created by the helicopter, high winds, and breaking seas.

As a result of investigation of this accident, the Safety Board in two separate letters dated September 22, 1978, addressed the following recommendations to:

U.S. Coast Guard—

Require that a loading manual indicating proper cargo and ballast loading arrangements and procedures be prepared for each coastal tankship. (M-78-63)

Study the feasibility of providing estimated hull stress information based on loading condition, sea state, and ship speed and relative heading in graphical form in coastal tankship loading manuals. (M-78-64)

Require that exposure suits be provided for each crewmember on vessels that routinely operate in areas of cold air or sea temperatures. (M-78-65)

Require that at least one inflatable liferaft be stowed near each accommodation and working space on coastal tankships. (M-78-66)

Develop an effective method to insure that each merchant seaman is instructed and trained in the proper use of helicopter-borne rescue baskets. (M-78-67)

Install a placard of simple user instructions suitable for emergency situations on each Coast Guard helicopter-borne resuce basket. (M-78-68)

Maritime Administration of the U.S. Department of Commerce—

With assistance from the U.S. Coast Guard and maritime industry management and labor, develop a survival and rescue training course to provide instruction in Coast Guard sea rescue methods and in the proper actions merchant seaman should take to aid in their rescue. (M-78-69)

With the exception of M-78-64, each of the above recommendations is designated "Class II, Priority Action." Recommendation M-78-64 is designated "Class III, Longer Term Action." The recommendations are reproduced in the accident report.

RESPONSES TO SAFETY RECOMMENDATIONS

Highway

H-77-21.—Letter of September 20 from the Federal Highway Administration (FHWA) responds to one of three recommendations issued following investigation of the October 16, 1976, accident on Interstate 70 near Byers, Colorado. This and four similar accidents occurring at this location resulted in 12 deaths in less than 5 years as a result of errant vehicles entering the median, driving behind the guardrail, and plunging over the embankment between twin bridges.

The Safety Board Recommended that FHWA insure that all State highway departments are using current FHWA and American Association of State Highway and Transportation Officials (AASHTO) guidelines for barriers installed at bridge approaches, and insure that the departments periodically inform and instruct their maintenance forces about changes to these guidelines.

In response, FHWA reports that it has for some time been conducting safety design reviews in the individual States with the primary objective to determine whether States are incorporating into their projects safety design features which represent the current state of the art. A major national review of safety design has been made on new projects and safety upgrading of previously constructed projects. A major thrust of this review was to evaluate barriers installed at bridge approaches and to review current design standards for these barriers. Also, FHWA continues to develop training courses in the area of safety design. These courses are for FHWA, State, and local personnel involved in all facets of highway work which includes maintenance forces.

Specifically in the area of traffic barriers, FHWA has distributed to its field offices copies of the new AASHTO Guide for Selecting, Locating, and Designing Traffic Barriers. This publication was transmitted with an FHWA Notice which specifically requested field offices to review traffic barrier practice, in light of the Guide, to effect improvements in practices that fall short of suggestions in the Guide. FHWA notes that information from the AASHTO Guide is a significant feature of a training course entitled "Safety Design and Operational Factors for Streets and Highways" which is being conducted by FHWA for Federal, State, and local engineers.

FHWA also reports on issuance on November 17, 1977, of Notice N7560.5, "Federal-Aid Participation in Highway Appurtenances" which directly addresses the intent of H-77-21; a copy is attached to FHWA's letter. Further, an FHWA Bulletin is being prepared to alert FHWA elements and others of the continuing need to insure that State and local authorities use the latest guidelines for barriers.

H-78-42.—FHWA's letter of September 21, is in response to a recommendation developed as a result of investigation into the Ford Construction Company truck-semitrailer/Dodge van collision on U.S. Route 221 near Marion, N.C., May 12, 1977. The recommendation urged FHWA to maintain strict surveillance of Ford Construction Company's compliance with the provisions of the Federal Motor Carrier Safety Regulations (FMCSR).

In response, FHWA notes that the transportation involved in this accident was an interstate movement of construction equipment in furtherance of a commercial enterprise, serving primarily to move equipment intermittently to and from or between job sites. Ford Construction Co. is not engaged in "for hire" transportation operations. Such an operation is deemed to be private carriage subject to FMCSR. There is no Federal requirement that private carriers obtain operating authority or register their operations in any manner. FHWA states that this carrier was unknown to the Bureau of Motor Carrier Safety (BMCS) and had not been served with the FMCSR or subjected to any prior safety compliance investigation.

FHWA reports that 3 weeks after the accident the carrier's president was personally served with the FMCSR, and a safety compliance survey conducted at that time disclosed a pattern of general noncompliance with the FMCSR. FHWA reports that another safety compliance survey made on the carrier on July 18, 1978, disclosed improvement in compliance but still some areas of violation, particularly in recordkeeping. Intention to bring about full compliance has been indicated to BMCS, and a third safey survey will be conducted in about 6 months. FHWA will continue surveillance and will take enforcement action if necessary.

H-78-1 through 4.—FHWA has provided the following responses (letters dated September 20 regarding H-78-2 and September 22 regarding H-78-1, 3 and 4) to highway safety recommendations resulting from investigation of the collision of the *S.S. Marine Floridian* with the Benjamin Harrison Bridge at Hopewell, Va., February 24, 1977.

Recommendation H-78-1 asked FHWA to study and report on the completeness and effectiveness of its bridge classification/inspection program under 23 U.S.C. 144, 23 CFR

Part 650, and the AASHTO "Manual for Maintenance Inspection of Bridges" Part 2.5, especially as to bridges over navigable channels, for their ability to sustain pier impact at water level and for the design of the traffic control system on the bridges.

In response, FHWA notes that under 23 CFR Part 650, Subpart C, and 23 U.S.C. 144, all bridges on the Federal-Aid system are inspected and classified every 2 years and reports on the state of the Nation's bridges, with recommendations, are made to the Congress annually. The States record the condition of the bridge substructure and channel protection and note the condition and effectiveness of the fendering system if any exists (p. 3-13, Bridge Inspector's Training Manual 70). This data is for State use and is retained in the State's files. FHWA further states, "It would be counterproductive as well as a monumental task to ask the States to calculate the ability of their bridge piers to sustain a pier impact at water level." FHWA plans no additional action in response to H-78-1.

Recommendation H-78-2 asked FHWA to work with the U.S. Coast Guard to develop specifications for design, and issue guidelines for placement of dolphins, fenders, and other energy absorbtion and/or vessel redirection devices for the protection of both bridge and vessel during an accidental impact. FHWA's interim response reports a meeting with Coast Guard to plan a course of action, and notes that Coast Guard has a research study underway on the design of dolphins and fenders which is being conducted by the University of Maryland. When the report is received, FHWA/Coast Guard engineers will evaluate it, but it is too early to predict implications of the study. Reportable progress is not expected until next April.

In response to recommendation H-78-3, which asked FHWA to bring together in one publication all guidelines for traffic control at movable bridges, including signs, signals, pavement markings, and restraint devices, FHWA is completing the following actions: (1) Consolidation of requirements for traffic controls in the Manual on Uniform Traffic Control Devices (MUTCD); (2) removal of material in Federal-Aid Highway Program Manual (FHPM) 6-8-3-1 related to movable bridges; and (3) including detailed guidelines for traffic controls at movable bridges in the MUTCD Handbook.

FHWA states that revision of MUTCD has been accomplished through a change "Sg-67 (Chng.)—Traffic Control Devices at Movable Bridges," approved May 9, 1977, which revises sections 4E, 4E-14, 4E-15, 4E-16, and 4E-17 to incorporate standards on traffic control devices on movable bridges taken form the FHPM Volume 6, Chapter 8, Section 3, Subsection 1, "Traffic Control Devices on Federal-Aid and Other Streets and Highways," and from the Code of Federal Regulations 655.603. A copy of the revised text of MUTCD sections 4E-13 through 4E-17 is attached to FHWA's response. Further, FHWA reports that FHPM 6-8-3-1 is in final stages of complete revision, and material related to movable bridges will be deleted to avoid duplication of regulations. Finally, FHWA is preparing an MUTCD Handbook which will include detailed information as guidelines for traffic control devices at movable bridges—estimated completion date June 1980.

Recommendation H-78-4 asked FWHA to include as part of the Federal-Aid Highway Program Manual 6-8-3-4, Paragraph 5d(3), "Special Purpose Surveillance and Control System," a description of surveillance and control systems used on multispan bridges over wide navigable waterways. FHWA states that regulations on surveillance and control systems for bridges are included in FHPM Volume 6, Chapter 8, Section 3, Subsection 4. FHWA's Regulations Reduction Task Force has concluded that the FHPM's should contain only regulatory materials, so FHWA will issue descriptive material concerning surveillance and control systems in another form. A "Technical Advisory" on surveillance and control systems is being prepared with a planned issuance in April 1979. Also, a new edition of MUTCD Handbook, which is planned for June 1989, will contain such descriptive material.

In the covering letter of September 22, FHWA states that copies of the above responses are being forwarded to its field offices with instructions to take on an active role in assuring that the information in the updated version of the MUTCD on movable bridges, as well as the bridge inspection program itself, will pay special attention to movable bridges and the issues raised by the Safety Board.

Pipeline

P-78-45 through 49.—Columbia Gas of Ohio, Inc., on September 25 responded to the Safety Board's recommendations issued following investigation of the pipeline accident at the company's facilities in Mansfield, Ohio, which occurred last May 17 when a low-pressure distribution system was overpressured. (See 43 FR 38960, August 31, 1978.)

Columbia, in response to recommendation P-78-45, reports that it has already taken action to see that a pressure gauge is utilized whenever there are two or more mains in the same location that cannot be positively identified, as recommended.

Columbia indicates that further consideration will have to be given to implementing recommendation P-78-46, which called for devising a method of physically marking and identifying high- and low-pressure mains if they are the same size and are installed on the same side of the street or have the possibility of crossing each other during installation. Columbia states that at the present time there is no practical way to accomplish this objective on existing facilities, nor would a crew working on a job like the situation in the Mansfield incident be assured that this type of marking or identifying could be relied upon. Columbia believes that the positive way to identify this type of situation is to actually check the pressure in the line.

Concerning recommendation P-78-47, which called for revised mapping procedures to require that details of intersections crossed by many gas mains be shown on larger scale drawings where lot line dimensions can be shown. Columbia does not believe that such revision of its mapping procedures would prevent a similar incident. Colubmia states, "The Mansfield incident indicates again that maps should not be relied upon for positive identification when making 'hot taps.'" Columbia's maps provide for larger scale detail where gas mains are close to each other, but Colubmia's crews are advised not to rely on drawings for exact pipeline locating purposes. The company stresses this fact in its procedure.

Columbia agrees with recommendation P-78-48, and has already reviewed the Columbia incident with company supervisors, again emphasizing the need for positive identification of the type of gas main involved before tapping it. This same information is reviewed with each construction crew involved with tapping operations.

Recommendation P-78-49 asked Columbia to revise its company procedure manual to require the use of pressure gauges before tapping a gas main that cannot be positively identified by other means. Columbia notes that while its procedure did contain some material with respect to the use of pressure gauges, after the Mansfield incident, this requirement was reviewed and the manual has been revised as recommended.

Railroad

R-78-23.—Letter of August 8 from the Federal Railroad Administration is in response to the recommended developed following investigation of the side collision of two Southern Railway Company trains at Spencer, N.C., October 8, 1977. FRA was asked to require that the track shunt circuit imposed by contact closure in a circuit controller be phased out as soon as

practicable and a series break-type circuit, which will satisfy the requirements of FRA's Rules, Standards, and Instructions, be used in place thereof.

In response, FRA expresses its belief that the design of the switch shunting circuit does satisfy the requirements of the Rules, Standards, and Instructions for Railroad Signal System, § 236.5 of which reads, "All control circuits the functioning of which affects safety on train operation shall be designed on the closed circuit principle." FRA contends that the switch shunting circuit, which is not designed on the closed circuit principle, is not subject to § 236.5 because it is not a control circuit. "A control circuit is an electrical circuit, while a switch shunting circuit is a shunting circuit, one which bypasses an electrical circuit," FRA states. FRA notes that it is the purpose of the track circuit, an electrical circuit designed on the closed circuit principle, to determine that the track is in place in proper condition for the passage of trains at maximum speed. Thus, the track circuit, not the switch shunting or series break-type circuits, provides broken rail protection and is subject to § 236.5.

FRA believes that as protective circuits, the purpose of which is to determine the switch is lined properly for the passage of trains at maximum speed, the switch shunting and series break-type circuits are equally effective. Either is subject to malfunction caused by improper maintenance or other factors, FRA states.

In FRA's opinion, the choice between switch shunting circuits and series break-type circuits becomes one of economics. Both designs have similar average life spans and normal maintenance costs, but differences arise in installation, replacement, and conversion costs. FRA says that to convert about 125,000 switch shunting circuits now installed on the Nation's railroads to the more expensive series break-type circuits would cost about $312,500,000, or about $2,500 per circuit. Therefore, FRA states, it will not require all track shunt circuits to be replaced by series break-type circuits.

R-78-38 and 40.—Amtrak on August 23, in reply to the Safety Board's request of August 3, furnished copies of Amtrack Bulletin Orders applicable to these two recommendations which were issued in connection with the Board's investigation of the collision last June 9 of Amtrak's "Montrealer" and a ConRail commuter train at Seabrook, Md. Amtrak has also furnished a copy of the notice posted in the cab of all self-propelled cars and locomotives equipped with the signal appliance in question. With respect to the Signal System Study referenced in Amtrak's initial response of June 30 (43 FR 35567, August 10, 1978), Amtrak states that a great deal of data has been accumulated, but there are additional tests to be performed.

NOTE: The above notice summarizes Safety Board documents recently released and recommendation response letters received. Single copies of accident reports are available without charge as long as supplies last. Copies of the Board's recommendation letters and letters in response to such recommendations may be obtained free of charge.

All requests for copies must be in writing, identified by report or recommendation number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20494.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virgina 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)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

OCTOBER 6, 1978.

[FR Doc. 78-28757 Filed 10-11-78; 8:45 am]

[7715-01-M]

POSTAL RATE COMMISSION

[Docket No. MC76-5]

BASIC MAIL CLASSIFICATION REFORM SCHEDULE, 1976

Possible Technical Changes in Appendix A of Stipulation and Agreement of January 30, 1978

OCTOBER 5, 1978.

Pursuant to Commission Order No. 158 and Presiding Officer's Notice of February 3, 1978, we currently have under consideration a proposed Stipulation and Agreement concerning the proper scope, extent, and degree of detail of the Domestic Mail Classification Schedule. In accordance with the terms of the settlement agreement, the Commission is considering appropriate resolutions of those issues—stated in app. B to the agreement—on which evidentiary hearings were held.

In addition, the Commission has at the same time been examining the uncontested portions of the draft classification schedule furnished by the signatories (in app. A to the proposed Stipulation and Agreement) for consistency with applicable statutory standards and the policies of the Postal Reorganization Act. While the Commission has not yet reached an overall conclusion regarding the consistency of the uncontested classification provisions with the applicable standards, we have identified several provisions which, if recommended, we would be inclined to change in order to state currently applicable mail classification law more accurately. Specifically, we believe the following changes in the identified app. A provisions would result in more technically accurate statements of pre-existing rules:

Page	Section	Possible Change
11	100.022	Change to read as follows: "Presorted first-class mail is regular or post card first-class mail which is presented in a single mailing of 500 or more pieces, properly prepared and presorted, and posted at the applicable first-class rates."
11	100.031	Change to read as follows: "Cards exceeding the maximum post card dimensions set forth in section 100.021 c. may be mailed only at regular first-class rates applicable to matter defined in section 100.020 or section 100.022."
13	100.060	Insert "that" between "except" and "when"
41	300.020	Change "sections 300.021 and 300.022." to "sections 300.021 or 300.022."
41	300.021	Change to read as follows: "Bulk mail is third-class mail consisting of properly prepared and presorted mailings of not less than 50 pounds or not less than 200 pieces identical in size and weight. Each piece of the minimum quantities required must be addressed to a different addressee."
54	400.022 c	Insert "public" before the word "library."

The Commission realizes that paragraphs 4.a. and 13.a. of the Stipulation and Agreement of January 30, 1978, are intended by the signatories to limit severely the Commission's decisional function with respect to the uncontested provisions contained in app. A. However, the possible modifications set out above are technical in character and would not, in our view, vary the scope, extent, or degree of detail embodied in the provisions to which they pertain. For these reasons, we are giving notice of the contemplated changes in order to give interested parties the opportunity to comment upon these possible technical improvements. such comments should be filed with the Commission by October 13, 1978.

DAVID F. HARRIS,
Secretary.

[FR Doc. 78-28733 Filed 10-11-78; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[Rel No. 15204; SR-CBOE-78-24]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Change

OCTOBER 2, 1978.

On August 3, 1978, the Chicago Board Options Exchange, Incorporat-

ed ("CBOE") La Salle at Jackson Chicago, Illinois 60603 filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which amends its disciplinary rules. The proposed changes would: (1) make explicit the obligation of all CBOE members and associated persons to cooperate in Exchange investigations involving possible rule violations; (2) codify the right of all CBOE members to be represented by counsel during an Exchange investigation; (3) provide that the Exchange staff submit reports to the Business Conduct Committee only with respect to investigations where the staff finds reasonable grounds to believe a violation has been committed; (4) require that the Board of Directors, as well as the member who is the subject of the investigation and the complainants, if any, be notified when the Business Conduct Committee, upon consideration of a staff report determines not to initiate charges; (5) require parties to an investigation to exchange documents and witness lists well in advance of the hearing date and to attempt to arrive at agreeement on uncontroverted issues in advance of the hearing; (6) provide the Business Conduct Committee with the authority to call for the production of witnesses and evidence; (7) make explict that the Board of Directors upon review of Business Conduct Committee decisions, may increase the sanctions; and (8) provide that sanctions imposed by the Business Conduct Committee will become effective upon completion of the Exchange review process, notwithstanding further appeal to the Commission.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-15063, August 14, 1978) and by publication in the FEDERAL REGISTER (43 FR 36727, August 18, 1978). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-28708 Filed 10-11-78; 8:45 am]

[8010-01-M]

[Administrative Proceeding, File No. 3-5545; File No. 2-53436 et al.]

IMPERIAL CHEMICAL INDUSTIRES LIMITED AND UNION PACIFIC CORP.

Application and Opportunity for Hearing

OCTOBER 3, 1978.

In the matter of IMPERIAL CHEMICAL INDUSTRIES, File Nos. 2-53436 and 2-60564 and Union Pacific Corp. File Nos. 2-53284 and 2-55431.

Notice is hereby given that Imperial Chemical Industries Ltd., an English company ("Imperial"), and Union Pacific Corp., A Utah corporation ("UP"), have filed a joint application (the "application") under clause (ii) of section 310(b(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission ("Commission") that the trusteeships of Morgan Guaranty Trust Co. of New York (the "Bank") under four existing indentures which are qualified under the Act (the "Four Qualified Indentures") and under two new indentures which are not qualified under the Act (the "Two New Indentures") are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under any of the Four Qualified Indentures.

Imperial and UP allege that:

1. *Summary.* The application relates to a highly complex series of transactions. In essence, eight insurance companies in a private placement are buying notes issued under one new indenture from a corporation, which in turn re-lends the funds under the second new indenture to an affiliated partnership, which is building a petrochemical complex in Corpus Christi, Tex. The corporation and the partnership are ultimately controlled as follows: 37½ percent by Imperial; 37½ percent by UP; and 25 percent by Solvay & Cie, N.A., a Belgian corporation ("Solvay"). Imperial and UP each have certain ultimate obligations to put up cash if the partnership or the corporation defaults. Should these ultimate obligations make Imperial and UP "obligors" on the securities issued under the Two New Indentures, the application seeks a Commission finding that the trusteeship of the Bank under the Four Qualified Indentures is not so likely to involve a material conflict of interest as to disqualify the Bank from acting as trustee under any of the indentures.

2. (a) *1975 ICI Indenture.* The Bank, as Trustee, has entered into an Indenture dated as of June 1, 1975 (the "1975 ICI Indinture") with ICI North America Inc., a Delaware corporation ("ICI NA"), and Imperial pursuant to which $100,000,000 aggregate principal amount of ICI NA's 9.05 percent Guaranteed Sinking Fund Debentures due June 1, 1995 have been issued. These debentures are fully guaranteed by Imperial. Imperial's guaranty is wholly unsecured. The 1975 ICI Indenture was filed as Exhibit 4 to Registration Statement No. 2-53436 under the Securities Act of 1933 (the "1933 Act"), and has been qualified under the Act.

(b) *1978 ICI Indenture.* The Bank, as Trustee, has also entered into an Indenture dated as of January 15, 1978 (the "1978 ICI Idenuture") with ICI NA and Imperial pursuant to which $175,000,000 aggregate principal amount of ICI NA's 8⅛ percent Guaranteed Sinking Fund Debentures due January 15, 2003 have been issued. These debentures are fully guaranteed by Imperial. Imperial's guaranty is wholly unsecured. The 1978 ICI Indenture was filed as ICI NA's Exhibit 4(b) and Imperial's Exhibit 4 to Registration Statement No. 2-60564 under the 1933 Act and has been qualified under the Act.

(c) Hence, Imperial is an "obligor" with respect to the securities outstanding under two of the Four Qualified Indentures (ICI NA, also such an "obligor", is unrelated to the balance of this application).

(d) *1975 UP Indenture.* The Bank, as Trustee has entered into an Indenture dated as of May 1, 1975 (the "1975 UP Indenture") with UP pursuant to which $100,000,000 aggregate principal amount of UP's 8.60 percent Notes due 1983 have been issued. The 1975 UP Indenture was filed as Exhibit 2 Registration Statement No. 2-53284 under the 1933 Act and has been qualified under the Act.

(e) *1976 UP Indenture.* The Bank, as Trustee has entered into an Indenture dated as of March 1, 1976 (the "1976 UP Indenture") with UP pursuant to which $150,000,000 aggregate principal amount of UP's 8.40 percent Sinking Fund Debentures due 2001 have been issued. The 1976 UP Indenture was filed as Exhibit 2 Registration State-

ment No. 2-55431 under the 1933 Act and has been qualified under the Act.

(f) *UP's Insecured Obligations.* The securities issued under the 1975 UP Indenture and the 1976 UP Indenture are wholly unsecured obligations of UP. Hence, UP is an "obligor" with respect to securities outstanding under two of the Four Qualified Indentures.

3. *New Unqualified Collateral Trust Indenture.* The Bank, as Trustee (the "Purchasers Trustees"), has entered into a Collateral Trust Indentures dated as of July 26, 1978 (the "Collateral Trust Indenture") with Corpus Christi Capital Corp., a New York corporation ("CCCC") pursuant to which up to $525,000,000 aggregate principal amount of CCCC's 9¼ Series A Secured Notes (the "Secured Notes") may be issued over a period of approximately two years. The Secured Notes are to be sold to eight insurance companies (the "Purchasers") pursuant to separate Secured Note Agreements dated as of July 26, 1978 between CCCC and Corpus Christi Petrochemical Co., a Texas general partnership ("CCPC"), on the one hand, and each of the Purchasers on the other hand. On July 26, 1978, $126,537,000 aggregate principal amount of Secured Notes were issued and sold to the Purchasers.

4. *New Unqualified Mortgage Note Indenture.* The Bank and Mr. Malcolm S. Nielson, as Trustees (the "Company Trustees"), have entered into an Indenture of Mortgage and Deed of Trust dated as of July 26, 1978 (the "Mortgage Note Indenture") with CCPC pursuant to which up to $525,000,000 aggregate principal amount of CCPC's 9¼ percent Series A Mortgage Notes (the "Mortgage Notes") may be issued. The Mortgage Notes are to be sold to CCCC pursuant to a Mortgage Note Agreement dated as of July 26, 1978 between CCPC and CCCC. On July 26, 1978 a Mortgage Note in the principal amount of $126,537,000 was issued and sold to CCCC. The Collateral Trust Indenture and the Mortgage Note Indenture have not been qualified because the issurer alleges that the sale of the securities issued thereunder is exempt as a private placement under the applicable provisions of the Securities Act of 1933 and the Act.

5. *Ownership of CCCC.* The stock of CCCC is owned as follows:

(a) 37½ percent by ICI Petrochemicals Inc., a Delaware corporation ("ICI Petrochemicals"), which is a wholly-owned subisidiary of ICI Americas Inc., a Delaware corporation ("ICI Holdings"), which is a wholly-owned subsidary of Imperial;

(b) 37½ percent by Champlin Petrochemicals, Inc., a Delaware corporation ("Champlin Petrochemicals"), which is a wholly-owned subisidiary of Champlin Petroleum Co., a Delaware corporation ("Champlin Petroleum"), which is a wholly-owned subsidiary of UP; and

(c) 25 percent by Soltex Petrochemicals, Inc., a Delaware corporation ("Soltex Petrochemicals"), which is a wholly-owned subsidiary of Soltex Polymer Corp., a Delaware corporation ("Soltex Polymer"), which is a wholly-owned subsidiary of Solvay.

6. *Ownership of CCPC.* ICI Petrochemicals, Champlin Petrochemicals and Soltex Petrochemicals (each a "Partner" and collectively, the "Partners") are also the partners in CCPC, having partnership interests in CCPC in the same portion as their respective stock ownership interests in CCCC.

7. *Investment in Petrochemical Complex.* CCCC will apply the proceeds from the issuance to the Purchasers of Secured Notes to the purchase of CCPC's Mortgage Notes, which have financial terms identical to the Secured Notes and which will be pledged with the Bank, as Purchasers Trustee under the Collateral Trust Idenure, as security for the Secured Notes. CCPC will use the proceeds from the issuance of its Mortgage Notes to finance the construction of a petrochemical complex and related facilities (the "Project") in Corpus Christi, Texas. The Mortgage Notes pledged under the Collateral Trust Indenture will be secured by a security interest in the Project in favor of the Company Trustees under the Mortgage Note Indenture. Thus the Secured Notes issued to the Purchasers will be indirectly secured by a security interest in the Project.

8. *Chain of Payment Commitments from Intermediary Corporation.* In addition, CCPC has entered into Partner Cash Deficiency Agreements dated as of July 26, 1978 (the "Partner Cash Deficiency Agreements") with each Partner pursuant to which each Partner has agreed to pay directly to the Purchasers Trustee its percentage (37½ percent in the case of the Imperial and UP subsidiaries) of amounts due and payable but unpaid by CCPC with respect to the Mortgage Notes. Amounts so paid will be applied by the Purchasers Trustee to amounts due with respect to the Secured Notes and extinguish the corresponding liability of CCPC on the Mortgage Notes.

CCPC has also entered into Direct Parent Financing Agreements dated as of July 26, 1978 (the "Direct Parent Financing Agreements") with ICI Americas and ICI Holdings (acting jointly and severally), Champlin Petroleum and Soltex Polymer (each a "Direct Parent" and collectively, the "Direct Parents"), pursuant to which each Direct Parent has agreed to pay directly to the Purchasers Trustee any amounts which the Partner subsidiary of such Direct Parent fails to pay pursuant to its Partner Cash Deficiency Agreement.

9. *Payment Obligations of Ultimate Parents.* Finally, CCPC has entered into Ultimate Parent Financing Agreements dated as of July 26, 1978 (the "Ultimate Parent Financing Agreements") with Imperial, UP and Solvay (each an "Ultimate Parent" and collectively, the "Ultimate Parents"), pursuant to which each Ultimate Parent has agreed to pay directly to the Purchasers Trustee any amounts which the Direct Parent subsidiary of such Ultimate Parent fails to pay pursuant to its Direct Parent Financing Agreement.

10. *Unsecured Nature of Respective Payment Obligations.* The payment obligations contained in the Partner Cash Deficiency Agreements, the Direct Parent Financing Agreements and the Ultimate Parent Financing Agreements are unsecured general obligations of the respective corporations.

The rights of CCPC to enforce certain covenants in such agreements have been assigned to the Company Trustees as security for the Mortgage Notes. However, the assigned covenants are not for the payment of money and, in the case of Imperial and UP, rather related merely to the maintenance of corporate existence of the obligors and other similar matters.

11. *Additional Unsecured Payment Obligations.* Still another set of agreements and obligations serves to "back up" payment of the Secured Notes. CCPC has entered into a Pipeline Service Agreement dated as of July 26, 1978 (the "Pipeline Service Agreement") with South Texas Pipeline Co., a Delaware corporation ("STPC"), whose capital stock is owned by the Direct Parents as follows: ICI Americas: 37½ percent, Champlin Petroleum: 37½ percent and Soltex Polymer: 25 percent. In the Pipeline Service Agreement, STPC has agreed to develop, construct, maintain, operate and, in certain events, expand pipelines to be used by CCPC to ship the ethylene and propylene produced by the Project to storage facilities or to market. CCPC has entered into Shareholder Pipeline Agreements dated as of July 26, 1978 (the "Shareholder Pipeline Agreements") with the Direct Parents pursuant to which each Direct Parent has agreed to pay to STPC its share of amounts necessary to enable STPC to pay all of its costs, expenses, liabilities, obligations and charges. In addition, CCPC has entered into Pipeline Guaranty Agreements") with the Ultimate Parents pursuant to which each Ultimate Parent guarantees the performance by its Direct Parent subsidiary of its payment obligations under such Direct Parent's Sharehold-

er Pipeline Agreement. The payment obligations of the Direct Parents and Ultimate Parents in the Shareholder Pipeline Agreements and Pipeline Guaranty Agreements, respectively, are unsecured general obligations of the obligors thereon.

12. *Pledges of Shares.* ICI Americas, Champlin Petrolem and Soltex Polymer have also entered into Pledge Agreements dated as of July 26, 1978 with the Purchasers Trustee, as Pledgee, pursuant to which each such company has pledge its shares of STPC stock with the Purchasers Trustee as further security for the Secured Notes. Neither Imperial nor UP has made any pledge in connection with these transactions.

13. *Relevant Provisions of ICI Indenture.* Under sections 8.08(c)(1) of the two ICI Indentures, the Bank shall not be deemed to have a conflicting interest by reason of being trustee under another indenture under which any other securities are outstanding where Imperial is an "obligor" if Imperial shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeships under the two ICI Indentures and such other indenture are not so likely to involve a material conflict of interest to disqualify the Bank from acting as Trustee under one of such Indentures.

14. *Relevant Provisions of UP Indentures.* Similar provisions are contained in Sections 608(c)(1) of the two UP Indentures with respect to trusteeships held by the Bank under other indentures relating to securities where UP is an "obligor".

15. *Other Pertinent Provisions of the Four Qualified Indentures.* No default has at any time existed under any of the Four Qualified Indentures. The obligations of Imperial and UP in respect of the securities issued under such Indentures and, pursuant to their Ultimate Parent Financing Agreements and the Pipeline Guaranty Agreements, in respect of the Secured Notes and the Mortgage Notes are wholly unsecured and rank pari passu with their respective obligations under the Four Qualified Indentures. The two ICI Indentures contain covenants of Imperial relating to limitations on liens and sale and lease-backs. The two UP Indentures contain covenants of UP relating to limitations on liens, limitations on disposition of certain assets and limitations on dividends and other payments on account of stock. The Ultimate Parent Financing Agreements and the Pipeline Guaranty Agreements include no comparable covenants.

16. *No Likelihood of Material Conflicts of Interest.* The respective obligations of (a) Imperial under the two ICI Indentures and under Imperial's Ultimate Parent Financing Agreement and Pipeline Guaranty Agreement and (b) UP under the two UP Indentures and under UP's Ultimate Parent Financing Agreement and Pipeline Guaranty Agreement are all wholly unsecured and rank pari passu and are therefore not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under any of such Indentures.

Imperial and UP state that the application assumes, without conceding, that the obligations of Imperial and UP under their respective Ultimate Parent Financing Agreement and Pipeline Guaranty Agreements could be deemed to make them "obligors" on the Secured Notes or Mortgage Notes, or both. Imperial and UP submit that, but for the obligations of the Ultimate Parents under the Ultimate Parent Financing Agreements to make payments directly to the Bank, as Purchasers Trustee, the application would not be necessary.

Imperial and UP have waived notice of hearing and any and all rights to specify procedures under the rules of practice of the Securities and Exchange Commission in connection with the matter.

For a more detailed statement of the matters of fact and law asserted here, all persons are referred to said application, which is a public document on file in the offices of the Commission, at the Public Reference Room, 1100 L Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than October 24, 1978 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission, may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-28711 Filed 10-11-78; 8:45 am.]

[8010-01-M]

[Release No. 10424; 812-4355]

CAPITAL FUND OF AMERICA, INC., AND NEW PERSPECTIVE FUND, INC.

Application for an Order Exempting Proposed Transaction

OCTOBER 13, 1978.

Notice is hereby given that Capital Fund of America, Inc. ("CAP"), Two Embarcadero Center, P.O. Box 7650, San Francisco, CA 94120, and New Perspective Fund, Inc. ("NPF"), c/o Thomas E. Terry, Esq., 611 West Sixth Street (32d floor), Los Angeles, CA 90017 (hereinafter collectively referred to as "Applicants") have filed an application on August 23, 1978, and an amendment thereto on September 28, 1978, pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act a proposed sale of substantially all of CAP's assets to NPF. 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.

CAP was incorporated in the State of Delaware on April 4, 1960, and is registered under the Act as an open-end diversified management investment company having, as of June 30, 1978, 12,280,236 shares outstanding and net assets of $94,355,450. NPF, also a registered open-end diversified management investment company, was incorporated in the State of Maryland on September 5, 1972, and as of June 30, 1978, had net assets of $173,281,077 with 9,709,815 shares outstanding. Capital Research and Management Co. ("CRMC") is the investment adviser for both CAP and NPF.

The Applicants propose to enter into an Agreement Plan of Reorganization ("Agreement") under which NPF will purchase the assets and assume the liabilities of CAP. The application states that, before such transactions become effective, the following contingencies must occur: (1) The Agreement must be approved by a majority vote of the shareholders of CAP; (2) legal counsel to each Applicant must furnish an opinion that the transaction will constitute a tax-free reorganization; (3) the Order requested herein must be issued; and (4) issuance of any other orders of State or Federal regulatory authorities which may be necessary. The Applicants assert that the Agreement contains customary warranties and representations by each Applicant, the truth and correctness of which are also conditions precedent to the consummation of the reorgani-

zation. The above-mentioned shareholders vote is proposed to occur at a special meeting of CAP shareholders called for that purpose and which is scheduled for October 23, 1978. The proposed effective date of the reorganization is November 3, 1978.

If the Agreement is consummated, the Applicants state that the assets and liabilities of CAP will be transferred to NPF in exchange for that number of full and/or fractional shares of NPF which will have an aggregate net asset value equal to the total net asset value of CAP. CAP will then distribute to each of its shareholders NPF shares the aggregate net asset value of which is equal to the net asset value of such shareholder's CAP shares. Net asset value per share is to be determined by each Applicant in the manner described in their respective prospectuses and will be calculated at the close of the New York Stock Exchange on the effective day of the reorganization; provided, however, that should the Exchange not be open on that date, the calculation will be based on the last preceding date on which the Exchange was open, but in no event more than 3 days prior to the effective date of the reorganization. Following distribution of NPF shares to its shareholders in the manner proposed, CAP intends to dissolve pursuant to the Corporation Law of the State of Delaware.

The Application states that as of May 31, 1978, CAP had a capital loss carry-over of approximately $73,200,000, of which $5,800,000, $22,300,000, $31,000,000, and $14,100,000 may be used to offset capital gains during the years 1979, 1981, 1982, and 1983, respectively. As of that same date, CAP had net realized gains of approximately $2,600,000 and net unrealized gains of $10,200,000. The application further states that, as of May 31, 1978, NPF had no capital loss carryovers, but that it had net realized gains of $5,900,000, which will be distributed prior to the effective date of the reorganization, and $37,600,000 of unrealized capital gain. According to the application, Applicants respective Boards of Directors have concluded that the value of the capital loss carryovers is not readily determinable and would be largely a matter of speculation. The Boards have therefore recommended that no adjustment be made to Applicants net asset values to reflect any potential income tax effect on their shareholders resulting from their respective tax positions.

Prior to the effective date of the reorganization, CAP states that it will distribute to its shareholders a dividend consisting of substantially all its net taxable income.

Applicants believe that the combination of CAP and NPF will produce lower proportionate expenses due to the economies of scale which may be achieved through the spreading, over Applicants combined assets, of such fixed expenses as: (1) Audit, accounting and legal fees; (2) qualification of shares in the various jurisdictions where shares are sold; (3) preparation and printing of stockholder reports, prospectuses and proxy materials; and (4) custodian fees and other expenses. According to the application, the expense ratio of CAP for the fiscal years ending November 30, 1975, 1976, and 1977 were 0.8 percent, 0.86 percent, and 0.94 percent, respectively. The expense ratios of NPF for the last 3 fiscal years ending September 30, 1975, 1976, and 1977 were 0.99 percent, 0.95 percent, and 0.99 percent, respectively. It is asserted by the Applicants that, had the Applicants been combined for the 12 months period ending May 31, 1978, the expense ratio would have been approximately 0.92 percent. The exhibits attached to the application disclose that the number of shares outstanding of CAP has decreased from 24,670,000, at the close of the November 30, 1971 year to 14,582,000 for the 6 months ending May 31, 1977. The application further states that, in a declining stock market situation, with the reduced number of CAP shares outstanding, the problem of increasing expense ratios could become particularly acute.

It is asserted in the application that the Directors of the Applicants considered the timing of the reorganization and chose to recommend the period between the close of NPF's fiscal year (September 30) and the conclusion of CAP's fiscal year (November 30) as the most beneficial time for the reorganization. According to Applicants, while CAP's capital loss carryovers are of indeterminate value, they are of potential value. By effecting the reorganization during the above period, acceleration of the expiration of capital loss carryover periods will, according to the application, be minimized. After balancing the cost of delaying the anticipated savings in operating expenses, the loss of a portion of the capital loss carryover, and the probability of shareholder approval of the reorganization against the expected costs of the special shareholders meeting, the Board of Directors of CAP considers it desirable and in the best interest of its shareholders to effect the reorganization during the above mentioned period.

According to the application, each of the Applicants proposes to pay its own expenses incurred in connection with the reorganization. Applicants estimate that CAP will incur expenses of $40,000, including the cost of its special shareholders meeting, and that approximately $35,000 of expenses will be incurred and borne by NPF. In addition, Applicants estimate that between $15,000 and $20,000 of brokerage commissions will be generated by reason of the elimination of securities presently held by CAP, which are not fully compatible with NPF's objectives. It is proposed that such elimination take place following the effective time of the reorganization.

The application describes the primary investment objective of both CAP and NPF as long term growth of capital. The stated secondary objective of CAP is current income, while the secondary objective of NPF is the production of future income. CAP invests primarily in common stocks of both foreign and domestic corporations while NPF invests primarily in common stock and securities convertible into common stock. NPF is authorized to have up to 40 percent of its investments in foreign securities.

The application states that both Applicants have the same investment adviser, CRMC, which is a subsidiary of the Capital Group, Inc. The Investment Advisory and Service Agreement between CRMC and NPF provides for a fee payable to the adviser of 0.75 of 1 percent per year on the first $160,000,000 of NPF's net assets, plus 0.50 of 1 percent of net assets over $160,000,000 but less than $600,000,000, and 0.45 of 1 percent on net assets in excess of $600,000,000. The investment Advisory and Service Agreement between CRMC and CAP provides for a fee of 0.50 of 1 percent per year on net assets up to $150,000,000 and 0.40 of 1 percent per year on net assets in excess of that amount. The Applicants state that, had the reorganization been in effect on May 31, 1978, the pro forma fee paid to the investment adviser would have been at a rate of 0.65 of 1 percent of the combined assets. According to the application, at present asset levels, the fees payable to CRMC will not be increased by reason of the proposed reorganization.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company knowingly to sell or to purchase from such registered company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, shall exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company involved and with the general purposes of the

Act. While Applicants do not concede that they are affiliated persons of each other, or that they are affiliated persons of such persons, they acknowledge that the view has been taken that registered investment companies have a common investment adviser are under that adviser's common control and therefore are affiliated persons of each other. Applicants have, therefore, filed this application to avoid any question being raised under section 17(a) of the Act with respect to the proposed transaction.

The Applicants assert that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person.

Applicants further assert that the transaction is consistent with the policies of each of them and is consistent with the general purposes of the Act. The Applicants assert that the shareholders of both will benefit from the spreading of relatively fixed costs over the combined assets of the Applicants. Applicants concede that the shareholders of CAP are not expected to see an immediate substantial reduction in the expense ratio; however, Applicants assert that, in the future, the combined fund should experience certain economies of scale since there would be a larger asset base to absorb fixed costs.

Notice is further given that any interested peson may, not later than October 27, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the 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. 78-28798 Filed 10-11-78; 8:45 am]

[8010-01-M]

[Rel. No. 20723; 70-6207]

CENTRAL POWER & LIGHT CO.

Proposed Settlement Agreement Involving Subsidiary's Receipt of Interest in a Trust Holding Securities

OCTOBER 14, 1978.

Notice is hereby given that Central Power & Light Co. ("CPL"), P.O. Box 2121, Corpus Christi, Tex. 78403, an electric utility subsidiary company of Central & South West Corp., a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 thereof as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

CPL seeks authority to enter into a settlement agreement in its suit against Coastal States Gas Producing Co. ("Producing"). Such settlement, which is further described below, involves CPL's acquisition of a security and of an option on coal properties, both of which acquisitions are subject to the approval of this Commission.

In 1974 CPL sued Producing, a subsidiary of Coastal States Gas Corp. ("Coastal"), alleging contractual violations by Producing and its subsidiary, Lo-Vaca Gathering Co. ("Lo-Vaca"), CPL's principal gas supplier, and seeking damages of $625 million. Some 400 other customers of Lo-Vaca and Producing filed claims against them, mainly in the 200th Judicial District Court of Travis County, Tex. ("District Court"). On December 12, 1977, the Railroad Commission of Texas ("Railroad Commission"), which has jurisdiction over rates charged for intrastate sales of natural gas, ordered refunds to customers of Lo-Vaca and Producing of about $1,600 million. On March 10, 1978, the Railroad Commission granted a rehearing with respect to its December 12 order and on August 7, 1978, determined that the proposed settlement agreement, tentatively agreed to by customers representing over 90 percent of Lo-Vaca's 1975 sales volume, was a viable alternative to its December 12 order.

Under the settlement agreement CPL will receive as consideration for its dismissal of the 1974 suit and its release of any liability of Producing and Lo-Vaca under it, an appoximate 9.7 percent interest in the settlement trust and an approximate 10.6-percent interest in the gas search program described below.

The settlement agreement provides that Producing will be reorganized and renamed Valero Energy Corp. ("Valero"), all of whose common stock will be initially held by Coastal but which will be distributed as a dividend to the holders of Coastal common stock. Most of the Texas gas pipeline assets currently owned by Producing and its subsidiaries, including Lo-Vaca, will be owned by Valero. In addition, certain lignite properties owned by Coastal, located in the Texas counties of Bastrop, Fayette, and Washington, will be sold by Coastal at book value to a newly created subsidiary of Valero. CPL and three other settling customers (the city of Austin, Tex., the Lower Colorado River Authority and the City Public Service Board of San Antonio, Tex.) will have a 2-year option to purchase such properties at net book value. Exercise of such option by CPL will require separate authorization from this Commission.

A banking corporation appointed by the District Court will administer the settlement trust, to be established pursuant to the settlement agreement, for the benefit of all settling customers of Lo-Vaca and Producing. There will be transferred to the settlement trustee the following securities, which will constitute the corpus of the settlement trust: (1) Approximately 1,196,218 shares of Coastal common stock; (2) 13.4 percent of the outstanding common stock of Valero; (3) 1,150,000 shares of Valero's $8.50 cumulative preferred stock, series A ($115 million aggregate liquidation value); and (4) a promissory note of Valero in the amount of $8 million, due in 1 year. The settlement trustee is required to use its best efforts to sell the trust securities by public or private sale for cash within 7 years, and distribute the net proceeds from such sales to the settling customers on a pro rata basis. The settling customers have no right to control the sales of or to vote the securities in the trust.

The settlement agreement also provides that Coastal will enter into a gas search agreement to find and develop reserves which will be sold by Coastal at current prices to Lo-Vaca customers. Coastal will be entitled to fixed prices for the natural gas sold and any difference between the fixed prices in the gas search agreement and the then current market price will be paid to the settlement trustee for distribution to the settling customers. Coastal's obligation is to expend a minimum of $180 million and a maximum of $240 million over a period not longer than 15 years, upon such pro-

gram. Coastal will issue note obligations to the settlement trustee subject to payment in the event the necessary expenditures are not made in the amount or in the periods required by the gas search agreement.

The settlement agreement is subject to the favorable resolution of certain Federal tax questions, certain questions under the Securities Act of 1933, approval by customers representing at least 90 percent of the gas sales volume of Lo-Vaca in 1975, approval by certain creditors of Coastal and Producing, the approval of the District Court and the meeting of certain other conditions.

CPL proposes to account for the settlement by debiting Account No. 124, Other Investments—Investments in Lo-Vaca Settlement Trust, and crediting Account No. 253, Other Deferred Credits—Deferred Credits Lo-Vaca Settlement Trust, for the estimated value of CPL's interest in the securities to be issued to the settlement trust. As funds are distributed by the settlement trustee, CPL will credit such amounts to its investment and write off a like amount from other deferred credits to fuel expense, thus passing such benefits to its customers through its fuel adjustment clause. Proceeds received from the settlement trustee as a result of the gas search program will be credited to fuel expense as received and thus passed through to customers through the fuel adjustment clause.

The fees and expenses to be incurred by CPL in connection with the proposed transactions are estimated at $7,000, including legal fees of $4,000. The Railroad Commission of Texas has jurisdiction over the proposed transaction. No other State commision 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 November 1, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 89-28799, Filed 10-11-78; 8:45 am]

[8010-01-M]

[Rel. No. 20722; 70-5769]

CENTRAL POWER & LIGHT CO.

Proposed Increase in Fuel Exploration and Development Budget

OCTOBER 14, 1978.

Notice is hereby given that Central Power & Light Co. ("CPL"), P.O. Box 2121, Corpus Christi, Tex. 78403, an electric utility subsidiary of Central & South West Corp. ("CSW"), a registered holding company, has filed with this Commission a posteffective amendment to its application previously filed and amended in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 thereof as applicable to the proposed transaction. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transaction.

By order dated December 29, 1977 (HCAR No. 20352), CPL was authorized to expend up to $8,192,000 for the year ending December 31, 1978, for fuel exploration and development activities. Approximately $3,036,000 of such amount represented budgeted expenditures for oil and gas ventures to be conducted in south Texas, and $5,156,000 represented budget expenditures for coal, lignite, and uranium reserves, all of which are conducted in joint ventures with other CSW utility subsidiaries.

By posteffective amendment CPL requests an increase in its budget authorization from $8,192,000 to $9,192,000 for the year ending December 31, 1978. CPL estimates the additional $1 million of expenditures will be required beyond the $3,036,000 tentatively allocated for oil and gas exploration and development in 1978, for previously nonbudgeted expenditures described below.

Approximately $713,500 of nonbudgeted expenditures will be required for the drilling ($612,000) and, if drilling is successful, the completion ($101,500) of a 12,000-foot test well on State tract 125 in the Bartell's Pass area of Aransas County, Tex. It is stated that drilling on such site was originally scheduled for January 1979, but has become possible earlier since a drilling rig has recently become available. Approximately $700,500 of nonbudgeted expenditures will also be required for the drilling ($488,500) and completion ($212,000) of an 11,000-foot test well on a tract on the Morales Prospect in Starr County, Tex. Recent acquisitions by CPL in this area include leases which begin to expire at the end of 1978. CPL states that such lease expirations would deny it a coherent tract upon which to conduct exploration and development activities and seriously impair its ability to assemble similar tracts in the future. Expenditures for this drilling were not included in the 1978 budget because lease acquisitions on this prospect were not expected to be completed in time for drilling to commence in 1978.

CPL estimates that $500,000 of the $1,414,000 additional expenditures described above could be absorbed by the unexpended portions of the tentative allocation for oil and gas in its currently authorized fuel budget. CPL requests an additional $1 million authorization to cover the $914,000 additional expenditures which cannot be absorbed in the budget and allow a small margin for possible additional lease acquisitions. CPL states that it had spent $2,025,124.72, or approximately 67 percent of the $3,036,000 tentative allocation for such activities, for oil and gas exploration and development from January 1, 1978, through August 31, 1978.

The additional fees and expenses to be incurred in connection with the proposed transaction are estimated at $1,000. No 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 November 1, 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, as further amended by said posteffective 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 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 re-

quest. At any time after said date, the application, as amended by said posteffective amendment, or as it may be further amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-28800 Filed 10-11-78; 8:45 am]

[8010-01-M]

[Release No. 5987; 18-21]

DEFERRED COMPENSATION AND SAVINGS PLAN OF BAKER & BOTTS

Filing of Application for an Order Exempting From Provisions

OCTOBER 15, 1978.

Notice is hereby given that Baker & Botts, 3000 Shell Plaza, Houston, Tex. 90071 a law firm organized as a partnership under the laws of the State of Texas ("Applicant"), on September 18, 1978, filed an application for an exemption from the registration requirements of the Securities Act of 1933 (the "Act") for interests or participations issued in connection with the Baker & Botts deferred compensation and savings plan (the "Plan"). All interested persons are refered to that application, which is on file with the Commission, for the facts and representations contained therein, which are summarized below.

INTRODUCTION

Applicant's plan provides that partners and employees of the Applicant are eligible to participate therein if they have completed the requisite hours of service and received admissible annual compensations (i.e., the portion of the first $100,000 of their annual earnings in excess of the maximum considered wages for FICA tax purposes for such year). Participation in the Plan by eligible partners and employees of Applicant is mandatory, and each eligible employee is automatically admitted to participation as of the first anniversary date following his commencement of service of a Plan year during which he or she received admissible annual compensation and during which either: (i) He or she completed 1,000 or more hours of service or (ii) he or she completed an employment year which ended with or within such Plan year and within which he or she completed 1,000 or more hours of service.

The Plan is a trusteed profit-sharing plan which covers persons (in this case Applicant's partners) who are employees within the meaning of section 401(c)(1) of the Internal Revenue Code of 1954, as amended (the "Code") and, therfore, is excepted from the exemption provided by section 3(a)(2) of the Act for interests or participations in certain employee benefit plans of corporate employers.

Section 3(a)(2) of the Act provides, however, that the Commission may exempt from the provisions of section 5 of the Act any interest or participation issued in connection with a pension or profit-sharing plan which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be 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.

DESCRIPTION AND ADMINISTRATION OF THE PLAN

Applicant represents that the Plan was adopted effective as of January 1, 1968, and was amended and restated in its entirety, effective as of January 1, 1976, in order to comply with the Employee Retirement Income Security Act of 1974 ("ERISA"). Applicant has adopted the second amendment which makes certain changes in the vesting rules under the Plan and other nonsubstantive changes to comply with recent Internal Revenue Service and Department of Labor Regulations. In connection with these amendments to the Plan, Applicant has applied to the Internal Revenue Service ("IRS") for a determination that the Plan, as amended, will continue to be qualified under section 401(a) of the Code. Applicant requests that the Commission assume that the IRS will rule favorably as to the qualification of the Plan.

Applicant states that, under the Plan, contributions to the Plan are made by Applicant based on a percentage of the participating employees' admissible annual compensation. In addition, an active participant may make voluntary additional contributions to the Plan for his or her account subject to limitations as to the amount set forth in the Plan. Such voluntary contributions may be withdrawn by a participant upon notice to the trustee. Each participant may designate annually the percentage of the contributions for his or her account to be invested in either of two investment funds: An equity fund and a fixed income fund, maintained by the trustee, the Texas Commerce Bank of Houston, Tex. In addition, each participant may elect annually to transfer all or part of his or her account in one investment fund to the other. In the event a participant does not designate the fund into which contributions on his or her behalf are to be paid, they will be invested in the fixed income fund.

Applicant represents that the Plan is administered by a committee (the "Committee") consisting of three to five persons each of whom may or may not be a participant in the Plan. The Committee has overall responsibility and authority for administration of the Plan, including interpretation of the provisions of the Plan, establishment and enforcement of rules and regulations relating to administration of the Plan, determination of the amounts of benefits which shall be payable to any person in accordance with the Plan and authorization of payment of such benefits and of the proper expenses of administering the Plan.

Applicant states that the assets of the Plan will be held in a trust for the exclusive benefit of Plan participants or their beneficiaries. Each participant may designate annually the percentage of the contributions for his or her account to be invested in either of the two investment funds. In addition, each participant may elect annually to transfer all or part of his or her account in one investment fund to the other. In the event a participant does not designate the fund into which contributions on his or her behalf are to be paid, they will be invested in the fixed income fund. The administrative committee has the power to appoint and to remove investment managers with respect to Plan assets. Applicant has retained power to amend the Plan, subject to the conditions that no amendment will cause any of the Plan's assets to be used or diverted to any purpose other than the exclusive benefit of participants, former participants or their beneficiaries.

The Plan is subject to the reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974 ("ERISA"). A summary plan description has been delivered to each participant and person currently receiving benefits and Applicant represents it will continue this practice. Certain forms and reports to which the participants have access have been filed with the IRS and Department of Labor and Applicant represents that such reports will be filed on a timely basis in the future as required under applicable regulations.

DISCUSSION

Applicant contends that if Applicant were a corporation, rather than a partnership, interests or participations issued in connection with the Plan would be exempt from registration under section 3(a)(2) of the Act. Applicant further represents that the Plan assets are not commingled in collective investment media with the assets of any plan of any other employer; that the Plan is subject to the fiduciary standards and reporting and disclosure requriements of ERISA; that the Applicant has retained substantial administrative control of the Plan, including ultimate control over investment policies; that the Applicant is engaged in providing legal services involving sophisticated and complex financial matters and can adequately represent its and its employees' interests; and that no solicitation of voluntary contributions has been or will be made.

Applicant submits that, in light of the foregoing, granting the requested exemptive order would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Notice is further given that any interested person may, not later than October 30, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application, accompanied by a statement of 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 or she may request that he or she be notified if the Commission shall order a hearing theron. Any such communication shall be addressed to: George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. An order disposing of the matter will be issued as of course following October 30, 1978, unless the Commission therafter 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 notice of further developments 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. 78-28801 Filed 10-11-78; 8:45 am]

[8010-01-M]

[Release No. 20721; 70-6210]

GEORGIA POWER CO.

Proposal To Lease Hopper Cars

OCTOBER 3, 1978.

Notice is hereby given that Georgia Power Co. ("Georgia"), 270 Peachtree Street NW., Atlanta, Ga. 30303, an electric utility subsidiary of the Southern Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act ("Act"), designating sections 9(a) and 10 of the Act and rule 23 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Georgia proposes to enter into a lease arrangement ("Lease") with GATX/G.P. Leasing Corp. ("Lessor") with respect to 150 Ortner rapid discharge open-top hopper cars ("cars"). The cars are currently on order from the Ortner Freight Co. ("Ortner") at a quoted price of $37,000 per car (Lessor's total purchase price $15,550,000). Delivery of the cars to Georgia is scheduled to commence on November 13, 1978, at a rate of 15 cars per week. Under the terms of the arrangement with Lessor, Georgia will be treated as the purchaser of "new section 38 property" pursuant to I.R.C. section 48(d) in order that the investment tax credit be available to Georgia.

The terms of the lease provide, among oher things, that the cars will be divided into two groups, group A to include those cars delivered on or before December 31, 1978 (approximately 88 cars), and group B to include those cars delivered between January 1, 1979, and April 1, 1979 (approximately 62 cars); that Georgia will make semiannual rental payments for each group at a rate estimated to be between 5.1 percent and 5.6 percent of the Lessor's purchase price, stated above, such rental rate being subject to certain enumerated financial variables; that Lessor will enter into a car service agreement and will maintain or cause to be maintained the cars at the rate of cost plus 15 percent if maintenance work is performed by Lessor and cost plus 5 percent for maintenance performed elsewhere; that the Lease will be a net financial lease, with all fixed expenses, other than Lessor's net income taxes, to be paid by Georgia; and that Georgia may, with at least 120 days prior written notice, renew such Lease for all of the Equipment for its then Fair Rental Value. Georgia contemplates utilizing all of the cars for its own purposes throughout the Lease term; in the event, however, any of the cars are subleased. Georgia would account for the proceeds therefrom by crediting FERC account 151, such account previously having been properly charged with the Lease expense.

Georgia states that neither Ortner nor Lessor is affiliated with Georgia and that the terms of the Lease, negotiated at arm's length, are competitive with the terms which would otherwise be available in the market. Georgia currently leases 874 other coal cars under a similar lease with Lessor. Georgia believes that the terms of the Lease are fair and reasonable and that it is in the best interests of Georgia's investors and consumers. Georgia further states that Lessor is a large company with considerable experience and expertise in leasing and maintaining coal cars, and that Lessor's particular combination of qualifications is a unique and necessary feature in Lessor's obligations to maintain Georgia's coal cars.

A statement of the fees, commissions, and expenses to be incurred in connection with the proposed transaction will be filed by amendment. Georgia believes that the proposed transaction may be construed under Georgia law as an issue of an "evidence of debt" (Ga. Code Ann. Section 93-414) and accordingly may require approval of the Georgia Public Service Commission ("GPSC"). Application for such approval will be made and any order of decision thereon will be filed by amendment hereto. It is stated that no other State or 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 30, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be address: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application, as filed

or as it may be amended, may be granted effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-28802 Filed 10-11-78; 8:45 am]

[8010-01-M]

[Release No. 10427; 812-4361]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASSMUTUAL CORPORATE INVESTORS, INC.

Filing of Application for Order

OCTOBER 5, 1978.

Notice is hereby given that Massachusetts Mutual Life Insurance Co. ("Insurance Company"), 1295 State Street, Springfield, Massachusetts 01111, a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, and MassMutual Corporate Investors, Inc. ("Fund"), a nondiversified, closed-end, management investment company registered under the Investment Company Act of 1940 ("Act") (hereinafter collectively referred to as "Applicants"), filed an application on August 31, 1978, pursuant to section 17(d) of the Act and rule 17d-1 thereunder, for an order of the Commission permitting the Insurance Company to purchase at direct placement a 12-year mortgage loan in the amount of $1,400,000 at 9¾ percent interest (the "Mortgage Loan") of Aberdeen Manufacturing Corp. ("Aberdeen") secured by a first mortage on real property. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that pursuant to an order of the Commission issued on August 19, 1971 (Investment Company Act Release No. 6690, referred to herein as the "Order"), the Insurance Company, which acts as investment adviser to the Fund, is permitted to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement, and to exercise warrants, conversion privileges and other rights at the same time as the Fund. Among the conditions of the order are that neither the Insurance Company nor the Fund, unless otherwise permitted by order of the Commission, may acquire any further interest in the issuer or in any affiliated person of the issuer or in securities issued by such issuer or affiliated person, other than interests in all respects identical.

The application states that the Insurance Company has been offered for purchase, at direct placement, the Mortgage Loan of Aberdeen, secured by a first mortgage on real property in Kaufman, Tex., and that the Insurance Company will be the sole purchaser of the Mortgage Loan if it secures the order requested by the application. The Insurance Company states that Aberdeen intends to apply the proceeds from the sale of the Mortgage Loan to provide long-term financing for a 156,250 square foot light manufacturing and warehouse building located in Kaufman, Tex., on an irregular site of approximately 14.2 acres. The application states that the land and the improvements subject to the proposed first mortgage lien have been valued by the Insurance Company at $1,870,000.

The application state that the Insurance Company holds $1,454,500 in principal amount of Aberdeen 7⅝ percent senior notes due 1989; $390,000 in principal amount of Aberdeen 5⅞ percent convertible subordinated debentures due 1988; and $6,000,000 in principal amount of Aberdeen 9⅛ percent senior notes due 1992 (collectively referred to as the "Insurance Company-Held Aberdeen Securities"). The Insurance Company and the Fund each hold the following Aberdeen securities: (1) $902,500 in principal amount of Aberdeen 9 percent senior notes due 1989, and (2) $500,000 in principal amount of Aberdeen 7¼ percent convertible senior notes due 1989 collectively referred to as the "Jointly Held Aberdeen Securities"). The application further states that the 7¼ percent convertible senior notes are convertible into shares of common stock of Aberdeen presently at $9.26 per share, and that the AMEX-Composite closing price for a share of Aberdeen common stock was $9.125 as of August 25, 1978. Applicants state that neither the Insurance Company or any affiliated person nor the Fund or any affiliated person of the Fund own any securities of Aberdeen other than those described above.

Applicants submit that, unless the relief they seek is granted, the aforementioned condition of the order, which was issued pursuant to section 17(d) of the Act and rule 17d-1 thereunder, would preclude the Insurance Company from acquiring the Mortgage Loan.

Section 17(d) of the Act and rule 17d-1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such investment company is a joint participant, without the permission of the Commission. Rule 17d-1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies, and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicants submit that the investment opportunity presented to the Insurance Company by the Mortgage Loan is not less advantageous to the Fund than to the Insurance Company and is consistent with the provisions, policies and purposes of the Act. The Fund's investment policy specifies that the principal investments of the Fund will be long-term obligations and, occasionally, preferred stocks, purchased directly from the issuers, if such obligations or preferred stocks have equity features such as accompanying shares of common stock or rights to acquire, or to convert such obligations or preferred stocks into, such shares. Applicants assert that the Mortgage Loan does not have any accompanying equity features and, therefore, would not be an investment permitted by the investment policies of the Fund. Applicants further assert that the Fund is not designed as a vehicle for mortgage investment.

Applicants state that at the time of the purchase of the Jointly-Held Aberdeen Securities in 1973, and the purchase by the Insurance Company of the Aberdeen 9⅛ percent senior notes in 1977, the Insurance Company did not contemplate any investment in the Mortgage Loan, nor were the purchases of the Insurance Company-Held Aberdeen Securities or the Jointly-Held Aberdeen Securities tied to or induced by any discussions with respect to the purchase and sale of the Mortgage Loan or any similar securities. Applicants further state that there is no connection between the purchasers of the Insurance Company-Held Securities or the Jointly-Held Aberdeen Securities and the proposed issuance and sale of the Mortgage Loan to the Insurance Company other than the fact that the Insurance Company continued a relationship with Aberdeen at the time of the acquisitions of the Insurance Company-Held Aberdeen Securities and the Jointly-Held Aberdeen Securities.

The application states that in the judgement of the Insurance Company, the Mortgage Loan would be an attractive investment for the Insurance Company. Applicants state that the purpose of the application is to avoid disadvantage to the Insurance Company, which they assert will occur if the Insurance Company is not permitted to invest in the Mortgage Loan.

Notice is further given that any interested person may, not later than October 30, 1978 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-28803 Filed 10-11-78; 8:45 am]

[8010-01-M]

[Rel. No. 20724; 70-6181]

OHIO POWER CO. AND CENTRAL OHIO COAL CO.

Proposed Bank Borrowing by Subsidiary Coal Company

OCTOBER 5, 1978.

Notice is hereby given that Ohio Power Co. ("Ohio"), 301 Cleveland Avenue SW., Canton, Ohio 44702, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, and Central Ohio Coal Co. ("COCO"), P.O. Box 98, Cumberland, Ohio 43732, a coal mining subsidiary company of Ohio, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, and 12 of the Act as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

COCO was organized in 1946 for the purpose of conducting surface mining operations on behalf of Ohio. COCO operates three mines owned by Ohio in Morgan, Muskingum, and Noble Counties, Ohio; and its total output is utilized by Ohio's Muskingum River Generating Station. It is stated that the Muskingum Mine has produced coal at an annual level of 3.0 to 3.2 million tons, but that to meet environmental standards which become effective in 1979, 2.3 to 2.5 million annual tons will be required. It is further stated that unless new equipment is acquired, production will drop to 1.4 million annual tons by 1981. It was determined that a 110 cubic yard dragline, to remove overburden, would be an appropriate mining machine to help avoid a drop in annual production below 2.3 to 2.5 million tons. Additionally, a 23 cubic yard shovel is required to load uncovered coal, and movable electric substations are required to support these mining machines. On December 15, 1977, Ohio acquired one Marion (Model 8750) 110 cubic yard dragline ("Dragline") from AMAX, Inc. for $18,742,000. Since the Dragline was delivered unassembled, Ohio is entering into a contract for the erection of the Dragline ("Erection Contract").

It is currently estimated that the total erected cost of the Dragline will be $27,000,000. Ohio also contracted to purchase one Bucyrus-Erie (Model 295) 23 cubic yard shovel ("Shovel"), having an approximate cost of $2,000,000, and two 138/22.9 kVA skid mounted substations and related electrical support equipment for the Dragline ("Electrical Support Equipment"), having an approximate cost of $1,000,000.

It is proposed that Ohio sell the Dragline to COCO, which will reimburse Ohio for the amount expended by Ohio to acquire the Dragline. Ohio will also assign the Erection Contract and the contract for the Electrical Support Equipment to COCO, and COCO will pay for the erection of the Dragline and for the purchase of the Electrical Support Equipment. The Commission, by order of August 7, 1978, in File No. 70-6157 (HCAR No. 20660), has authorized the assignment of the Shovel by Ohio to Girard Bank as trustee under a trust for the benefit of C.I.T. Corp., a wholly owned subsidiary of C.I.T. Financial Corp., and the leaseback of the Shovel to COCO.

To finance the acquisition and erection of the Dragline and the acquisition of the Electrical Support Equipment for the Dragline, COCO proposes to enter into a Credit Agreement with Irving Trust Co. pursuant to which COCO may borrow an aggregate principal amount not to exceed $30,000,000 outstanding at any one time. These borrowings will be evidenced by a note or notes issued by COCO to Irving Trust Co. Each note will represent the obligation of COCO to pay Irving Trust Co. the unpaid amount of the loan made by Irving Trust Co. pursuant to such note, together with interest thereon as set forth below. Each note is to be dated as of the date of the loan evidenced thereby. Borrowings may be made from time to time on or after the date of execution of the Credit Agreement to, but not including, February 29, 1980. Borrowings made pursuant to the Credit Agreement will be due and payable on February 29, 1980. Each note will bear interest from the date thereof on the principal amount thereof from time to time at an annual rate of interest equal to 105 percent of the prime rate of Irving Trust Co. in effect from time to time. Each note will be prepayable by COCO at any time without premium or penalty. In the event that the Indenture, dated as of February 15, 1946, between COCO and Ohio ("Coal Supply Agreement") shall cease to be fully enforceable by COCO in accordance with its terms or in the event a regulatory body with jurisdiction in the premises shall initiate proceedings directed at the termination of the Coal Supply Agreement, COCO shall, within 90 days thereafter, prepay in full each and every Note issued pursuant to the Credit Agreement.

It is further stated that subject to the receipt of regulatory approval, COCO will pay to Irving Trust Co. a commitment fee for the period from July 1, 1978, to, but not including, February 29, 1980, or such earlier date as of which the Credit Agreement may be terminated pursuant to the terms thereof, computed at the rate of one-half of 1 percent per annum on an amount equal to the difference between $19,000,000 and the aggregate amount of borrowings outstanding from time to time: *Provided, however,* That no commitment fee will accrue in the event the aggregate amount of borrowings outstanding from time to time shall equal or exceed $19,000,000.

It is stated that borrowings pursuant to the Credit Agreement will be made in contemplation of a sale-leaseback transaction involving the Dragline, the Shovel and the Electrical Support Equipment for the Dragline, which transaction is the subject of the application in File No. 70-6057, supra.

It is further stated that as an inducement to Irving Trust Co. to make loans to COCO pursuant to the Credit Agreement, Ohio proposes to give to Irving Trust Co. a letter ("Letter Agreement") advising Irving Trust Co. (1) that, while any such loans are outstanding, Ohio intends to maintain 100 percent voting control of the capital stock of COCO and to continue to own the coal lands mined by COCO, (2) that any such loans are to be made in contemplation of a sale-leaseback transaction involving the Dragline, the Shovel and the Electrical Support Equipment for the Dragline, the proceeds of which sale-leaseback transaction would be used to repay any such loans, and (3) that, if such sale-leaseback transaction is not consummated, COCO would repay any such loans with funds supplied to COCO by Ohio pursuant to the Coal Supply Agreement.

Fees and expenses, exclusive of commitment fees, to be incurred in connection with the proposed transactions are estimated at $6,000, including legal fees of $2,000. It is stated that the Public Utilities Commission of Ohio may have jurisdiction over the Letter Agreement, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 30, 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 which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices 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. 78-28804 Filed 10-11-78; 8:45 am]

[8010-01-M]

[Release No. 5896; 18-10]

RETIREMENT PLAN FOR LEGAL AND OTHER PERSONNEL OF SIMPSON THACHER & BARTLETT

Filing of Application for an Order Exempting From Provisions

OCTOBER 3, 1978.

Notice is hereby given that Simpson Thacher & Bartlett, One Battery Park Plaza, New York, N.Y. 10004, a law firm organized as a partnership under the laws of the State of New York (hereinafter referred to as the "Applicant" or "Firm"), on March 20, 1978, filed an application for exemption from the registration requirements of the Securities Act of 1933 (the "Act") for interests or participations issued in connection with the Retirement Plan for Legal and Other Personnel of Simpson Thacher & Bartlett (the "Plan"). All interested persons are referred to that document, which is on file with the Commission, for the facts and representations contained therein, which are summarized below.

I. INTRODUCTION

All employees and partners are eligible to participate in the Plan if they are at least 25 years of age and have completed three years of service with the Applicant. As of September 30, 1977, 53 partners, 48 associates, and 138 nonlegal employees of Applicant were entitled to participate in the Plan.

Applicant states that the Plan is of the type commonly referred to as a "Keogh" plan, whose participants include persons (in this case Applicant's partners) who are employees within the meaning of section 401(c)(1) of the Internal Revenue Code of 1954 (the "Code"), and, therefore, is excepted from the exemption from the registration provisions of the Act provided by section 3(a)(2) of the Act for interests or participations in certain employee benefit plans of corporate employers. However, section 3(a)(2) of the Act provides that the Commission may exempt from the provisions of section 5 of the Act any interest or participation issued in connection with a pension or profit-sharing plan which covers employees, some or all of whom are employees within the meaning of section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be 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.

II. DESCRIPTION AND ADMINISTRATION OF THE PLAN

Applicant states that the Plan was originally adopted in 1964 and was amended and restated in its entirety, effective as of October 1, 1976, in order to comply with the Employee Retirement Income Security Act of 1974 ("ERISA"). Applicant has applied to the Internal Revenue Service (the "IRS") for a determination that the Plan as amended will continue to be a qualified plan under section 401(a) of the Code.

Contributions are made by Applicant each year on behalf of all employee participants in amounts equal to specified percentages of their compensation. Contributions are also made each year by each partner in amounts designated by such partner no less than a specified minimum and no greater than the lesser of $7,500 or a specified percentage of such partner's compensation. In addition, each Plan participant may make voluntary contributions in any year up to the lesser of $10,000 or 10 percent of such participant's compensation.

Applicant states that the assets of the Plan are segregated into two investment funds—a discretionary fund consisting of stocks and other securities selected by a registered investment advisor, which serves as investment manager for the discretionary fund, and a fixed income fund whose assets are presently invested in a group annuity contract issued by a major insurance company. Each participant's interest in the Plan is allocated between these two funds according to the participant's specific designation.

Applicant states that the assets of the Plan are maintained by Manufacturers Hanover Trust Co. as Trustee (the "Trustee") for the Plan under an amended trust agreement (the "Trust Agreement"). Under the Trust Agreement, the Trustee has exclusive authority and discretion to manage such assets except to the extent that Applicant has appointed one or more investment managers to manage some or all of the assets of the Plan. The Plan provides for the appointment of a Retirement Committee which at present consists of five partners in the Firm. The Committee has overall responsibility and authority for administration of the Plan and for setting investment policy. The Administrative Committee of the Firm has responsibility and authority under the Plan for appointing the Trustee, any investment managers, and the members of the Retire-

ment Committee, as well as for making any amendments to the Plan.

Applicant states that if it were a corporation or if its partners were not included among Plan participants, interests and participations in the Plan would be exempt from registration under section 3(a)(2) of the Act. Applicant submits that Congress excepted interests issued in connection with Keogh plans from the section 3(a)(2) exemption primarily out of concern over interests in commingled or collective Keogh funds which might be marketed by sponsoring financial institutions to self-employed persons unsophisticated in financial matters. Applicant notes that the Plan is not a prototype or master plan marketed to the public by a sponsoring financial institution and that Plan assets are not commingled in collective investment media with the assets of plans of other employers. Applicant states that the characteristics of the Plan are essentially no different from the retirement plans maintained by many single corporate employers, for which section 3(a)(2) provides an exemption, and that the concerns which led to that section's inapplicability to Keogh plans do not apply to Applicant's Plan.

Applicant represents that it has not distributed and does not intend to distribute any type of promotional material relating to the Plan (other than such material as Applicant is required under ERISA to distribute to participants or to employees) and has not made and does not intend to make any solicitation of voluntary contributions under the Plan. Applicant makes available to Plan participants upon request and without charge, copies of the Plan, the Trust Agreement and the latest interim financial statements of the Plan.

Applicant states that it is engaged in furnishing legal services of a type which necessarily involves financially sophisticated and complex matters and for that reason, as well as the extensive administrative control over the Plan maintained by the Firm, is able to represent adequately its interests and the interests of its employees who are participants in the Plan.

Applicant concludes that for the foregoing reasons, granting the requested exemptive order would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice if further given that any interested person may, not later than October 27, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application, accompanied by a statement of the nature of his or her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to: George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the matter will be issued as of course following October 27, 1978, 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 notice of further developments 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. 78-28805 Filed 10-11-78; 8:45 am]

[8010-01-M]

[Release No. 20725; 70-6208]

SYSTEM FUELS, INC., ET AL.

Proposal Relating to Short-Term Debt Issued To Finance Nuclear Fuel Procurement by a Nonutility Subsidiary for Use by Operating Companies.

OCTOBER 5, 1978.

In the matter of System Fuels, Inc., 225 Baronne Street, New Orleans, La. 70112; Arkansas Power & Light Co., First National Building, Little Rock, Ark. 72203; Louisana Power & Light Co., 142 Delaronde Street, New Orleans, La. 70174; Middle South Energy, Inc., 225 Baronne Street, New Orleans, La. 70112; Mississippi Power & Light Co., Electric Building, Jackson, Miss. 39205; New Orleans Public Service, 317 Baronne Street, New Orleans, La. 70112.

Notice is hereby given that Arkansas Power & Light Co. ("Arkansas"), Louisiana Power & Light Co. ("Louisiana"), Mississippi Power & Light Co. ("Mississippi"), and New Orleans Public Service Inc. ("NOPSI") (collectively referred to as "Operating Companies"), all public utility subsidiary companies of Middle South Utilities, Inc. ("Middle South"), a registered holding company, and System Fuels, Inc. ("SFI"), a jointly-owned nonutility subsidiary company of the Operating Companies, have filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7, 12(b) and 12(f) of the Act and Rules 45 and 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Under a Nuclear Fuel and Fuel Services Purchase Agreement ("Purchase Agreement"), dated as of June 15, 1978, among SFI, Arkansas, Louisiana, and Middle South Energy, Inc. ("MSE"), a subsidiary of Middle South Utilities, Inc., organized in 1974 to own and finance certain future base load generating plants in the System, Arkansas, Louisiana, and MSE have previously agreed with SFI, with certain exceptions noted in the Purchase Agreement, to purchase their requirements of certain nuclear materials and nuclear fuel services from SFI (HCAR No. 20525). Based upon current estimates, SFI anticipates net expenditures for the above referenced program of $35,897,000, and $34,961,000, for 1978 and 1980, respectively; SFI anticipates to generate net sales of $22,100,000, and $16,169,000, for 1979 and 1981, respectively.

In order to finance the above requirements or to provide funds to reimburse the parent companies for borrowings previously made to effect certain of the above acquisitions of nuclear materials or nuclear fuel services, SFI proposes to issue its Commercial Paper Notes ("Notes" or individually, "Note"), pursuant to an arrangement by which the Aetna Casualty and Surety Co. ("Aetna") would, under a Bond of Indemnity ("Bond"), undertake to pay any Note if it is not paid when presented. The maximum principal amount of the Notes outstanding at any one time until November 1, 1981, may not exceed $60,000,000 less the amount, if any, of Notes paid by Aetna for which Aetna shall not have been reimbursed. The Notes will be discount notes payable to bearer at the office of an issuing and paying agent ("Agent"), which will be a major commercial bank located in New York, N.Y.

The Notes will be in the form of unsecured promissory notes with varying maturities not to exceed 270 days, the actual maturities to be determined by market conditions, effective cost of money to SFI and SFI's anticipated cash requirements at the time of issuance. In accordance with the established custom and practices in the market, the Notes will not be payable prior to maturity. SFI proposes to issue, reissue and sell the Notes in denominations of not less than $50,000 directly to Lehman Brothers Kuhn

Loeb Inc., or Lehman Commercial Paper Inc. ("Lehman"), a dealer in commercial paper, pursuant to a Placement Agreement ("Placement Agreement") to be entered into between SFI and Lehman. The Notes will be sold to Lehman at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality of that particular maturity sold to commercial paper dealers. No commission or fee will be payable by SFI in conneciton with the issuance and sale of the Notes. Lehman, as principal, will reoffer and sell the Notes at a discount rate of ⅛ of 1 percent per annum less than the prevailing discount rate to SFI. The dealer in reoffering the commercial paper will limit the reoffer and sale to a nonpublic customer list of not more than 200 buyers of commercial paper. Each such list will be prepared in advance of each offering and will include commercial banks, insurance companies, corporate pension funds, investment trusts, foundations, colleges and university funds, municipal and state funds and other financial and nonfinancial corporations which normally invest funds in commercial paper. Such list will be furnished to the Commission and no change will be made therein without advising the Commission of such change.

SFI and Aetna will enter into a Participation Agreement ("Participation Agreement") which will set forth the terms under which the Bond will be issued. Under the Bond, Aetna will agree unconditionally that, if at any time there shall be insufficient funds on deposit with the Agent and available for the payment of Notes. Aetna shall deposit with the agent the funds required to make the paymants in full. SFI will pay Aetna quarterly a premium at a per annum rate equal to the sum of (a) ½ of 1 percent plus (b) 7 percent of the minimum commercial lending rate charged from time to time by Morgan Guaranty Trust Co. of New York for loans in New York City ("Morgan Guaranty MCLR"), computed on the daily average principal amount of Notes outstanding during such quarter. Based upon present interest rates, the effective cost of the Aetna proposal to SFI is estimated to be 9.81 percent. Under the terms of the Participation Agreement, SFI may reimburse Aetna within 60 days after the date of any payment for each payment made by Aetna under the Bond, together with interest thereon at a per annum rate equal to 125 percent of the Morgan Guaranty MCLR. SFI may also reimburse Aetna within such 60 day period for all losses and expenses incurred in connection with the Bond and in connection with the enforcement of SFI's obligations under the Participation Agreement, including interest thereon, at the same rate as applied to payments by Aetna. Prior to such reimbursement, SFI may issue Notes, provided certain terminating events have not occurred, but may use the proceeds only for the purposes of refunding outstanding Notes and acquiring funds in order to effect such reimbursement.

In the event that Aetna is not reimbursed for any payment made by it under the Bond or for any other losses, expenses, or interest under the Participation Agreement within such 60 days, SFI may not issue or sell any additional Notes without Aetna's written approval, and Aetna may cancel the Bond. Following such a cancellation SFI shall, as specified below, (i) pay Aetna all amounts then owed by SFI under the participation Agreement or the Security Agreement (as hereinafter defined) and (ii) pay the Agent an amount sufficient to provide for the payment of all Notes issued by SFI and unpaid at the time of such cancellation. Any cancellation of the Bond by Aetna shall relate solely to Notes issued after the effectiveness of such cancellation and shall not affect Aetna's obligation under the Bond with respect to Notes issued prior to the effectiveness of such cancellation.

To the extent internal funds are unavailable, SFI proposes to obtain funds to pay the Notes and reimburse Aetna, as may be required by the Participation Agreement during 1978, through borrowings under its Loan Agreement ("Loan Agreement") with its parent companies, dated January 4, 1978 (HCAR No. 20363). Authority is herein requested to make borrowings under such Loan Agreement, if necessary, in an amount sufficient to enable SFI to make such payment and reimbursement. Requisite borrowing capacity is available for such purpose as the $40,000,000 of loans from Citibank, N.A., which matured April 17, 1978, were extended through April 17, 1980.

Under the terms of a Security Agreement to be entered into between SFI and Aetna ("Security Agreement"), Aetna will also receive a security interest (i) in SFI's nuclear materials and nuclear fuel services inventory which is to be financed through the sale of the Notes, (ii) in payments for such materials and services under the Purchase Agreement and (iii) in certain contract rights, funds, and claims related to the sale of the Notes and to such materials and services.

In connection with the proposed transactions, the parent companies will covenant and agree with Aetna that so long as SFI shall have any obligations under the Participation Agreement, the Bond, the Security Agreement or the Placement Agreement, the parent companies will, severally in accordance with their present respective shares of ownership of the common stock of SFI, take any and all action as, from time to time, may be necessary to keep SFI in a sound financial condition and to place SFI in a position to perform and discharge, and will cause SFI to perform and discharge, in a timely manner, all of its obligations under the documents referred to in this application and under the Purchase Agreement.

Before SFI accepted the Aetna proposal, the Company requested proposals from four investment institutions and received a response from three. SFI evaluated all proposals. Based on economics, utilization, and other subjective matters, such as Middle South Utilities System Companies' other financing arrangements and future financing needs, it was determined that the Aetna proposal was the most economical and in the best interest of SFI and the Middle South Utilities System.

The fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions; however, Arkansas must file pertinent information relating to its participation in the proposed transactions with the Arkansas Public Service Commission ("APSC") two weeks prior to this filing, such APSC filing having been made on September 1, 1978.

Notice is further given that any interested person may, not later than October 30, 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 declaration which he desires to controvert; or he may request that he be notified if the Commisison 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 declarants at the above stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, of 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 re-

ceive 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. 78-28806, Filed 10-11-78; 8:45 am]

[8010-01-M]

[Release No. 10426; 812-4371]

VANCE, SANDERS INVESTORS FUND, INC., AND ERIC PIERCE

Filing of Application for Order Exempting Proposed Transaction From Provisions; Permitting Participation in Such Transaction; and Granting Exemption From Provisions

Notice is hereby given that Vance, Sanders Investors Fund, Inc. (the "Fund"), an open-end, diversified, management investment company registered under the Investment Company Act of 1940 (the "Act"), and Mr. Eric Pierce, One Beacon Street, Boston, Mass. 02109, a director of the Pierce Co., Inc. ("PCI") (hereinafter the Fund and Mr. Eric Pierce are collectively referred to as "Applicants"), filed an application on September 29, 1978, pursuant to sections 6(c), 17(b) and 17(d) of the Act and Rule 17d-1 thereunder, for an order of the Commission (1) exempting from the provisions of section 22(d) of the Act the Fund's issuance of shares, at net asset value, in connection with a reorganization of the Fund with PCI, and exempting from the provisions of Rule 22c-1 under the Act the issuance of shares at a price based upon the net asset value per share determined on the business day immediately preceeding the closing date of such reorganization, (2) exempting the proposed transaction from the provisions of section 17(a) of the Act, and (3) permitting the participation in such reorganization, of Mr. Pierce. 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.

Applicants state that PCI is a corporation orgainized and existing under the laws of Massachusetts, which files its tax returns as a personal holding company, and that PCI's only class of securities outstanding is common stock, which is held of record and beneficially by fewer than one hundred persons. Applicants assert that PCI is not making and does not propose to make a public offering of its securities, and assert that PCI is not, accordingly, an investment company as defined in the Act. Mr. Eric Pierce is a director and shareholder of PCI, and participated in PCI's determination to reorganize with the Fund to the extent described below. Mr. Pierce owns less than 5 percent of PCI's outstanding shares.

According to the application, the Fund and PCI have entered into an agreement and plan of reorganization (the "Plan") which provides for the transfer of substantially all of the assets of PCI to the Fund in exchange for shares of common stock of the Fund. To preclude variations in valuation procedures, the Plan provides that the assets of PCI will be valued in accordance with the valuation procedures followed by the Fund. Thus, Applicants assert that the value of assets transferred to the Fund will substantially equal the net asset value of shares of the Fund received by PCI in such transfer. The valuation of PCI's assets and determination of the Fund's net asset value per share is proposed to be made as of the close of business on the New York Stock Exchange on the business day next preceding the closing date, which will be within twenty-four hours of such valuation. The Plan provides that PCI will retain cash in an amount estimated by PCI to be sufficient to pay its debts, obligations and liabilities. On a date subsequent to the closing date any such cash so retained and not expended for such purposes shall be transferred to the Fund in exchange for additional Fund shares. Applicants state that this transfer will be based upon the net asset value per share of the Fund next computed after receipt of such cash.

Applicants represent that the securities of PCI are suitable for the Fund and consistent with its investment objective and policies as set forth in its current registration statement.

Applicants state that, as of June 30, 1978, the net assets of PCI were $7,474,587 and that such assets had a book cost, for fedral income tax purposes, of $8,285,865. At the same date the Fund had net assets of $133,746,643 and a cost for federal income tax purposes of $122,296,756.

Applicants state that PCI will bear its costs incurred in connection with the reorganization, and the Fund will bear its costs, including costs of filing a registration statement with respect to the Fund shares to be transferred in the reorganization and costs of seeking Commission exemptive orders, which expenses are not expected by Applicants to exceed $7,000.

Applicants state that the average commission paid by the Fund in purchasing preferred and common stocks is approximately eight cents per share, making a net savings of brokerage commissions on the acquisition of the common and preferred shares held by PCI of approximately $9,300. Applicants further assert that the imputed commission on bonds and U.S. Government obligations is approximately $2,500, for a total net brokerage saving by the Fund of approximately $11,800.

Applicants represent that there is no connection between the Fund and PCI, other than as described below, and that no officer, director, or shareholder of PCI is an affiliated person of the Fund.

Vance, Sanders & Co., Inc. ("Vance, Sanders") is the investment adviser and principal underwriter of the Fund. Mr. Eric Pierce, a shareholder and director of PCI, is an officer, director, and shareholder of Vance, Sanders. Section 2(a)(3) of the Act includes, within the definition of the term "affiliated person" of another person, an officer or director of such other person. Therefore, as an officer and director of Vance, Sanders, Mr. Pierce is an affiliated person of Vance, Sanders.

Section 2(a)(3) of the Act also includes, within the definition of "affiliated person" of an investment company, the investment adviser of the investment company. Therefore, as the investment adviser to the Fund, Vance, Sanders is an affiliated person of the Fund, and Mr. Pierce is an affiliated person of an affiliated person of the Fund.

Section 17(a) of the Act provides, in part, that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such person, knowingly to sell to such registered investment company any security or other property. Pursuant to section 17(b) of the Act, the Commission, upon application, shall grant an exemption from such prohibition if evidence establishes that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Section 17(d) of the Act, and rule 17d-1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, to effect any transaction in which such investment company is a joint participant, without the permission of the Commission. Rule 17d-1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies, and purposes of the Act, and (2) the extent to which such participation is on a basis

different from or less advantageous than that of other participants.

Applicants state that Mr. Pierce participated in the PCI Board of Directors' determination to seek to merge with a registered investment company, and in the Board's establishment of certain criteria that such investment company must meet. Applicants state that Mr. Pierce participated in the discussions leading up to the selection of the Fund, but did not participate in the actual decision of the Board to enter into the Plan. Applicants assert that Mr. Pierce did not, in any manner, participate in the decision of the Fund's Board of Directors to enter into the Plan.

Applicants submit that if the Fund were acquiring the assets of PCI under a statutory merger whereby the Fund acquired outstanding shares of PCI in exchange for Fund shares, an order would have to be granted pursuant to sections 17(b) and 17(d) of the Act and Rule 17d-1 thereunder because of Mr. Pierce's affiliation with Vance, Sanders and his role in the negotiations. Applicants state that since the Plan provides for the sale of PCI's assets to the Fund in exchange for Fund shares which then are to be distributed to the shareholders of PCI, the transaction may similarly be deemed to be subject to the provisions of sections 17(a) and 17(d) of the Act. Applicants request an order of the Commission pursuant to section 17(b) of the Act exempting the proposed transaction from the provisions of section 17(a) of the Act, and pursuant to section 17(d) of the Act and Rule 17d-1 thereunder permitting the participation of Mr. Pierce in the transaction.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it except to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person, except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus.

Applicants state that the Fund's current prospectus states that the Fund may issue shares at net asset value in connection with the acquisition of the assets of an investment company. Applicants submit, notwithstanding this fact, that it may be that the basis upon which the Fund will issue its shares in exchange for assets of the company and the transfer of any retained cash for shares of the Fund at net asset value on a date subsequent to the original closing date will be different from the public offering price described in the Fund's current prospectus. Therefore, Applicants request an order of exemption pursuant to section 6(c) of the Act from the provisions of section 22(d) of the Act to permit the exchange of assets of PCI at the closing of the proposed transaction (and to permit the proposed later cash transfer) to be effected at net asset value.

Rule 22c-1 promulgated under the Act provides, in pertinent part, that no registered investment company issuing any redeemable security shall sell any such security except at a price based on the current net asset value of such security which is next computed after receipt of an order to purchase such security. Applicants submit that, since the shares to be issued on the closing date will be issued at a price based upon the net asset value per share determined as of the close of business of The New York Stock Exchange on the business day immediately preceding the closing date, an exemption from the provisions of Rule 22c-1 under the Act is necessary in order that the exchange may be consummated. Applicants seek such an exemption pursuant to section 6(c) of the Act.

Applicants state that the management of the Fund believes (1) that the proposed acquisition by the Fund of substantially all of the assets of PCI in exchange solely for shares of the Fund at net asset value is at a reasonable and fair price, arrived at by arms-length bargaining; does not involve overreaching on the part of any person concerned; does not involve the participation of the Fund on any basis different from or less advantageous than any other person; and is consistent with the policy of the Fund as recited in its registration statement; and (2) that the granting of the proposed exemptions in connection with the transaction is appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act. Applicants state that the management of the Fund further believes that the proposed transaction will be beneficial to the shareholders of the Fund because (1) the transfer of securities will cause the Fund less expense than the purchase of securities of the same issuers in the open market because there will be no brokers' commissions, (2) those expenses of the Fund which do not rise proportionately with an increase in portfolio size will be spread over a larger number of shares and therefore will be a smaller amount per share to the benefit of existing shareholders, and (3) the Fund will acquire additional securities for its existing portfolio without affecting the market in such securities.

Section 6(c) of the Act provides, in pertinent part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 30, 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. 20459. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 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. 78-28807 Filed 10-11-78; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[8025-01-M]

MAXIMUM INTEREST RATES

Notice is given that the Small Business Administration ("SBA") has established the maximum rates of interest that lending institutions participating with SBA may charge on loans approved by SBA on and after October 5, 1978, under section 7 of the Small Business Act, as amended, and section 502 of the Small Business Investment Act, as amended.

Effective October 5, 1978, the maximum rate of interest acceptable to SBA on a guaranteed loan or a guaran-

teed revolving line of credit shall be eleven and one-quarter percent (11¼%) per year, and the maximum rate on an immediate participation loan shall be ten and one-quarter percent (10¼%) per year. These maximum interest rates are one-half percent higher than the rates published in the FEDERAL REGISTER on July 26, 1978, and shall remain in effect until notification of a change is issued by SBA.

In recognition of the substantially different characteristics of the economy of Alaska, including a substantially higher level of loan interest rates, as compared with the "lower 49 States", an interest rate differential of three-fourths percent (¾%) above the maximum allowable interest rate otherwise applicable for SBA loans remains in effect for SBA loans made to borrowers in Alaska by lenders located in Alaska. This action is taken in light of the relatively limited availability of loan funds, and the higher costs experienced by lenders in Alaska. The action is consistent with the fact that, SBA in recognition of the State's economy, has published a size standard differential for Alaskan small businesses, and in further recognition of existing differentials to wage scales and cost of living allowances as applicable to Alaska.

The "SBA Optional Peg Rate" for the October–December 1978 quarter will be eight and one-half percent (8½%) per year. This is an optional "peg" rate for use in connection with fluctuating interest rate loans made in participation with SBA.

This notice is issued under 13 CFR 120.3(b)(2)(iv). Catalog of Federal Domestic Assistance programs:

Catalog No.:

59.002 Economic injury disaster loans (E,F).
59.012 Small business loans (E,F).
59.013 State and local development company loans (E,F).
59.014 Coal mine health and safety loans (E,F).
59.017 Consumer protection loans (E,F).
59.018 Occupational safety health loans (E,F).
59.001 Displaced business loans (E,F).
59.003 Economic opportunity loans for small businesses (E,F).
59.010 Product disaster loans (E).
59.020 Base closing economic injury loans (E,F).
59.021 Handicapped assistance loans (E,F).
59.022 Emergency energy shortage economic injury loans (E,F).
59.023 Strategic arms economic injury loans (E,F).
59.024 Water pollution control loans (E,F).
59.025 Air pollution control loans (E,F).

Dated: October 2, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-28810 Filed 10-11-78; 8:45 am]

[4710-02-M]

DEPARTMENT OF STATE

Agency for International Development

A.I.D. MISSIONS AND OFFICES IN NEAR EAST REGION

Redelegation of Authority No. 162-8

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated June 21, 1977 (42 FR 31511), as amended, with respect to Project Agreements, Trust Fund Agreements, and Grant Agreements; No. 40, dated March 5, 1978 (43 FR 11293) with respect to Source, Origin and Nationality for Procurement; and No. 113, dated October 15, 1975, I hereby redelegate to the Directors of A.I.D. Missions in Afghanistan, Egypt, Jordon, Morocco, Syria and Tunisia and the A.I.D. Representative in Portugal, authority to exercise any of the following functions assigned to me for the country to which such official is assigned, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to execute loan and grant agreements (including project agreements), (hereinafter referred to as "such agreements") and amendments thereto with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended, (the Act) in accordance with the terms of the authorizations of such loans or grants.

2. Authority to negotiate and implement such agreements with respect to loans and grants authorized under the Act and loans authorized by the Board of Directors of the corporate Development Loan Fund, in accordance with Regulations, Policies and Procedures now or hereafter established or modified and promulgated within A.I.D. This authority shall include the following:

(a) Authority to prepare, negotiate, and execute letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such agreements;

(c) Authority to negotiate, execute and implement all documents ancillary to such agreements;

(d) Authority to sign or approve Project Implementation Orders;

(e) Authority to review and approve the terms of country contract and contractors, amendments and modifications to such contracts, and invitations for bids and requests for proposals with respect thereto;

(f) Authority to waive source, origin and nationality requirements for individual transactions of goods and services up to $250,000 (exclusive of transportation cost) and of motor vehicle up to $25,000; and

(g) Authority to extend terminal dates for signing such agreements, and meeting initial and additional conditions precedents for a cumulative period of not to exceed 180 days for each; and to extend terminal dates for requesting disbursement authorizations, terminal disbursement dates and Project Assistance Completion Dates (PACD's) for a cumulative period of not to exceed 365 days for each.

3. The authorities redelegated in paragraphs 1 and 2 may be exercised only after consultation with appropriate Mission or Office technical personnel and the Regional Legal Advisor.

4. The authorities herein redelegated are subject to guidance by the Office in AID/Washington (Office of Project Development or Office of Technical Support) having responsibility for supporting implementation of the activity.

5. The authorities herein redelegated may be exercised by a person who is serving in an "Acting Director" or "Acting Representative" capacity and may be redelegated but not successively redelegated, except that the authorities enumerated in paragraph 1, paragraph 2(e) with respect to approval of the terms of country contracts and amendments and modifications thereto of over a 10 percent increase in total contract price, and paragraph 2(f) may not be redelegated.

6. The authorities enumerated in paragraph 1 are also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassadors to the countries covered by this Redelegation and to any person acting in the Ambassador's official capacity, except that such authorities may not be redelegated.

7. The following Redelegations of Authority are hereby revoked:

a. No. 162-4, dated October 20, 1976 (41 FR 49688), as amended, to Mission Director, USAID/Egypt.

b. No. 162-6 dated March 7, 1976 (43 FR 9402) to Mission Director, USAID/Afghanistan.

8. Any official action taken prior to the effective date hereof by officers duly authorized pursuant to the redelegations revoked hereunder are hereby continued in effect unless modified or revoked by an official to whom I have redelegated relevant authority in this redelegation.

9. This Redelegation of Authority is effective immediately.

Dated: September 20, 1978.

JOSEPH C. WHEELER,
Assistant Administrator,
Bureau for Near East.

[FR Doc. 78-28704 Filed 10-11-78; 8:45 am]

[4710-02-M]

DIRECTOR, OFFICE OF TECHNICAL SUPPORT AND DEPUTY DIRECTOR, OFFICE OF TECHNICAL SUPPORT, BUREAU FOR NEAR EAST

Redelegation of Authority No. 162-9

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 28, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38 dated June 21, 1977 (42 FR 31511) with respect to Project Agreements, Trust Fund Agreements and Grant Agreements; No. 40 dated March 5, 1978 (43 FR 11293), with respect to Source, Origin and Nationality for Procurement; and No. 113 dated October 15, 1975 (40 FR 49682), I hereby redelegate to each of the individuals listed above, for the programs, projects, or activities with the responsibility of the Office of Technical Support, authority to exercise any of the following functions assigned to me retaining for myself concurrent authority to exercise any of the functions herein redelegated.

1. Authority to negotiate and execute loan and grant agreements (including project agreements) and amendments thereto, with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act) in accordance with the terms of the authorizations of such loans or grants.

2. Authority to implement loan and grant agreements (including project agreements) (hereinafter referred to as "Such agreements") in accordance with Regulations, Policies and Procedures now or hereafter established or modified and promulgated within A.I.D. with respect to loans and grants authorized under the Act.

This authority shall include the following:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such agreements;

(c) Authority to negotiate, execute and implement all documents ancillary to such agreements;

(d) Authority to sign or approve Project Implementation Orders; (e) Authority to review and approve the terms of country contracts and contractors, amendments and modifications to such contracts, and invitations for bids and requests for proposals with respect thereto;

(f) Authority to waive source, origin and nationality requirements for individual transactions of goods and services up to $500,000 (exclusive of transportation cost) and of motor vehicles up to $25,000; and

(g) Authority to extend terminal dates for signing such agreements, meeting conditions precedent and disbursement authorizations, terminal disbursement dates, and Project Assistance Completion Dates (PACD's).

3. The authorities enumerated above may be redelegated for specific actions to Mission Directors or Ambassadors for countries within my area of responsibility.

4. The following authorities enumerated above my be redelegated by the individuals listed above to persons within the Office of Techical Support, Bureau for Near East;

(a) Authority described above in paragraph 1, with respect to negotiating loan and grant agreements and amendments related thereto;

(b) Authority described above in paragraph 2 to the following extent:

(1) Authority to prepare and negotiate letters of implementation;

(2) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such agreements;

(3) Authority to review and approve the selection of host country contractors, amendments and modifications to country contracts of up to a 10 percent in total contract price and invitations for bids and requests for proposals with respect to such contracts financed by funds made available under such agreements.

(4) Authority to negotiate and implement documents ancillary to such agreements.

5. This Redelegation of Authority is effective immediately.

Dated: September 20, 1978.

JOSEPH C. WHEELER,
Bureau for Near East.

[FR Doc. 78-28705 Filed 10-11-78; 8:45 am]

[4710-02-M]

DIRECTOR, OFFICE OF PROJECT DEVELOPMENT AND DEPUTY DIRECTOR, OFFICE OF PROJECT DEVELOPMENT, BUREAU FOR NEAR EAST

Redelegation of Authority No. 162-10

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 28, 1961 (27 FR 449), as amended, with respect to Loan Agreements; Delegation of Authority No. 23, dated December 28, 1962 (23 FR 563), as amended; No. 38 dated June 21, 1977 (42 FR 31511) with respect to Project Agreements, Trust Fund Agreements and Grant Agreements; No. 40 dated March 5, 1978 (43 FR 11293), with respect to Source, Origin and Nationality for Procurement, and No. 113, dated October 15, 1975 (40 FR 49582), I hereby redelegate to each of the individuals listed above, for the programs, projects or activities within the responsibility of the Office of Project Development, authority to exercise any of the following functions assigned to me retaining for myself concurrent authority to exercise any of the functions here redelegated:

1. Authority to negotiate and execute loan and grant agreements (including project agreements) and amendments thereto, with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act) in accordance with the terms of the authorizations of such loans or grants.

2. Authority to implement loan and grant agreements (including project agreements), (hereinafter referred to as "such agreements") in accordance with Regulations, Policies and Procedures now or hereafter established or modified and promulgated within A.I.D. with respect to loans and grants authorized under the Act, loans authorized by the Board of Directors of the corporate Development Loan Fund and loans authorized under section 104(e) of the Agriculture Trade Development and Assistance Act of 1954, as amended (Public Law 480). This authority shall include the following:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such agreements;

(c) Authority to negotiate, execute and implement all documents ancillary to such agreements;

(d) Authority to sign or approve Project Implementation Orders;

(e) Authority to review and approve the terms of country contracts and contractors, amendments and modifications to such contacts and invitations for bids and requests for proposals with respect thereto;

(f) Authority to waive source, origin and nationality requirements for individual transactions of goods and services up to $500,000 (exclusive of transportation cost) and of motor vehicles up to $25,000; and

(g) Authority to extend terminal dates for signing such agreements, meeting conditions precedent and disbursement authorizations, terminal disbursement dates, and Project Assistance Completion Dates (PACD's).

3. The authorities enumerated above may be redelegated for specific actions to Mission Directors or Ambassadors for countries within my area of responsibility.

4. The following authorities enumerated above may be redelegated by the individuals listed above to persons within the Office of Project Development, Bureau for Near East:

(a) Authority described above in paragraph 1, with respect to negotiating loan and grant agreements and amendments related thereto;

(b) Authority described above in paragraph 2 to the following extent;

(1) Authority to prepare and negotiate letters of implementation;

(2) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such agreements;

(3) Authority to review and approve the selection of host country contractors, amendments and modifications to country contracts of up to a 10 percent increase in total contract price and invitations for bids and requests for proposals with respect to such contracts financed by funds made available under such agreements.

(4) Authority to negotiate and implement documents ancillary to such agreements.

5. Redelegation of Authority No. 162-5 from the Assistant Administrator, Bureau for Near East, to the Director and Deputy Director, Office of Capital Development, dated November 30, 1976 is hereby revoked.

6. Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to the redelegation revoked hereunder are hereby continued in effect unless modified or revoked by an official to whom I have delegated relevant authority in this redelegation.

7. This Redelegation of Authority is effective immediately.

Date: September 20, 1978.

JOSEPH C. WHEELER,
Assistant Administrator,
Bureau for Near East.

[FR Doc. 78-28706 Filed 10-11-78; 8:45 am]

[4710-02-M]

MISSION DIRECTOR, USAID/YEMEN

Redelegation of Authority No. 162-11

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated June 21, 1977 (42 FR 31511), as amended, with respect to Project Agreements, Trust Fund Agreements, and Grant Agreements; No. 40, dated March 5, 1978 (43 FR 11293) with respect to Source, Origin and Nationality for Procurement; and No. 113, dated October 15, 1975, I hereby redelegate to the Mission Director, USAID/Yemen authority to exercise any of the following functions assigned to me for Yemen in accordance with Regulations, Policies, and Procedures now or hereafter established or modified and promulgated within A.I.D., retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. (a) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under loan and grant agreements (including project agreements) (hereinafter referred to as "such agreements") and amendments thereto with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act);

(b) Authority to sign or approve Project Implementation Orders;

(c) Authority to review and approve the terms of country contracts and contractors, amendments and modifications to such and invitations for bids with respect thereto financed by funds made available under such agreements, provided that the aggregate amount of each individual contract in U.S. dollars and local currency does not exceed $100,000 or the local currency equivalent;

(d) Authority to waive source, origin and nationality requirements for individual transactions of goods and services up to $100,000 (exclusive of transportation cost) and of motor vehicles up to $25,000; and

(e) Authority to extend terminal dates for signing such agreements, and meeting initial and additional conditions precedents for a cumulative period of not to exceed 180 days for each; and to extend terminal dates for requesting disbursement authorizations, terminal disbursement dates and Project Assistance Completion Dates (PACD's) for a cumulative period of not to exceed 365 days for each.

2. The authorities herein redelegated are subject to guidance by the Office in AID/Washington (Office of Project Development or Office of Technical Support) having responsibility for supporting implementation of the activity.

3. The authorities herein redelegated may be exercised by a person who is serving in an "Acting Director" capacity.

4. The authorities herein redelegated may not be redelegated.

5. This redelegation of authority is effective immediately.

Dated: September 20, 1978.

JOSEPH C. WHEELER,
Assistant Administrator,
Bureau for Near East.

[FR Doc. 78-28707 Filed 10-11-78; 8:45 am]

[4710-01-M]

Office of the Secretary

[Public Notice CM-8/115]

ADVISORY COMMITTEE ON HISTORICAL DIPLOMATIC DOCUMENTATION

Meeting

The Advisory Committee on Historical Diplomatic Documentation will meet on November 3, 1978, at 9 a.m. in room 1205 of the department of State Building.

The principal purpose of the Committee is to give advice to the Bureau of Public Affairs (particularly the Office of the Historian) regarding the solution of professional problems connected with the preparation of the "Foreign Relations" series and other responsibilities of that Office. Special attention will be given to classified documents, more than 20 years old, that are now being reviewed for possible declassification and publication.

In accordance with section 10(d) of the Advisory Committee Act (Pub. L. 92-463) it has been determined that a portion of the above meeting will necessarily involve discussion concerned with matters recognized as not subject to public disclosure under 5 U.S.C. 552(b)(c)(1), and that the public interest requires that such activities be withheld from disclosure. The meeting beginning at 9 a.m. will be open to the public, and the chairman will entertain questions and discussion from the public as time allows. Following completion of public discussion, the remainder of the meeting will be closed in accordance with section 10(d) cited above.

Persons wishing to attend the open portion of the meeting should come before 9 a.m. to the diplomatic entrance of the Department of State building at 22d and C Streets NW., Washington, D.C. They will be escorted to room 1205 and (at the conclusion of the open portion of the meeting) back to the diplomatic entrance.

Any questions concerning the meeting should be directed to David F. Trask, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Washington, D.C. 20520, telephone 202-632-8888.

DAVID F. TRASK,
Executive Secretary.

[FR Doc. 78-28783 Filed 10-11-78; 8:45 am]

[49-1014-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 78-132]

CHEMICAL TRANSPORTATION ADVISORY COMMITTEE

Annual Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) (1976 edition), notice is hereby given of a meeting of the Chemical Transportation Advisory Committee to be held on Tuesday, 14 November 1978, beginning at 9:00 a.m. in Room 2230, Nassif Building, 400 7th Street SW., Washington, D.C. 20590.

Reports from the following subcommittees will be presented to the Advisory Committee for review:

1. Liquefied gas facilities
2. Bulk liquid facilities
3. Break bulk and container facilities
4. Commercial explosives
5. Chemical vessels
6. Liquefied gas vessels
7. Ship stores

Participation by the Coast Guard in UN and IMCO conferences concerning the Transport of Dangerous Goods by Water will also be reviewed.

Attendance is open to the interested public. Members of the public may present oral statements at the meeting, with the approval of the Chairman. Persons wishing to make oral statements should notify Captain William N. Spence, Commandant (G-MHM/83) U.S. Coast Guard, Washington, D.C. 20590, telephone 202-426-2306, not later than November 9, 1978. Any person may present a written statement to the Committee at any time.

Issued in Washington, D.C., on October 4, 1978.

W. D. MARKLE, Jr.,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 78-28793 Filed 10-11-78; 8:45 am]

[4910-22-M]

Federal Highway Administration

[FHWA Docket No. 78-6]

EFFECTS OF DELAYED OR HALTED HIGHWAY PROJECTS

Request for Public Comments

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Highway Administration (FHWA) is issuing this notice to request information on adverse social and economic effects caused by delayed or halted highway projects and on possible ways of dealing with these effects.

DATES: Information and suggestions must be received on or before (December 11, 1978.

ADDRESS: FHWA Docket No. 78-6, Federal Highway Administration, HCC-10, room 4205, 400 Seventh Street SW., Washington, D.C. 20590. All responses to this notice will be availabale for examination at the above address between 7:45 a.m. and 4:15 p.m. eastern time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. King, Chief, Relocation Assistance Division, 202-426-0116; or Mr. Stanley H. Abramson, Office of the Chief Counsel, 202-426-0791, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are Monday through Friday from 7:45 a.m. to 4:15 p.m. eastern time.

SUPPLEMENTARY INFORMATION: Over the past 10 years, the FHWA has concentrated its efforts on studying the adverse social, economic, and environmental effects of proposed highway projects and developing ways to minimize these effects before any land is acquired or construction work begins. The purpose of this notice is to request information on the adverse effect that delays in the completion of ongoing highway projects have had on communities and neighborhoods and on the lives and properties of individuals, families and businesses and, in particular, on those who live or work in the path of highway projects that have been delayed or halted after land or "right-of-way" acquisition has begun. The FHWA is also interested in receiving suggestions on possible ways to avoid these effects and to deal with them when they occur.

Highway projects may be delayed from several months to 10 years or more for a variety of reasons including funding problems of acquiring agencies, changing legal requirements, shiftinag local priorities, and lawsuits. These delays can occur at any time during the development of a project and often occur after right-of-way acquisition has begun.

While projects are halted, those who own properties in the path of the highway are unable to sell their homes or businesses at a fair price and are reluctant or unable to spend money for needed repairs. Even when a willing buyer can be found, it is often impossible to get a mortgage. The inability to sell and the lack of maintenance often adversely affect homeowners, tenants and businesses, with additional complications caused by advanced age, poor health, fixed income, extreme financial problems, or endangered health, safety and welfare.

Recent preliminary surveys by FHWA indicate that the following problems may be developing in urban areas around the Nation where ongoing highway projects are delayed or halted, particularly after right-of-way acquisition has begun:

A. Dangerous and adverse living conditions.
1. Higher crime rates.
   a. Robbery.
   b. Burglary.
   c. Assault.
   d. Murder.
   e. Muggings.
   f. Rape.
   g. Arson.
   g. Vandalism.
2. Health Hazards.
   a. Rodents.
   b. Emotional and nervous strain.
   c. Reduction of available medical personnel and facilities.
3. Curtailment of public facilities and services.
4. Large number of elderly and/or incapacitated residents.
5. Isolation of remaining homes, apartment buildings and businesses.
6. Fewer retail and service establishments.

B. Economic Conditions.
1. Large number of low income residents.
2. Abandoned and boarded up homes and businesses.
3. Buildings condemned and demolished as health and safety hazards before they can be acquired for the highway.
4. Property owners, forced to sell, victimized by speculators.
5. Insurance not available or only at excessive rates.
6. Mortgage loans, including VA and FHA, not available.
7. Higher security expenses for remaining businesses.
8. Remaining residences in worse condition and with more deferred maintenance than those in surrounding areas.
9. Owners responsible for mortgages in excess of realizable market value.
10. Lower occupancy rates and rental values than apartments in surrounding areas.

In these situations it is often necessary for State or local government agencies to step in to relieve hardship cases. The FHWA assists in this effort to a limited extent by providing a portion of the funds needed to acquire properties in those situations where strict conditions (23 CFR 712.204(d)) can be met. The criteria for hardship acquisitions have been narrowed considerably as a result of recent Federal court decisions. (See 42 FR 26651, May 25, 1977.) Under current FHWA procedures, each request for hardship acquisition must show that an individual property owner has been placed in an extraordinary or emergency situation

beyond that of other property owners remaining on the project, and that this situation is a result of delay in the completion of the project and a resulting inability to sell the property in question. During calendar year 1977, only 36 requests met these requirements for Federal approval.

The FHWA believes that it has a responsibility to consider additional ways to assist State and local governments in relieving adverse social and economic effects caused by projects which are delayed or halted after right-of-way acquisition has begun.

Additional information on the nature and extent of problems caused by such delays and suggestions for possible corrective action are requested from all interested parties. All responses to this notice will be available for examination by any interested person at the above address both before and after the closing date for comments.

Copies of this notice are being sent direcly to the following organizations: The Advisory Commission on Intergovernmental Relations, the American Association of State Highway and Transportation Officials, the Center for Auto Safety, the Insurance Institute for Highway Safety, the National Association of County Offjcials, the National Association of Regional Councils, the United States Conference of Mayors, the National League of Cities, the National Urban League, the National Wildlife Federation, and all State highway agencies.

Issued on: October 4, 1978.

KARL S. BOWERS,
Federal Highway Administrator.

[FR Doc. 78-28730 Filed 10-11-78; 8:45 am]

[4910-59-M]

National Highway Traffic Safety Administration

[Docket 75-29; Notice 3]

SAFETY ASPECTS OF MOTORIZED BICYCLES

Proposed Agency Recommendations

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

ACTION: Notice of proposed agency recommendations.

SUMMARY: This notice announces proposed agency recommendations concerning regulation by the States of the operational safety of motorized bicycles (mopeds). This action is taken to allow the public an opportunity to review and comment on the recommendations before they are completed.

PROPOSED EFFECTIVE DATE: November 13, 1978.

ADDRESS: 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. Lewis Buchanan, Driver and Pedestrian Safety Division, Traffic Safety Programs, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2180.

On November 28, 1975, the National Highway Traffic Safety Administration (NHTSA) published a request for comments concerning the operational safety of motorized bicycles (40 FR 55375).

Since that time, the NHTSA has analyzed the comments received in response to this notice as well as an increasing volume of safety data which has become available as the number of mopeds has increased. Based on this analysis, and in response to requests for NHTSA's views in this area, the agency has reached a number of conclusions concerning the operational safety of mopeds and has formulated recommendations for moped regulations which it intends to make available to the States and other interested parties. Before issuing these recommendations in final form, the agency has decided to make them available to the public for 30 days to obtain the benefit of any new information that may be supplied.

These recommendations represent the agency's opinion at this time concerning the operational safety of mopeds. They are merely recommendations, however, and are intended to be modified as additional data becomes available. Consequently, Docket 75-29; Notice 3 will remain open as a depository for information concerning mopeds and moped safety.

It is important to note that these recommendations do not represent highway safety standards. If the NHTSA decides to enter into formal rulemaking, the public will be notified and given the opportunity to comment.

PROPOSED RECOMMENDATIONS FOR MOPED REGULATION

DEFINITION

"Moped" means a motor-driven cycle with mechanical linkage to permit muscular propulsion and a power source that provides a maximum of 2 brake horsepower. The power source shall not be capable of propelling the vehicle unassisted at a speed in excess of 30 mph (48.28 kilometers per hour) on a level road.

VEHICLE REGISTRATION AND LICENSING

Each moped should be registered and its operation licensed in such a way that it can be identified as a motorized bicycle.

ACCIDENT RECORDS

Reporting of all accidents, in conformance with American National Standards Institute Standard D-20, Model Motorist Data Base, should be required. Accident reporting data should be complied in such a way that moped accident data can be clearly identified. Moped accident data should be separated from bicycle and motorcycle accident data.

VEHICLE EQUIPMENT

At the time of manufacture mopeds must meet applicable Federal Motor Vehicle Safety Standards. Vehicle Equipment Safety Commission Regulation VESC-17, Minimum Requirements for Construction and Equipment of Mopeds should be used as a guide for registration eligibility.

INSURANCE—FINANCIAL RESPONSIBILITY

Liability insurance or financial responsibility requirements should be applicable to moped operators.

OPERATOR'S LICENSE, MINIMUM AGE, AND TEST REQUIREMENTS

A motorcycle operator's license or endorsement, or a special moped operator's license or endorsement should be required for moped operation.

The minimum age for moped operator licensing should be the same as for automobile operator licensing.

Moped operators should be required to pass skill and knowledge tests designed for motorcycle operation or skill and knowledge tests designed especially for moped operation.

MOPED OPERATOR'S HANDBOOK

A moped operator's handbook should be prepared. This publication should contain information on all legal requirements for moped operation as well as information on recommended safe driving practices.

TRAFFIC LAW ENFORCEMENT

Moped operators should be required to obey all applicable traffic laws and regulations. Police agencies should establish which will insure that enforcement personnel are well informed about moped regulations and that traffic regulations pertaining to mopeds are equitably enforced.

MOPED OPERATOR EDUCATION

Motorcycle safety education programs should include appropriate information on moped operation. Persons wishing to operate a moped

should be encouraged to enroll in these motorcycle safety education courses.

Additionally, information on moped regulations and safe driving practices should be incorporated into high school and adult driver education courses for automobile operators, so that they are knowledgeable concerning moped operators rights and duties.

PUBLIC INFORMATION AND EDUCATION

Information on moped regulations and safe driving practices should be incorporated into highway safety public information and education programs. These programs should also inform other drivers of the legal rights and restrictions for moped operators. Moped operators should be encouraged to check with local police agencies when in doubt about moped regulations.

PASSENGERS

Passengers should be prohibited on mopeds unless the vehicles are specifically designed to carry passengers.

USE ON HIGH-SPEED (ABOVE 35 MPH) ROADWAYS

Differences in speed between mopeds and other motor vehicles on high-speed roads can be as much as 45 mph. Speed differences that large can greatly increase the likelihood of accidents. However, safer low-speed alternative routes are often available. Priority should be given to finding and designating these low-speed alternative routes. Where alternative routes are not available, consideration should be given to designating bicycle lanes on the roadways and permitting mopeds to use them. Consideration should also be given to allowing mopeds to use the improved shoulders on designated roadways when alternative low-speed routes are not available. However, mopeds should not be permitted under any circumstances to operate on high-speed limited access highways.

Implementation of this recommendation will require extensive analyses of high-speed roads and alternative routes by traffic engineering specialists. In some cases it may be impractical to provide direct access by moped to all places a moped rider might wish to go. However, these analyses should be made with the goal of providing the greatest degree of access and mobility for moped users that adherence to traffic engineering and highway safety principles will permit.

USE OF ON-ROAD BICYCLE FACILITIES

on heavily congested roads it may be desirable to separate mopeds from other motor vehicle traffic. The use of on-road bicycle lanes by mopeds offers a practical means of achieving the needed separation. All on-road bicycle lanes should be examined to determine those on which moped use could be permitted with little increase in risk to other bicycle lane users. Those facilities where joint use appears to be compatible should then be designated for use by mopeds as well as bicycles.

USE OF BICYCLE PATHS

A need exists to determine the characteristics of the interaction between pedestrians, bicycles, and mopeds on off-road facilities. If adequate control exists, the State may wish to consider permitting, on an experimental basis, the use of motor and/or pedal powered mopeds on bicycle paths in order to determine the safety of this type of interaction. Such experimentation shall not be allowed on facilities funded under 23 U.S.C. 217(d) which prohibits motorized vehicles on "trails and walkways authorized under this section."

USE OF SAFETY HELMETS

The use of either a bicycle safety helmet or a motorcycle safety helmet should be required.

VISIBILITY

Moped operators should be encouraged to make themselves as visible as possible to other drivers. This can be accomplished by the use of brightly colored clothing and helmets, the use of the moped's headlight during the day, the use of a bicycle flag, and at night, by the use of retro-reflective materials on the vehicle, flag, clothing and helmet.

The principal author of this notice was Frederic W. Schwartz, Jr. of the office of Chief Counsel.

(Pub. L. 89-564, 80 Stat. 731; (23 U.S.C. 401, et seq.), delegations at 49 CFR 1.50 and 49 CFR 501.8(d)).

Issued: October 4, 1978.

CHARLES F. LIVINGSTON,
Acting Associate Administrator, Traffic Safety Programs.

[FR Doc. 78-28697 Filed 10-11-78; 8:45 am]

[4910-61-M]

Saint Lawrence Seaway Development Corporation

ADVISORY BOARD

Meeting

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the St. Lawrence Seaway Development Corp., to be held at 10 a.m., December 1, 1978, in the Seaway offices of the Seaway Corp., 800 Independence Avenue SW., Washington, D.C. The agenda for this meeting is as follows: Opening Remarks; Approval of Minutes; Administrator's Report; Review of Programs and Operations; and Closing Remarks.

Attendance is open to the interested public but limited to the space available. With the approval of the Administrator, members of the pubic may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than November 29, 1978, and information may be obtained from Robert D. Kraft, Deputy General Counsel, St. Lawrence Seaway Development Corp., 800 Independence Avenue SW., Washington, D.C. 20591; 202-426-3574.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued in Washington, D.C. on October 2, 1978.

D. W. OBERLIN,
Administrator.

[FR Doc. 78-28710 Filed 10-11-78; 8:45 am]

[4810-22-M]

DEPARTMENT OF THE TREASURY

Office of the Secretary

CARBON STEEL BARS, CARBON STEEL STRIP, CARBON STEEL PLATES, AND CERTAIN STRUCTURAL CARBON STEEL SHAPES FROM THE UNITED KINGDOM

Termination of Antidumping Investigations

AGENCY: U.S. Treasury Department.

ACTION: Termination of antidumping investigations.

SUMMARY: This notice is to advise the public that the antidumping investigations concerning carbon steel bars, carbon steel strip, carbon steel plates, and certain structural carbon steel shapes from the United Kingdom are being terminated. The terminations are based on the withdrawal of the original antidumping petitions, as detailed in the body of this notice and the appendix hereto.

EFFECTIVE DATE: October 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Linda F. Potts, Assistant to the Director, Office of Tariff Affairs, U.S. Treasury Department, 15th and Pennsylvania Avenue NW., Washington, D.C. 20220, telephone 202-566-2951.

SUPPLEMENTARY INFORMATION: On December 5, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27. Customs regulations (19 CFR 153.26, 153.27) from

Counsel on behalf of Armco Steel Corp. (now Armco, Inc.) alleging that certain steel products from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of he Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

This information was the subject of four "Antidumping Proceeding Notices" involving carbon steel bars, carbon steel strip, carbon steel plates, and certain structural carbon steel shapes from the United Kingdom, which were published in the FEDERAL REGISTER of January 23, 1978 (43 FR 3231-33). A notice extending the antidumping investigatory period for the four investigations was published in the FEDERAL REGISTER on July 26, 1978 (43 FR 32343).

Armco, Inc. submitted a letter dated September 29, 1978, formally withdrawing its petition. This letter is reproduced as an appendix to this notice.

Treasury has been monitoring and will continue carefully to monitor entries of carbon steel bars, carbon steel strip, carbon steel plates, and certain structural carbon steel shapes under the the trigger price mechanism and to take appropriate action to insure the effective enforcement of the Antidumping Act with respect to these products. In this connection, it should be noted, as indicated in the notice of proposed rulemaking regarding the special summary steel invoice (42 FR 65214), that Treasury views its authority to withhold appraisement retroactively in appropriate cases as an important tool for providing effective enforcement of the Antidumping Act.

Accordingly, I hereby conclude that based upon the withdrawal of the antidumping petition and in view of the fact that the carbon steel products described above are subject to the "trigger price mechanism" administered by this Department, it is appropriate to terminate these investigations. These terminations are without prejudice to the filing of one or more subsequent antidumping petitions concerning the same products.

Dated: October 6, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

SEPTEMBER 29, 1978.

Re. Armco Inc. antidumping complaint, covering basic *steel mill products from the United Kingdom.*

ROBERT H. MUNDHEIM, Esq.,
General Counsel,
Department of the Treasury, Room 3000 Main Treasury Building,
Washington, D.C. 20220

DEAR MR. MUNDHEIM: On December 2, 1977, Armco Steel Corp. (now Armco Inc.) submitted to the Commissioner of Customs a petition for the institution of antidumping proceedings in regard to the following categories of carbon steel mill products imported into the United States from the United Kingdom: plates, structural shapes, cold rolled sheets and coils, wire rods and hot rolled bars and bar shapes. The petition included information which tended to establish that these steel mill products were being sold in the United States at less than their fair value within the meaning of section 201 of the Antidumping Act, 1921, as amended.

Subsequent to the submission of Armco's petition, the President approved the report and recommendations of the Under Secretary of the Treasury for Monetary Affairs, the Honorable Anthony M. Solomon, for the establishment of a Trigger Price Mechanism to enable the Treasury to monitor imports of steel mill products as a constructive measure to eliminate the then widespread practice of foreign suppliers of selling such products in the United States at less than their fair value. In the ensuing months, all factors in the steel market have cooperated with the Department of The Treasury in its commendable efforts to establish the Trigger Price Mechanism, to update it, and to make it an effective instrumentality to accomplish its intended purpose.

The Department's cognizant spokesmen have repeatedly warned of the consequences to this innovative program should its limited resources of technically qualified manpower, required for the administration of the TPM, be diverted to the mandatory deadlines attaching to major antidumping investigations of steel mill products. Responsive to these warnings, other complainants in antidumping proceedings involving steel mill products from Japan, the U.K., and other E.E.C. countries, initiated prior to Armco's case, have withdrawn their several complaints, the most recent being the action of National Steel Corp. on August 14, 1978.

Armco's consideration of similar action has been prolonged by the surge of imports of steel mill products in July and August, 1978, and by the anxiety which is felt throughout the domestic steel mill products industry that the structural characteristics of the TPM may make it an effective instrument for achievement of the President's purpose, and those of The Department. We are reassured by the President's public statements this week and by our understanding of the intention of the Under Secretary and yourself to continue the Department's efforts to update and improve the TPM and its administration more effectively to achieve its intended purpose.

Armco does not desire to handicap these constructive efforts. It appears that the continued pendency of the Antidumping Investigations concerning steel mill products from the United Kingdom, initiated upon Armco's petition of December 2, 1977, may indeed have this unintended, and unfortunate effect. Accordingly, with the hope and expectation that the TPM (demonstrably inadequate in 1978) will be revised so that it will effectively and promptly reduce the unprecedented volume of steel imports into the U.S., Armco hereby withdraws it petition of December 2, 1977.

If in the future it appears that the TPM as modified from time to time, and its administration, are unequal to the achievement of the declared purpose of the President and the Under Secretary, Armco will be forced to reconsider its position, and possibly to resubmit antidumping petitions against what may then appear to be the more grievous dumping practices of foreign suppliers of steel mill products to the United States market.

With assurances of our respect and esteem for your personal efforts, as well as those of the Under Secretary, and with appreciation for the President's interest in this problem and his support of the TPM, I am

Very sincerely yours,
C. WILLIAM VERITY, Jr.

OCTOBER 6, 1978.

MR. WILLIAM C. VERITY, Jr.,
Chairman, Armco, Inc.
Middletown, OH 45043.

DEAR MR. VERITY: Thank you for your letter of September 29, 1978, in which Armco withdraws its antidumping petition involving carbon steel bars, carbon steel strip, carbon steel plates, and certain structural carbon steel shapes from the United Kingdom.

Pursuant to your request we have terminated our investigation with respect to the above-named products without prejudice. Enclosed is a copy of a termination notice which will be published in the FEDERAL REGISTER.

Sincerely,
ROBERT H. MUNDHEIM.

[FR Doc. 78-28795 Filed 10-11-78; 8:45 am]

[4810-25-M]

DEBT MANAGEMENT ADVISORY COMMITTEES

Meetings

Notice is hereby given that the announcement of Monday, October 2 (43 FR 45497) is amended to include a working session on the afternoon of October 23 for the Public Securities Association, U.S. Government and Federal Agencies Securities Committee.

Dated: October 6, 1978.

ROGER C. ALTMAN,
Assistant Secretary (Domestic Finance).

[FR Doc. 78-28744 Filed 10-6-78; 2:36 pm]

[4810-25-M]

UNITED STATES—DENMARK TAX TREATY

Meeting

The Treasury Department announces that it will hold a public meeting on November 6, 1978, to solicit the views of interested persons regarding issues being considered during negotiations to develop a new income tax treaty between the United States and Denmark.

The public meeting will be held at the Treasury Department, at 2 p.m., in room 4121. Persons interested in at-

tending are requested to give notice in writing by November 1, 1978, of their intention to attend. Notices should be addressed to H. David Rosenbloom, International Tax Counsel, Department of the Treasury, Washington, D.C. 20220.

Today's announcement of the November public meeting follows the recent conclusion of a further round of negotiations between representatives of the United States and Denmark to develop a new income tax treaty for the avoidance of double taxation and the prevention of tax evasion. The income tax treaty presently in effect dates from 1948.

In the course of the recent negotiations, many subjects of mutual concern were identifed and discussed. Among the issues being considered are: Taxation of dividends, including the treatment of Denmarks's imputation system; taxation of independent personal services, artists and athletes, and directors' fees; taxation of insurance companies; taxation of child support payments; relief from double taxation for U.S. citizens resident in Denmark; inclusion of the Virgin Island in treaty coverage; and treatment of contributions to pension plans.

The Treasury seeks the views of interested persons in regard to those issues, as well as other matters that may have relevance in the context of an income tax treaty between the United States and Denmark. The November 6 public meeting is being held to provide an opportunity for an exchange of views, as well as for the purpose of discussing the United States position in regard to the issues presented in the negotiations.

Dated: October 5, 1978.

DONALD C. LUBICK,
Assistant Secretary,
Tax Policy.

[FR Doc. 78-28717 Filed 10-11-78; 8:45 am]

[8320-01-M]

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 November 3, 1978, at 1 p.m., the Des Moines Regional Office Station Committee on Educational Allowances shall at room 1025, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in B-Flight, Inc., Fairfield, Iowa, 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: October 3, 1978.

ROBERT L. WINTERS,
Director.

[FR Doc. 78-28756 Filed 10-11-78; 8:45 am]

[1505-01-M]

INTERSTATE COMMERCE COMMISSION

[Decisions Vol. No. 27]

DECISION NOTICE

Correction

In FR Doc. 78-25142, appearing at page 39894 in the issue for Thusday, September 7, 1978, on page 39902, in the third column, in the paragraph for MC 138308 (Sub-55F), in the seventh line, the word "regular" should be corrected to read "irregular".

[1505-01-M]

[Decisions Volume No. 16]

DECISION-NOTICE

Correction

In FR Doc. 78-22239, appearing at page 35608 in the issue for Thursday, August 10, 1978, on page 35609, in the third column, in the paragraph for MC 71593 (Sub.-9F), in the 21st line, the State abbreviation "NB" should be corrected to read "NV".

[7035-01-M]

AGRICULTURAL COOPERATIVE

Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

OCTOBER 6, 1978.

The following Notices were filed in accordance with section 203(b)(5) of the Interstate Commerce Act provided for under 49 CFR 1047.23. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOp 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) The Arkansas Rice Growers Cooperative Association d.b.a. Riceland Foods. (Complete legal name of cooperative association or federation of cooperative associations.)

P.O. Box 927, Stuttgart, Ark. 72160. (Principal mailing address (street No., city, State and zip code).)

P.O. Box 927, Stuttgart, Ark. 72160. (Where are records of your motor transportation maintained (street No., city, State, and zip code)?)

C. A. Gunnell, Vice President for Finance & Secretary-Treasurer, P.O. box 927, Stuttgart, Ark. 72160. (Person to whom inquiries and correspondence should be addressed (name and mailing address).)

(2) Wilco Farmers. (Complete legal name of cooperative association or federation of cooperative associations.)

P.O. Box 258, Mount Angel, Oreg. 97362. (Principal mailing address (street No., City, State, and zip code).)

210 Monroe Street, Mount Angel, Oreg. 97362. (Where are records of your motor transportation maintained (street No., city, State, and zip code)?)

John Kuenzi, 210 Monroe Street, Mount Angel, Oreg. 97362. (Person to whom inquiries and correspondence should be addressed (Name and mailing address).)

(3) Rainbow Farm Lines, Inc. (Complete legal name of cooperative association or federation of cooperative associations.)

P.O. Box 14006-A, Orlando, Fla. 32857. (Principal mailing address (street No., city, State, and zip code).)

P.O. Box 14006-A, Orlando, Fla. 32857. (Where are records of your motor transportation maintained (street No., city, State, and zip code)?)

Stoney Mullins, P.O. Box 14006-A, Orlando, Fla. 32857. (Person to whom inquiries and correspondence should be addressed (name and mailing address).)

(2) Neillsville Co-op Transport. (Complete legal name of cooperative association or federation of cooperative associations.)

Box 30, Neillsville, Wis. 54456. (Principal mailing address (street No., city, State, and zip code).)

Box 30, Neillsville, Wis. 54456. (Where are records of your motor transportation maintained (street No., city, State, and zip code)?)

L. H. Fankhauser, Manager, Box 30, Neillsville, Wis. 54456. (Person to whom inquiries

and correspondence should be addressed (name and mailing address).)

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

[FR Doc. 78-28788 Filed 10-11-78; 8:45 am]

[7035-01-M]

[I.C.C. Order No. 73-A Under Revised Service Order No. 1252]

REROUTING TRAFFIC

To: The Alton & Southern Railway Co., Burlington Northern Inc., The Baltimore & Ohio Railroad Co., Chicago & North Western Transportation Co., Chicago, Rock Island & Pacific Railroad Co., Consolidated Rail Corp., Illinois Central Gulf Railroad Co., Illinois Terminal Railroad Co., Louisville & Nashville Railroad Co., Manufacturers Railway Co., Missouri-Kansas-Texas Railroad Co., Missouri Pacific Railroad Co., Norfolk & Western Railway Co., St. Louis-San Francisco Railway Co., St. Louis Southwestern Railway Co., Southern Railway Co., and Terminal Railroad Association of St. Louis.

Upon further consideration of I.C.C. Order No. 73, and good cause appearing therefor: *It is ordered,* I.C.C. Order No. 73 is vacated.

This order shall become effective at 9 a.m., September 29, 1978, and shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. A copy shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 29, 1978.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 78-28790 Filed 10-11-78; 8:45 am]

[7035-01-M]

[Notice No. 728]

ASSIGNMENT OF HEARINGS

OCTOBER 6, 1978.

Cases assigned for hearings, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 121568 (Sub-10), Humbolt Express, Inc., now being assigned for continued hearing on December 12, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 11758 (Sub-45), Provisioners Frozen Express, Inc., now assigned for October 11, 1978, at Denver, CO, is canceled and application dismissed.

MC 144149, Rim Investments, Inc. d.b.a. B & C Transportation, now assigned for December 11, 1978, at San Francisco, CA, is canceled and application dismissed.

MC 135797 (Sub-93), J. B. Hunt Transport, Inc., now being assigned for continued hearing on October 26, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

FD 28499 (Sub-1F), Norfolk & Western Railroad Co. and Baltimore & Ohio Railroad Co.—control—Detroit, Toledo & Ironton Railroad Co. and FD 28676 (Sub-1F), Grand Trunk Western Railroad—control—Detroit, Toledo & Ironton Railroad Co. and Detroit & Toledo Shore Line Railroad Co., now being assigned for continued prehearing conference on October 16, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 143236 (Sub-11), White Tiger Transportation, Inc., now assigned October 16, 1978 at New York, NY (5 days) is postponed to October 23, 1978 at New York, NY (1 week) in room 305-B Federal Building, 26 Federal Plaza.

MC 121633 (Sub-3F), Jackson Express, Inc., now assigned November 14, 1978 at Jackson, TN (4 days) in the Holiday Inn, room 402, 45 Bypass.

MC 143999, Allied International Trucking Co., Inc., now assigned November 20, 1978 (1 day) in Boston, MA, in a hearing room to be later designated.

MC 144263, Basel-Kiene, now assigned December 6, 1978 at Olympia, WA (3 days), in a hearing room to be later designated.

MC 12160 (Sub-51), Arrow Truck Lines, Inc., now assigned November 13, 1978 (1 day), for prehearing conference at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 144741 (Sub-1F), Nettleton Enterprise Co., Inc., d.b.a. Norwood Transport, now assigned November 21, 1978 (2 days) at Chicago, IL in a hearing room to be later designated.

MC 124211 (Sub-317F), Hilt Truck Lines, Inc., now assigned November 15, 1978 (2 days) at Columbus, OH in room 228, Federal Building, 85 Marconi Boulevard.

AB 7 (Sub-62), Stanley E. G. Hillman, trustee of the property of Chicago, Milwaukee, St. Paul & Pacific Railroad Co., debtor, abandonment near Faribault and Zumbrota, in Rice and Goodhue Counties, MN now assigned November 27, 1978 (5 days) at Zumbrota, MN in a hearing room to be later designated.

MC-F-13461, United Trucking Service, Inc.,—purchase (portion)—Eastern Express, Inc., and MC 70151 (Sub-51), United Trucking Service, Inc., now assigned December 9, 1978 at Washington, DC at the offices of the Interstate Commerce Commission and will be continued to January 9, 1979 at Washington, DC at the offices of the Interstate Commerce Commission.

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

[FR Doc. 78-28792 Filed 10-11-78; 8:45 am]

[7035-01-M]

[Decisions Volume No. 37]

DECISION-NOTICE

Decided: September 29, 1978.

The following applications are governed by special rule 247 of the commission's rules of practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication (October 12, 1978).

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 authrity 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.

H. G. Homme, Jr.,
Acting Secretary.

MC 2202 (Sub-564F), filed July 24, 1978. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. 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) serving Longview, and Marshall, TX, as intermediate points on applicant's regular route between Birmingham, AL, and Dallas, TX; (2) serving Jacksonville, TX, as an intermediate point on applicant's regular route between Denison, TX, and Houston, TX; and (3) serving Cleburne, TX, as an off-route point to applicant's regular route between Denton, TX, and Hillsboro, TX. (Hearing site: Dallas, TX or Washington, DC.)

MC 3252 (Sub-103F), filed July 27, 1978. Applicant: MERRILL TRANSPORT CO., a corporation, 1037 Forest Avenue, Portland, Me 04104. Representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cullet bottles and cans, for recyling,* from points in ME to points in MA, RI, CT, NH, NY, and NJ. (Hearing site: Boston, MA.)

MC 11207 (Sub-441F), filed August 9, 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 or steel tubing* (except commodities which because of size or weight require the use of special equipment), from the facilities of the Georgia Tubing Corp., at or near Cedar Springs, GA, to points in AL, AR, FL, KY, LA, MS, MO, NC, OK, SC, TN, and TX. (Hearing site: Jacksonville, FL or Birmingham, AL.)

MC 21866 (Sub-106F), filed July 31, 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) *Glass containers and plastic containers,* and (2) *materials* used in the manufacture and distribution of glass containers and plastic containers (except commodities in bulk), between the facilities of Drug Plastic & Glass Co., Inc., at or near Kittanning, PA, on the one hand, and, on the other, points in the United States (except AK, HI, and PA). (Hearing site: Washington, DC or Philadelphia, PA.)

MC 22509 (Sub-8F), filed September 6, 1978. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., an Iowa corporation, 5310 St. Joseph Avenue, St. Joseph, MO 64505. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Metal containers and container ends,* from Chicago, IL, Milwaukee, WI, and LaPorte, IN, to points in KS, NE, and OK. (Hearing site: Chicago, IL.)

MC 30844 (Sub-620F), filed August 4, 1978. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box

5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations*, from Minneapolis, MN, to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC. (Hearing site: St. Paul, MN.)

MC 61282 (Sub-2F), filed July 5, 1978. Applicant: ASPEN TRANSPORTATION SERVICE, INC., 435 Main Street, Gardner, MA 01440. Representative: William Humphrey Tucker, One State Street, Boston, MA 02109. 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), between points in Franklin, Hampden, Hampshire, Middlesex, and Worcester Counties, MA; and (2) *furniture and pianos*, between points in MA. Condition: Issuance of this certificate is subject to prior or coincidental cancellation, at applicant's written request, of certificate of registration MC 57519 (Sub-1). (Hearing site: Boston, MA.)

NOTE.—The purpose of this application is to convert a certificate of registration to a certificate of public convenience and necessity.

MC 61788 (Sub-36F), filed August 25, 1978. Applicant: GEORGIA-FLORIDA-ALABAMA TRANSPORTATION CO., a corporation, P.O. Box 2268, Dothan, AL 36302. 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: *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 Mobile, AL, and Gulfport, MS, (1) over U.S. Hwy 90, and (2) over Interstate Hwy 10, serving all intermediate points, and restricted in (1) and (2) above (a) that any authority granted herein shall not be severable by sale or otherwise from the irregular-route authority held by carrier between points within 75 miles of Bay Minette, AL, including Bay Minette, and (b) no irregular route operations may be conducted between Mobile, AL, and Gulfport, MS. (Hearing site: Mobile, AL or Gulfport, MS.)

MC 70083 (Sub-34F), filed August 21, 1978. Applicant: DRAKE MOTOR LINES, INC., a Delaware corporation, 20 Olney Avenue, Cherry Hill, NJ 08002. Representative: Richard Rueda, 133 North 4th Street, Philadelphia, PA 19106. To Operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ladies apparel, and* (2) *supplies* used in the distribution of the commodities in (1) above (except commodities in bulk), from the facilities of Petrie Stores Corp., at Secaucus, NJ, to the facilities of Petrie Stores Corp., at Cleveland, OH, and Detroit, MI. Condition: The person or persons who control applicant may be engaged in common control with a freight forwarder and must submit an affidavit establishing that such control is not in violation of section 411 (a)(1) of the Interstate Commerce Act. (Hearing site: Camden, NJ or Philadelphia, PA.)

MC 70083 (Sub-35F) filed August 21, 1978. Applicant: DRAKE MOTOR LINES, INC., a Delaware corporation, 20 Olney Avenue, Cherry Hill, NJ 08002. Representative: Richard Rueda, 133 North 4th Street, Philadelphia, PA 19106. To operate as a *common carrier, by motor vehicle*, over irregular routes, transporting: (1) *Ladies apparel* and (2) *supplies* used in the distribution of the commodities in (1) above (except commodities in bulk), (a) from the facilities of the Miller-Wohl Co., Inc., at Secaucus, NJ, to the facilities used by the Miller-Wohl Co., Inc., at Cleveland, OH, and Detroit, MI, and (b) from the facilities or by the Miller-Wohl Co., Inc., at Cleveland, OH, to the facilities of the Miller-Wohl Co., Inc., at Detroit, MI. Condition: The person or persons who control applicant may be engaged in common control with a freight forwarder and must submit an affidavit establishing that such control is not in violation of section 411(a)(1) of the Interstate Commerce Act. (Hearing site: Camden, NJ or Philadelphia, PA.)

MC 74416 (Sub-16F), filed July 31, 1978. Applicant: LESTER M. PRANGE, INC., Box 1, Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, from Eddystone, PA, to points in CT, DE, MD, NJ, NY, OH, VA, WV, and DC. (Hearing site: Washington, DC or Philadelphia, PA.)

MC 87511 (Sub-22F), filed August 7, 1978. Applicant: SAIA MOTOR FREIGHT LINE, INC., P.O. Box 10157, Station 1, Houma, LA 70360. Representative: Phillip Robinson, 1806 Rio Grande, P.O. Box 2207, Austin, TX 78768. 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 the use of special equipment), serving the facilities of Monsanto Co., at or near Chocolate Bayou, TX, as an off-route point in connection with carrier's otherwise-authorized regular-route operations. (Hearing Site: Houston, TX or New Orleans, LA.)

MC 87909 (Sub-28F), filed September 5, 1978. Applicant: KROBLIN TRANSPORTATION SYSTEMS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). To operate as *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 Chicago, IL, on the one hand, and, on the other, Louisville, KY, and points in IN. (Hearing site: Des Moines, IA and Boston, MA.)

MC 95540 (Sub-1033F), filed September 11, 1978. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats* and *canned meats*, from New York, NY, Philadelphia, PA, and Wilmington, DE, to points in OH, IN, IL, KY, TN, WV, MI, MS, VA, NC, WI, MN, IA, KS, and MO. (Hearing site: Philadelphia, PA or Washington, D.C.)

MC 95540 (Sub-1034F), filed September 11, 1978. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Pet Inc., at or near (1) Chambersburg, PA, to points in FL, GA, MS, NC, SC, and TN, and (2) Frankfort, Benton Harbor, and Hart, MI, to points in AL, FL, GA, LA, MS, NC, SC, and TN. (Hearing site: St. Louis, MO or Washington, DC.)

MC 95540 (Sub-1035F), filed September 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: *Applicances, and parts and accessories for applicances*, from the facilities of the Maytag Co., at or near Newton, IA, to points in FL, GA, NC, and SC. (Hearing site: Des Moines, IA or Washington, DC.)

MC 95540 (Sub-1036F), filed September 11, 1978. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636,

Lakeland, FL 33802. Representative: Benjy W. Fincher, (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail sewing centers*, from Trumann, AR, to Shrewsbury, MA, Richmond, VA, Los Angeles and San Francisco, CA, North Bergen, NJ, Tampa, FL, Charlotte, NC, and Philadelphia, PA. (Hearing site: New York, NY, or Washington, DC.)

MC 95540 (Sub-1037F), filed September 11, 1978. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher, (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Louisville, KY, to points in NC, SC, TN, and MS. (Hearing site: St. Louis, MO, or Louisville, KY.)

MC 95540 (Sub-1038F), filed September 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) *Confectionery* (except in bulk, in tank vehicles), from Ashton, RI, to points in CA, AR, LA, and TX; and (2) *foodstuffs* (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in CT, MA, NJ, NY, PA, and RI, to points in FL, GA, NC, SC, TN, MS, AL, and VA. (Hearing site: New York, NY, or Washington, DC.)

MC 100666 (Sub-407F), filed July 28, 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: *Asbestos products and construction and insulating materials* (except iron and steel articles and commodities in bulk), from the facilities of GAF Corp., at or near St. Louis, MO, to points in AL, AR, CO, FL, GA, IA, IL, IN, KS, KY, LA, MI, MS, NC, NE, OH, OK, PA, TN, TX, and WI. (Hearing site: St. Louis, MO).

MC 106401 (Sub-49F), filed August 7, 1978. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, NC 28234. Representative: Thomas G. Sloan (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), serving the facilities of Liquid Paper Corp. at or near Greenville, TX, as an off-route point in connection with carrier's otherwise-authorized regular-route operations between Atlanta, GA, and Fort Worth, TX. (Hearing site: Dallas, TX, or Washington, DC.)

MC 107107 (Sub-469F), filed August 17, 1978. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW., 42d Avenue, Opa Locka, FL 33054. Representative: Ford W. Sewell (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Epoxy moulding compounds*, in vehicles equipped with mechanical refrigeration, from Carteret, NJ, to points in AL, FL, GA, LA, MS, NC, SC, and TX. (Hearing site: New York, NY.)

MC 108207 (Sub-484F), filed August 8, 1978. Applicant FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic materials*, in vehicles equipped with mechanical refrigeration, from Irving, TX, to points in NM. (Hearing site: Dallas, TX.)

MC 108207 (Sub-485F), filed August 11, 1978. Applicant FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities as are dealt in by* grocery and food business houses, (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilites of Kraft, Inc., at Garland, TX, to points in AR, KS, LA, MS, MO, OK, and TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX.)

MC 108341 (Sub-111F), filed August 7, 1978. Applicant: MOSS TRUCKING CO., INC., 3027 North Tryon Street, P.O. BOx 8409, Charlotte, NC 28208. Representative: Jack F. Counts (same address as applicant). to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Georgetown County, SC to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Charleston, SC, or Washington, DC.)

MC 109397 (Sub-425F), Filed August 4, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a DE corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling equipment and components for cooling equipment*, and (2) *equipment and materials* used in the installation, manufacture, and distribution of the commodities named in (1) above, between Tulsa, OK, and points in Mayes County, OK, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Tulsa, OK, or Dallas, TX.)

NOTE.—The person or persons 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 109501 (Sub-16F), filed July 27, 1978. Applicant: CALHOUN TRANSPORTATION, INC., 319 Jacet Road Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 6193, Five World Trade Center, New York, NY 10048. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in by plumbing, building and industrial supply houses, between the facilities of ITT Grinnell Corp. and ITT Grinnell Valve Co., Inc., at Elmira, NY, Columbia, East Hempfield Township, and Wrightsville, PA, Warren, OH, Clito, GA, Henderson, TN, Princeton, KY, Temple, TX, and Indianapolis, IN, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contracts with ITT Grinnell Corporation and ITT Grinnell Valve Co., Inc., both of New York, NY. (Hearing site: Providence, RI.)

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 110525 (Sub-1261F), filed August 28, 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: *Hydrazine and hydrazine solutions*, in bulk, in tank vehicles, (1) from the facilities of Olin Corp., at Lake Charles, La, to points in the United States (including AK but excluding HI and LA), and (2) from the facilities of Mobay Chemical Corp., at points in Chambers County, TX, to the facilities of Olin Corp., at Lake Charles, LA. (Hearing site: New Orleans, LA.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 112304 (Sub-147F), filed July 27, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys, silico manganese, silicon metal, and scrap metal* (except commodities in bulk in dump vehicles), from the facilities of Airco Alloys at or near Calvert City, KY, and Charleston, SC, to points in the United States (except AK and HI); and (2) *scrap metals and ferro alloy fines* (except commodities in bulk in dump vehicles), in the reverse direction, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC, or St. Louis, MO.)

MC 113267 (Sub-363F), filed August 7, 1978. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 AMF, Memphis, TN 38130. Representative: Lawrence A. Fischer (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Chef Pierre, Inc., at or near Forest, MS, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NC, ND, OK, OH, SC, SD, TN, TX, and WI. Condition: Pursuant to the notice to the parties in MC 113267 (Sub-353), et al., served July 5, 1978, this proceeding is being held open until such time as a determination of applicant's fitness has been made in MC 113267 (Sub-355). (Hearing site: Memphis, TN, or Chicago, IL.)

MC 113651 (Sub-279F), filed August 4, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: H. Barney Firestone, 10 South La Salle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, dessert preparations, gumball machines, and gumball stands* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Leaf Confectionery, Inc., at or near Chicago, IL, to points in AL, AR, FL, GA, LA, MS, and TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 113651 (Sub-284F), filed August 7, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Glen L. Gissing (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by producers and distributors of alcoholic beverages (except commodities in bulk in tank vehicles), between the facilities of Heublein, Inc., at or near Paducah, KY, on the one hand, and, on the other, points in the United States (except AK and HI).

MC 113855 (Sub-444F), filed August 28, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., a North Dakota corporation, 2450 Marion Road SE., Rochester, MN 55901. Representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Underground tunnel support systems, steel beams, structural steel plates, nuts, bolts, machinery*, and *machine parts*, between the facilities of (a) Commercial Shearing, Inc., at Youngstown, OH, (b) Gregory Galvanizing Co., at Canton, OH, (c) Dura Bond, Inc., at Export, PA, (d) Young Galvanizing Co., at Pulaski, PA, (e) Hanlon Gregory Co., at Pittsburgh, PA, and (f) Commercial Stamping & Forging, at Bedford Park, IL, on the one hand, and, on the other, points in the United States (including AK but excluding HI). (Hearing site: Washington, DC.)

MC 114632 (Sub-179F), filed August 4, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: Michael L. Carter (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Arlington and Ortonville, MN, and Bloomer, WI, to points in the United States (except AK and HI). (Hearing site: Minneapolis, MN, or Chicago, IL.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 115826 (Sub-332F), filed July 31, 1978. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Representative: Howard Gore (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Long Beach, CA, to points in IA, IL, KS, MN, MO, ND, NE, SD, and WI. (Hearing site: Denver, CO.)

MC 115826 (Sub-333F), filed July 31, 1978. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Representative: Howard Gore (same address as applicant). 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 thr facilities of (1) Vernon Calhoun Packing CO., at or near Palestine, TX, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, (2) Estes Packing Co., at or near Fort Worth, TX, to points in AZ, CA, and CO, and (3) Newhouff Packing, at or near Dallas, TX, to points in AZ, CA, CO, IL, OH, 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. (Hearing site: Dallas, TX, or Denver, CO.)

MC 117786 (Sub-22F), filed July 11, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 405, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from the facilities of Cincinnati Milacron, at Cincinnati, OH, to points in AZ, CA, FL, IA, NE, OR, TX, and WA. (Hearing site: Cincinnati, OH.)

MC 117786 (Sub-27F), filed July 31, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: Baldo J. Lutich, 1441 East Thomas Road, Phoenix, AZ 85014. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nuts, bolts, and steel articles*, from the facilities of (1) VSI Fasteners, Division of VSI Corp., at Los Angeles, CA, to the facilities of VSI Fasteners, at Phoenix, AZ, and (2) VSI Fasteners, at Phoenix, AZ, to Dallas and El Paso, TX, Norcross, GA, and Broadview, IL. (Hearing site: Phoenix, AZ.)

MC 118159 (Sub-288F), filed September 5, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., a Louisiana corporation, 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: *Sodium bicarbonate, sodium carbonate, and cleaning compounds* (except commodies in bulk), from the facilities of Church & Dwight Co., Inc., in Sweetwater County, WY, to points in CT, DE, IN, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC. (Hearing site: Atlanta, GA.)

MC 118159 (Sub-289F), filed September 6, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., a Louisiana corporation, 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: *Animal feed* (except in bulk), from Red Bay, AL and Tupelo, MS, to points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC. (Hearing site: Atlanta, GA.)

MC 118831 (Sub-163F), filed August 7, 1978. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 7007, High Point, NC 27264. 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: *Chemicals*, in bulk, in tank or hopper-type vehicles, from Old Hickory, TN, to points in AL, AR, GA, KY, IN, IL, MI, MO, MS, NC, OH, SC, TN, VA, and WV. (Hearing site: Washington, DC.)

MC 119632 (Sub-76F), filed August 3, 1978. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Representative: John P. McMahon, 100 East Broad Street, Suite 1800, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk, in tank vehiches), from the facilities of Duffy Mott Co., Inc., at Hamlin and Williamson, NY, to points in IL, IN, KY, MI, and MO. (Hearing site: Washington, DC.)

MC 119700 (Sub-44F), filed September 5, 1978. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, MO 64105. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Dallas, TX, to points in AR, CO, KS, LA, MO, MS, NM, and OK. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 119765 (Sub-59F), filed August 25, 1978. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *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, MT, OK, SD, TX, UT, WI, and WY. (Hearing site: Omaha, NE.)

MC 121060 (Sub-75F), filed September 5, 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 Lockland, OH, on the one hand, and, on the other, these points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Tampa, FL.).

MC 121060 (Sub-76F), filed September 5, 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 Chicago, IL, on the one hand, and, on the other, points in WI, IA, PA, KS, NE, MO, KY, IN, MI, OH, WV, MN, NY, and MA. (Hearing site: Tampa, FL.)

MC 121300 (Sub-5F), filed August 24, 1978. Applicant: HARRIS TRANSPORTATION CO., a corporation, 14880 Love's Lane, Victorville, CA 92392. Representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude talc*, in bulk, from points in Inyo County, CA, to San Diego, CA, and the Dunn rail siding and Field rail siding, near Yermo, CA. (Hearing site: Los Angeles, CA.)

MC 123272 (Sub-21F), filed August 1, 1978. Applicant: FAST FREIGHT, INC., 9651 South Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, feed ingredients, and materials and supplies* used in the manufacture and distribution of animal feeds (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at Columbus, OH, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Kal Kan Foods, Inc. at Columbus, OH. (Hearing site: Chicago, IL or Columbus, OH.)

MC 124004 (Sub-45F), filed July 28, 1978. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, NJ 07871. 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) *Dry animal and poultry feed, and dry animal and poultry feed ingredients*, (except salt and salt products), and (2) *agricultural commodities* otherwise exempt from regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with the commodities in (1) above, between points in NY, CT, MA, RI, NH, VT, ME, PA, NJ, DE, MD, VA, WV, and OH. (Hearing site: New York, NY or Washington, DC.)

MC 124692 (Sub-221F), filed July 27, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and nonferrous and aluminum support systems*, from Troy and Highland, IL, to points in AK, AZ, CA, CO, ID, KS, MN, MT, NE, NV, NM, ND, OK, OR, IA, SD, TX, UT, WA, and WY, restricted to the transportation of traffic originating at the named origins. (Hearing site: Chicago, IL.)

MC 124692 (Sub-224F), filed July 27, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal buildings, and component parts for metal buildings*, (2) *materials and supplies* used in the construction of the commodities in (1) above, and (3) *building materials*, (a) from Dallas, TX, to points, in AR, AZ, CA, CO, ID, IL, IA, KS, LA, MI, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, UT, WA, WI, and WY, and (b) from Lubbock, TX, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Dallas, TX.)

MC 124692 (Sub-225F), filed July 27, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical jacks, accessories for mechanical jacks, and steel rods*, between Kansas City, KS, and points in AZ, CA, CO, NV, ND, OR, SD, UT, WA, MT, and WY, restricted to the transportation of traffic originating at or destined to the facilities utilized by Double J. Manufacturing Co. Inc. (Hearing site: Kansas City, MO.)

MC 124692 (Sub-226F), filed July 27, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347,

Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by farm supply cooperatives (except foodstuffs, commodities in bulk, household goods as defined by the Commission, feed, feed ingredients, commodities which because of size and weight require the use of special equipment, agricultural machinery and implements other than hand and agricultural tractors), from points in IA, IN, MI, MN,OH, IL, and WI, to points in MT, WY, ID, ND, SD, UT, WA, and OR, restricted to the transportation of traffic originating at the named origins and destined to the facilities of Farmers Union Central Exchange, Inc., (Cenex) at the indicated destinations. (Hearing site: St. Paul, MN.)

MC 124692 (Sub-227F), filed July 27, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron pipe and steel pipe*, from the facilities of Keystone Tubular Service Corp., at Chicago, IL, to the facilities of Keystone Tubular Service Corp., at Kansas City, MO, and Denver, CO, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 124692 (Sub-228F), filed July 27, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and fabricated metal articles, parts, materials, and accessories* for fabricated metal articles, from Stafford, KS, and Tulsa, OK, to points in AZ, CA, ID, MT, NV, ND, OR, SD, UT, WA, and WY. (Hearing site: Kansas City, MO.)

MC 124896 (Sub-63F), filed July 28, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum, petroleum products, vehicle body sealers, and deadener compounds* (except commodities in bulk), and (2) *oil filters and air filters*, from Buffalo, NY, North Warren, Farmers Valley, Emlenton, and New Kensington, PA, and St. Marys and Congo, WV, to points in FL, IL, IN, MO, VA, and WI. (Hearing site: Pittsburgh, PA or Kansas City, MO.)

MC 126118 (Sub-94F), filed September 5, 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: *Such commodities* as are dealt in or used by manufacturers of games, toys, sporting goods, and plastic recreational items, between the facilities of WHAM-O Manufacturing Co., at San Gabriel and Rosemead, CA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of WHAM-O Manufacturing Co., at San Gabriel and Rosemead, CA. (Hearing site: Los Angeles, CA or Lincoln, NE.)

NOTE.—Dual operations are involved in this proceeding.

MC 127812 (Sub-26F), filed August 4, 1978. Applicant: TYSON TRUCK LINES, INC., 185 5th Avenue SW., New Brighton, MN 55112. 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: 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), between Fargo, ND, on the one hand, and, on the other, points in Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Jackson, LaCrosse, Oneida, Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Trempealeau, Washburn, and Vilas Counties, WI, and MN. (Hearing site: St. Paul, MN.)

MC 128616 (Sub-24F), filed July 31, 1978. Applicant: GELCO COURIER SERVICES, INC., P.O. Box 1975, St. Paul, MN 55111. Representative: Sally G. Galway (same address as applicant). To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* used in the business of banks and banking institutions, (except currency and negotiable securities), between Omaha, NE, on the one hand, and, on the other, points in Harrison, Pottawattamie, Mills, Montgomery, Shelby, Page and Fremont Counties, IA, under continuing contracts with banks and banking institutions. (Hearing site: Omaha, NE or Kansas City, MO.)

MC 129124 (Sub-16F), filed August 6, 1978. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from points in NY, to points in Kanawha County, WV. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 129191 (Sub-9F), filed August 7, 1978. Applicant: RICHARD T. PLATTNER, d.b.a. JANS MOTOR SERVICE, 4640 West 120th Street, Alsip, IL 60658. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay pipe and flue lining*, from Uhrichsville, OH, to points in IN, IL, WI, MN, and IA. (Hearing site: Chicago, IL.)

MC 133095 (Sub-196F), filed August 25, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Rocky Moore (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed publications*, from the facilities of Magazine Shippers Association, Inc., at or near Bridgeport, CT, to points in AL, GA, AR, MS, FL, SC, and NC. (Hearing site: Dallas, TX, or New York, NY.)

MC 133591 (Sub-49F), filed August 7, 1978. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. 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) *Pesticides* and *agricultural chemicals*, (except commodities in bulk), and (2) *applicators* for the commodities in (1) above, from points in Alameda, Contra Costa, and Solano Counties, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: San Francisco, CA, or Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 133655 (Sub-119F), filed August 25, 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: *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 and 209 and 766,

(except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near El Paso, TX, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 134286 (Sub-69F), filed July 31, 1978. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *Common Carrier*, by motor vehicle, over irregular routes, transporting: (1) *Needles, syringes, and blood collection tubes*, and (2) *Materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk from the facilities of Sherwood Medical Industries, at or near Norfolk, NE, to Atlanta, GA, North Brunswick, NJ, St. Louis, MO, Dallas, TX, Libertyville, IL, Anaheim and Hayward, CA, Boston, MA, and Minneapolis, MN. (Hearing site: Omaha, NE, or Sioux City, IA.)

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 134286 (Sub-70F,) filed July 31, 1978. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slab zinc, zinc oxide, zinc dust, and metallic cadmium* (except commodities in bulk), from the facilities of St. Joe Zinc. Co., in Beaver County, PA, to Chicago, IL, St. Louis, Mo, and points in CA, OR, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (hearing site: Pittsburgh, PA, or Sioux City, IA.)

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 134467 (Sub-31F), filed Agust 10, 1978. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour mixes and frosting mixes*, (except commodities in bulk), from the facilities of Chelsea Milling Co. at or near Chelsea, MI, to points in AZ, CA, OR, UT, and WA. (Hearing site: Detroit, MI, or Little Rock, AR.)

MC 134467 (Sub-32F), filed August 10, 1978. Applicant: POLAR EXPRESS, INC., P.O. Box 845 Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Paper and paper products, and (2) *materials and equipment* used in the manufacture or distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of Scott Paper Co., at or near (a) Chester, PA, and (b) Landisville, NJ, on the one hand, and, on the other, the facilities of Scott Paper Co., at or near Rogers, AR. (Hearing site; Philadelphia, PA).

MC 134477 (Sub-264F), filed August 11, 1978. Applicant: SCHANNO TRANSPORTATION, INC., Five 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) *Electric ranges and microwave ovens*, and (2) *materials and equipment* used in the manufacture and distributjon of electric ranges and microwave ovens, between the facilities of Litton Microwave Cooking Products, Litton Systems, Inc., at Minneapolis, MN, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC. (Hearing site: St. Paul, MN.)

MC 134501 (Sub-31F), filed August 4, 1978. Applicant: INCORPORATED CARRIERS, LTD., a corporation, P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Restaurant furniture, restaurant fixtures, and restaurant equipment*, from Columbus, OH, to points in the United States (except AK and HI). (Hearing site: Columbus, OH, or Dallas, TX.)

MC 135410 (Sub-27F), filed September 5, 1978. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North Sixth Street Road, Monmouth, IL 61462. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of Commercial Distribution Center, Inc., at or near Independence, MO, to points in IL, IN, KY, MI, OH, PA, NY, VT, NJ, NH, ME, MA, CT, RI, DE, MD, WI, WV, VA, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Kansas City, MO.)

MC 135539 (Sub-17F), filed September 5, 1978. Applicant: FARM SERVICE & SUPPLY, INC., P.O. Box 5351, Evansville, IN 47715. Representative: Robert J. Gill, 29 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain drying equipment, grain handling and storage equipment, flail equipment*, and *field refueling systems*, (2) *supplies and accessories* for the commodities in (1) above, and (3) *materials and components* for the commodities in (1) and (2) above, between the facilities of Mathews Co., at Crystal Lake, IL, on the one hand, and, on the other, points in the United States (except AK, HI, and IL), under a continuing contract with Mathews Co., of Crystal Lake, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 136315 (Sub-35F), filed August 28, 1978. Applicant: OLEN BURRAGE TRUCKING, INC., Route Nine, Box 22-A, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty, Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of Georgia-Pacific Corp., at or near Belk, AL, to points in IL, IN, IA, MO, OH, and WI. (Hearing site: Jackson, MS, or Memphis, TN.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 136635 (Sub-11F), filed August 28, 1978. Applicant: UNIVERSAL CARTAGE, a corporation, 640 West Ireland Road, South Bend, IN 46614. Representative: Edwin J. Simcox, Suite 800, Circle Tower Building, Five East Market Street Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquor, beer, beer tonic, and nonintoxicating cereal beverages*, in vehicles equipped with mechanical refrigeration, from points in CO, MO, NM, AZ, TX, and KS, to points in Marion County, IN, restricted to the transportation of traffic destined to the facilities of Rocky Mountain Distributors, Inc., of Indianapolis, IN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 138104 (Sub-55F), filed July 18, 1978. Applicant: MOORE TRANSPORTATION CO., INC., 3509 North Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX

76106. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the facilities of Chaparral Steel Co., at or near Midlothian, TX, to points in the United States (except AR, CO, LA, MS, NM, OK, TN, AK, and HI); and (2) *materials and equipment* used in the manufacture of iron and steel articles, from points in the United States (except AK and HI), to the facilities of Chaparral Steel Co., at or near Midlothian, TX. (Hearing site: Fort Worth or Dallas, TX.)

MC 138469 (Sub-79F), filed September 5, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets*, from the facilities of Triangle Pacific Corp., at Auburn, NE, to points in IL, IN, MI, MN, ND, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX.)

MC 138882 (Sub-127F), filed August 3, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL, 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chorcoal briquets, hickory chips, and fireplace logs*, from Burnside, KY, to points in OH, MI, IL, IN, and WI. (Hearing site: Montgomery AL, or Louisville, KY.)

MC 138882 (Sub-131F), filed August 1, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707 Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Suite 200, P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products, and wood-pulp*, from the facilities of Bowater Southern Paper Corp., at Calhoun, TN, to points in MD, NJ, NY, MI, OH, WV, VA, DE, IN, KY, MO, PA; and DC; and (2) *materials and equipment* used in the manufacture of the commodites in (1) above (except commodities in bulk), in the reverse direction. (Hearing Site: Nashville, TN, or Montgomery, AL.)

MC 139482 (Sub-64F), filed August 3, 1978. Applicant: NEW ULM FREIGHT LINES, INC., County Road 29 West, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat, in boxes*, from Boston, MA, New York, NY, Philadelphia, PA, and Wilmington, DE, to points in MI, IL, IN, IA, OH, MN, and WI. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 140484 (Sub-33F), filed July 20, 1978. Applicant: LESTER COGGINS TRUCKING, INC. 2671 East Edison Avenue, P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same as above). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, electric welders, parts and assessories for electric motors and electric welders, welding supplies, and hand truck parts* (except those commodities which because of size or weight require the use of special equipment), from the facilities of the Lincoln Electric Co., at or near Cleveland and Mentor, OH, to Baton Rouge, New Orleans, and Shreveport, LA, and points in AR and TN, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Cleveland, OH or Washington, DC.)

MC 140487 (Sub-2F), filed July 17, 1978. Applicant: YELLOWSTONE TRUCKING, INC., North 9 Post Street, Room 425, Peyton Building, Spokane, WA 99210. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *Lumber*, from (a) Peshastin, WA, and (b) points in a territory bounded by a line beginning in WA on the International boundary line between the United States and Canada, then south along U.S. Hwy 97 to junction WA-OR State line, then east along the WA-OR State line to junction WA-OR-ID State lines, then north along the WA-ID State line to U.S. Hwy 95 at Lewiston, ID, then south along U.S. Hwy 95 to junction ID Hwy 13 at Grangeville, ID, then east along ID Hwy 13 to junction U.S. Hwy 12 at Kooskia, ID, then east along U.S. Hwy 12 to junction U.S. Hwy 93 at Lolo, MT, then north along U.S. Hwy 93 to junction U.S. Hwy 2 at Kalispell, MT, then east along U.S. Hwy 2 to junction MT Hwy 49 at East Glacier Park, MT, then north along MT Hwy 49 to junction U.S. Hwy 89 at Kiowa, MT, then north along U.S. Hwy 89 ending at the International boundary line between the United States and Canada, at Port of Piegan, MT, to points in CO, ID, KS, MO, MT, OH, UT, WA, and WY, under a continuing contract with The Pack River Co., of Spokane, WA. (Hearing site: Spokane, WA or Washington, DC.)

MC 140612 (Sub-51F), filed July 31, 1978. Applicant: ROBERT F. KAZIMOUR, P.O. BOX 2207, Cedar Rapids, IA 52406. Representative: J. L. KAZIMOUR (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Television sets, electronic equipment, and components, accessories, materials, and equipment* used in the manufacture, and distribution of the above commodities (except commodities in bulk), between the facilities of Sanyo Manufacturing Corp., at or near Forrest City, AR, on the one hand, and, on the other, points in CA. (Hearing site: Little Rock, AR.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 141124 (Sub-21F), filed July 26, 1978. Applicant: EVANGELIST COMMERCIAL CORP., P.O. Box 1709, Wilmington, DE 19899. Representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (*1*) (*Chemicals* (except in bulk), and (*2*) *such commodities* as are dealt in by manufacturers and distributors of laboratory materials, laboratory equipment, and laboratory supplies (except commodities in bulk), between Norwood, OH, and Elmsford, NY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Philadelphia, PA or Columbus, OH.)

MC 141150 (Sub-6F), filed June 28, 1978. Applicant: ATLAS WAREHOUSING CO., a corporation, 510 West Kearsley Street, Flint, MI 48506. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores*, from Saginaw and Flint, MI, to the facilities of K-mart Corp. (1) at Alma, MI, and (2) points in MI on and north of a line beginning at Port Sanilac, then west along MI Hwy 46 to junction U.S. Hwy 31, then north along U.S. Hwy 31 to junction U.S.B.R. 31 and then west to Lake Michigan, under a continuing contract with K-mart Corp., of Troy, MI. (Hearing site: Lansing or Flint, MI.)

MC 141532 (Sub-32F), filed July 24, 1978. Applicant: PACIFIC STATES TRANSPORT, INC., 35433 16th Avenue South, Federal Way, WA 98003. Representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos cement, plastic pipe, asphalt roofing, asphalt shingles* and *asphalt rolls*, from points in CA, to

points in ID and MT. (Hearing site: San Francisco or Oakland, CA.)

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 141740 (Sub-7F), filed September 5, 1978. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46012. Representative: Jeffry Stoops, (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical components, electric furnaces, air conditioners, and heat pumps*, from Dallas and Mesquite, TX, to Miami, Orlando, St. Petersburg, and Tampa, FL, and Atlanta, GA, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations, under a continuing contract with Square D Co., of Florence, KY. (Hearing site: Chicago, IL, or Indianapolis, IN.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 142447 (Sub-8F), filed July 31, 1978. Applicant: LOUISIANA-PACIFIC TRUCKING CO., an Oregon corporation, P.O. Drawer AB, New Waverly, TX 77358. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and sawdust*, from the facilities of Louisiana-Pacific Corp., at or near Carthage, TX, to the facilities of Western Craft Paper Group, at or near Campti, LA, under a continuing contract with Louisiana Pacific Corp., of New Waverly, TX. (Hearing site: Houston, TX.)

MC 142507 (Sub-2F), filed August 9, 1978. Applicant: FEDERAL REFRIGERATED TRANSPORT, INC., 1301 NW. 89th Court, Miami, FL 33172. Representative: John P. Bond, P.O. Box 340370, Coral Gables, FL 33134. 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, motor vehicles, commodities in bulk, those requiring special equipment, and cement), from Port Everglades, FL, to points in Dade County, FL, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Miami, FL.)

MC 142508 (Sub-28F), filed September 8, 1978. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, from points in Jefferson County, CO, to points in IA, MO, and WA; and (2) and *materials and supplies* used by brewers of malt beverages (except commodities in bulk), in the reverse direction, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing sited: Denver, CO, or Omaha, NE.)

NOTE.—Dual operations are involved in this proceeding.

MC 142559 (Sub-41F), filed September 1, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts, materials, and supplies* for television picture tubes (except commodities in bulk), between Circleville, OH and Dunmore, PA. (Hearing site: Columbus, OH or Washington, D.C.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 143136 (Sub-1F), filed July 25, 1978. Applicant: NEWMAN'S GARAGE & TOWING SERVICE, INC., 1514 Heidt Street, Columbia, SC 29201. Representative: Melton Kligman, P.O. Box 12125, Columbia, SC 29211. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Disabled motor vehicles*, and (2) *replacement vehicles* for the commodities in (1) above, in tow-away service, between Columbia, SC, on the one hand, and, on the other, points in SC, those in FL on, north and west of a line beginning at St. Augustine and extending along FL Hwy 16 to intersection of U.S. Hwy 301, then along U.S. Hwy 301 to intersection FL Hwy 100, then along FL Hwy 100 to intersection FL Hwy 10, then along FL Hwy 10 to intersection Interstate Hwy 75, then along Interstate Hwy 75 to the FL-GA State line, those in GA on, east, and north of a line beginning at the FL-GA State line and extending along Interstate Hwy 75 to Tifton, then west along U.S. Hwy 82 to intersection GA Hwy 55, then north along GA Hwy 55 to intersection U.S. Hwy 280, then north along U.S. Hwy 280 to the GA-AL State line, those in AL on and east of a line beginning at the GA-AL State line and extending along U.S. Hwy 431 to intersection Interstate Hwy 20, then along Interstate Hwy 20 to intersection U.S. Hwy 431, then north along U.S. Hwy 431 to Gadsden, then along Interstate Hwy 59 to the AL-GA State line, those in TN on and east of a line beginning at the GA-TN State line and extending along Interstate Hwy 75 to intersection TN Hwy 63, then along TN Hwy 63 to the TN-KY State line, those in VA within an area bounded by a line beginning at the TN-VA State line and extending along U.S. Hwy 58 to intersection U.S. Hwy 23, then along U.S. Hwy 23 to intersection Alternate U.S. Hwy 58, then along Alternate U.S. Hwy 58 to intersection U.S. Hwy 19, then along U.S. Hwy 19 to intersection Interstate Hwy 81, then along Interstate Hwy 81 to intersection Interstate Hwy 77, then along Interstate Hwy 77 to the VA-WV State line, then along the VA-WV State line to Interstate Hwy 64, then along Interstate Hwy 64 to Charlottesville, then along U.S. Hwy 15 to intersection U.S. Hwy 460, then along U.S. Hwy 460 to Petersburg, then along Interstate Hwy 95 to intersection U.S. Hwy 58, then along U.S. Hwy 58 to Suffolk, then along U.S. Hwy 13 to the VA-NC State line, those in WV within an area bounded by a line extending from the VA-WV State line and extending along Interstate Hwy 77 to Charleston, then along U.S. Hwy 60 to intersection Interstate Hwy 64, then along Interstate Hwy 64 to the WV-VA State line, and those in NC on and west of a line beginning at the VA-NC State line and extending along U.S. Hwy 13 to intersection U.S. Hwy 17, then along U.S. Hwy 17 to New Bern, then along U.S. Hwy 70 to Morehead City. (Hearing site: Columbia, SC or Atlanta, GA.)

MC 143754 (Sub-4F), filed August 4, 1978. Applicant: MACZUK INDUSTRIES, INC., Route 2, New Haven, MO 63068. Representative: James C. Swearengen, P.O. Box 456, Jefferson City, MO 65102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* and *liquid fertilizer ingredients*, in bulk, in tank vehicles, from the facilities of Quad State Terminals, Inc., in Holt County, MO, to points in KS, NE, IA, and MO. (Hearing site: Kansas City, MO.)

MC 143762 (Sub-2F), filed August 1, 1978. Applicant: STEVE T. ALLEN, d.b.a., RIGGS & ALLEN TRANSPORTATION, 528 Harbor Boulevard, West Sacramento, CA 95691. Representative: Ann M. Pougiales, 100 Bush Street, 21st Floor, San Francisco, CA 94104. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between points in CA and AZ. (Hearing site: Los Angeles, CA.)

MC 143787 (Sub-5F), filed August 9, 1978. Applicant: ADMIRAL TRANSPORT CORP., 821 Pulliam Avenue, Worland, WY 82401. Representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO

80203. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Paul, MN, and Milwaukee, WI, to Worland, WY, under a continuing contract with Teton Distributors, Inc., of Worland, WY. (Hearing site: Casper or Cheyenne, WY.)

MC 143930 (Sub-1F), filed August 24, 1978. Applicant: WY-TEX LIVESTOCK, TRUCKING, INC., P.O. Box 30476, Amarillo, TX 79120. Representative: Wayne Cope (same address as applicant). To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and fertilizer*, between points in AR, AZ, CO, KS, LA, NE, NM, OK, TX, and WY, under a continuing contract with Wy-Tex Livestock, Inc., of Amarillo, TX. (Hearing site: Amarillo, TX or Oklahoma City, OK.)

MC 144122 (Sub-19F), filed July 28, 1978. Applicant: CARRETTA TRUCKING, INC., South 160 Route 17 North, Paramus, NJ 07652. Representative: Joseph Carretta (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall covering, wall facings, plastic film, plastic sheeting, store display racks, and stands, shades, doors, partitions, and hardware*, from Bayonne, NJ, to points in TX and IL, restricted to the transportation of traffic originating at the facilities of Clopay Corp., at Bayonne, NJ, and destined to the indicated destinations. (Hearing site: New York, NY or Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 144122 (Sub-20F), filed July 28, 1978. Applicant: CARRETTA TRUCKING, INC., South 160 Route 17 North, Paramus, NJ 07652. Representative: Joseph Carretta (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tape, tape products, and materials and equipment* used in the manufacture of tape and tape products (except commodities in bulk), between the facilities of Technical Tape, Inc., at Beacon, NY, Passaic, NJ, and Carbondale, IL, on the one hand, and, on the other, points in CA, AZ, and NV, restricted to the transportation of traffic originating at or destined to the named facilities; and (2) *springs, spring assemblies*, and, *materials* and *equipment* used in the manufacture of springs and spring assemblies, from Carthage, MO, to points in IL, IN, OH, MI, PA, NY, NJ, GA, and TX, restricted to the transportation of traffic originating at the facilities of Steadley Co. (a subsidiary of Technical Tape, Inc.) at Carthage, MO, and destined to the indicated destinations. (Hearing site: New York, NY or Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 144122 (Sub-21F), filed July 28, 1978. Applicant: CARRETTA TRUCKING, INC., South 160 Route 17 North, Paramus, NJ 07652. Representative: Joseph Carretta (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper articles, chemicals, optical and scientific instruments and tools, artist's supplies, school supplies, and draftsman's drawing film* (except commodities in bulk), from the facilities of Keuffel & Esser Company, at Rockaway, NJ, to Fort Wayne, IN, and Houston, TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: New York, NY or Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 144140 (Sub-20F), filed July 31, 1978. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, FL 32726. Representative: Gene Baugh (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages and citrus products* (except commodities in bulk), from the facilities of Doric Foods Corp., at Mt. Dora, FL, and the facilities of Adams Packing Association, at Auburndale, FL, to points in AL, GA, LA, MS, and TN. (Hearing site: Orlando, FL or Washington, DC.)

NOTE.—Dual operations are involved.

MC 144212 (Sub-3F), filed July 20, 1978. Applicant: SLACK TRANSPORT LTD., Box 579, Caledonia, ON, Canada NOA 1AO. Representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, NY 14202. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum products and roofing materials*, from ports of entry on the International boundary line between the United States and Canada in MI and NY, to points in AL, AR, CT, DE, FL, GA, IA, KY, LA, ME, MD, MA, MN, MS, MO, NH, NJ, NC, SC, TN, VT, VA, WV, and WI; and (2) *materials* used in the manufacture of gypsum products and roofing materials, in the reverse direction under a continuing contract with Domtar Construction Materials Group of Domtar Inc., of Montreal, Quebec, Canada. (Hearing site: Buffalo, NY.

NOTE.—Traffic is originating at points in the Provinces of Ontario and Quebec, Canada. Condition: Prior receipt from applicant of an affidavit setting forth its appropriate complementary Canadian authority or explaining why no such Canadian authority is necessary. The restriction and conditions contained in the grant of authority in this proceeding are phrases 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 Canadian officials 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 144244 (Sub-4F), filed July 31, 1978. Applicant: CRESTON TRANSPORTATION, INC., East Highway 34, Creston, IA 50801. Representative: Frank W. Davis, Jr., 2600 Ruan Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Feed and feed ingredients*, from points in AR, MI, SD, ND, NE, KS, MO, and IL, (b) *fertilizer*, from points in AR, MI, NE, KS, MO, and IL, (c) *steel products*, from points in MI, KS, and IL, and (d) *lumber and building materials*, from points in MO, IL, WI, NE, KS, and AR, to Creston and Benton, IA; and (2)(a) *seed*, from points in MI, ND, SD, NE, and MO, and (b) *liquefied petroleum gas*, from points in NE, KS, and IL, to Creston, IA. With respect to liquefied petroleum gas only, the certificate shall be limited in point of time to a period expiring 5 years from date of issue. (Hearing site: Des Moines, IA.)

MC 144314 (Sub-1F), filed August 3, 1978. Applicant: FARWEST INDUSTRIES OF LONGVIEW, INC., 225 Industrial Way, Longview, WA 98632. Representative: Robert Portner (same address as above). To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles and treated piling*, from Longview, WA, to points in OR, CA, and NV, under a continuing contract with International Paper Co., of New York, NY. (Hearing site: Portland, OR or Seattle, WA.)

MC 144605 (Sub-3F), filed August 25, 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 *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, (except in bulk), (1) from Azusa, CA, to points in AZ, CO, KS, MO, NM, NV, LA, OK, OH, TX, and UT, and (2) between Cincinnati, OH, Indianapolis, IN, Chicago, IL, and Edgerton, Milwaukee, and Wauwatosa,

WI, on the one hand, and, on the other, Azusa, CA, Kansas City, KS, and points in LA and TX. (Hearing site: Los Angeles, CA.)

NOTE.—Dual operations may be at issue in this proceeding. The certificate authorized to be issued will expire 2 years from the date of its issuance unless, prior to the expiration date but no earlier than 6 months prior to such date applicant files a petition for extension of its certificate and demonstrates that it has been in full compliance with the requirements of the Interstate Commerce Act and this Commission's regulations.

MC 144610 (Sub-2F), filed September 5, 1978. Applicant: C. ALLEN TRUCKING, INC., 1 Nenninger Lane, East Brunswick, NJ 08816. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ships' stores* (except foodstuffs and commodities in bulk), (1) from Willimantic, CT; Hamburg, Kenilworth, New Brunswick, Passaic, and Trenton, NJ; Chester, Farmingdale, and Mineola, NY; Mechanicsburg, Schuykill Haven, and York, PA; and Bethel, VT; to Mobile and Montgomery, AL; Miami and Tampa, FL; New Orleans, LA; Pascagoula, MS; and Houston, TX; (2) from Atlanta, GA, and New Orleans, LA, to Chester, PA, and Brooklyn, NY, and (3) from Haleyville, AL, and Atlanta, GA, to New Orleans, LA, under a continuing contract with L. F. Gaubert & Co., Inc., of New Orleans, LA. (Hearing site: New Orleans, LA.)

MC 144622 (Sub-9F), filed July 31, 1978. Applicant: GLENN BROS. MEAT CO., INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip Glenn (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures, cartings, and metal stampings*, from El Dorado, AR, to points in the United States (except AK and HI). (Hearing site: Little Rock, AR.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 144714 (Sub-1F), filed July 31, 1978. Applicant: UPPER CUMBERLAND FREIGHT, INC., 337A East Stevens Street, Cookeville, TN 38501. Representative: Clyde E. Randolph, Route 7, Box 336, Sparta, TN 38583. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste glass, in containers, pallets, and cardboard containers*, from Sparta, TN, to Danville, KY; and (2) *glass rods, glass tubing, and glass bulbs*, in containers, from Danville, KY, to Sparta, TN, under a continuing contract in both (1) and (2) above, with Wagner Electric Corp., of St. Louis, MO. (Hearing site: Nashville, TN or Atlanta, GA.)

MC 144999 (Sub-2F), filed September 1, 1978. Applicant: JEM TRUCKING CO., INC., P.O. Box 326, Wilkesboro, NC 28697. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. To operate as a *contract 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 to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Kenosha Beef International, Ltd., at or near Kenosha, WI, to points in KY, NC, TN, VA, and WV, under a continuing contract with Kenosha Beef International, Ltd., of Kenosha, WI. (Hearing site: Charlotte, NC or Washington, DC.)

MC 145074F, filed July 21, 1978. Applicant: FREDERICKSEN TANK LINES, INC., 850 Delta Lane, P.O. Box 717, West Sacramento, CA 95691. Representative: Martin J. Rosen, 256 Montgomery Street, San Francisco, CA 94104. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, (except liquefied petroleum gas), in bulk, in tank vehicles, (1) from points in Contra Costa, Solano, Sacramento, San Joaquin, Butte, and Yolo Counties, CA, to points in Washoe, Humboldt, Pershing, Lander, Churchill, Storey, Lyon, Douglas, Mineral, and Carson City Counties, NV, and (2) from Sparks, NV, to points in Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Alpine, Mono, and Solano Counties, CA. (Hearing site: San Francisco or Sacramento, CA.)

MC 145112F, filed July 31, 1978. Applicant: BUTLER CARRIERS, INC., Box 97, Chase City, VA 23924. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, forest products, boxes, pallets, skids, and wood byproducts*, between the facilities of Butler Lumber Co., Inc., at Chase City, Lawrenceville, and Scottsburg, VA, and Butler Land & Timber Co., Inc., at Creedmoore and Columbia, NC, on the one hand, and, on the other, those points in the United States in and east of WI, IL, KY, TN, and MS, under continuing contracts with Butler Lumber Co., Inc., and Butler Land & Timber Co., Inc., of Chase City, VA. (Hearing site: Richmond, VA or Raleigh, NC.)

MC 145122F, filed July 28, 1978. Applicant: SKYLAND, INC., 256 Celia SW., Wyoming, MI 49508. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and liquid commodities in bulk), between points in Arenac, Gladwin, Clare, Isabella, Midland, Bay, Tuscola, Sanilac, St. Clair, Lapeer, Genesee, Saginaw, Shiawassee, Gratiot, Clinton, Ionia, Montcalm, Kent, Ingham, Livingston, Oakland, Macomb, Wayne, Washtenaw, Lenawee, and Monroe Counties, MI, and Lucas, Fulton, and Wood Counties, OH, on the one hand, and, on the other, the Detroit Metropolitan Airport, at or near Romulus, MI, and Willow Run airport, at or near Ypsilanti, MI, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Detroit or Lansing, MI.)

MC 145130 (Sub-1F), filed August 30, 1978. Applicant: ATICO TRANSPORT, INC., 6700 South LeClaire, Avenue, Chicago, IL 60602. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufacturers of silicone products*, from Midland, MI, to Elk Grove Village and Melrose Park IL. (Hearing site: Chicago, IL.)

MC 145204F, filed August 4, 1978. Applicant: TVF SECURITY CO., INC., P.O. Box 815, Warsaw, IN 46580. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are sold in vending machines, and (2) materials, equipment, and supplies* for vending machines, from St. Louis, MO, and points in IL, OH, MI, KY, IN, and WI, to the facilities of Bertsch Vending Co., Inc., at Warsaw, Marion, Goshen, Elkhart, Wabash, Lebanon, and Bloomington, IN, and Owensboro, KY, under a continuing contract with Bertsch Vending Co., Inc., of Warsaw, IN. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 145300F, filed August 30, 1978. applicant: MINUTE MAN TRANSIT, INC., 24 Williams Street, Dedham, MA 02026. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Data processing materials*, from Hopkinton, Brookline, and Burlington, MA, to points in CT, ME, NH, NY, RI, and VT. (Hearing site: Boston, MA.)

PASSENGER AUTHORITY

MC 126624 (Sub-3F), filed July 24, 1978. Applicant: C. A. BAILEY LTD., 4 Princess Street, Leamington, ON, Canada N8H 2Y1. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage* in the same vehicle as passengers, in round-trip charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada, and extending to points in the United States, including AK (except HI); and (2) *passengers and their baggage and express*, in the same vehicle as passengers, between the ports of entry on the international boundary line between the United States and Canada, at Detroit, MI, on the one hand, and, on the other, the Detroit Metropolitan Airport at or near Romulus, MI. Condition: Prior receipt from applicant of an affidavit setting forth its complementary Canadian authority or explaining why no such Canadian authority is necessary.

NOTE.—Applicant states that traffic is moving to and from points in the Province of ON, Canada. 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 Canada regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no further force or effect.

MC 144602 (Sub-2F), filed July 31, 1978. Applicant: CONTINENTAL LIMOUSINE SERVICE, INC., 3123 North Washington Boulevard, Arlington, VA 22201. Representative: Thomas N. Willess, 1000 Sixteenth Street NW., Washington, DC 20036. 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 the Armed Forces Testing Center, at Linthicum Heights, MD, on the one hand, and, on the other, the Armed Forces recruiting offices at Alexandria, Falls Church, Woodbridge, and points in Arlington and Fairfax Counties, VA, Hillcrest Heights, MD, and Washington, DC, restricted to the transportation of not more than 14 passengers in any one vehicle, not including the driver. (Hearing site: Washington, DC.)

MC 145167F, filed August 11, 1978. Applicant: CHECKERLLAC TRANSPORTATION, INC., 1612 Forest Avenue, Staten Island, NY 10302. Representative: Robert A. Straniere, 358 St. Mark's Place, Staten Island, NY 10301. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special and charter operations, beginning and ending at points in Richmond County, NY, and extending to Atlantic City, NJ, restricted to the transportation of not more than fourteen (14) passengers in any one vehicle, not including the driver, and not including children under ten (10) years of age who do not occupy a seat. (Hearing site: New York, NY, or Newark, NJ.)

BROKER AUTHORITY

MC 130516F, filed July 24, 1978. Applicant: FIRST NATIONAL TRAVEL AGENCY, INC., P.O. Box 608, Hutchinson, KS 67501. Representative: Bill Cole, First National Bank Building, Hutchinson, KS 67501. To engage in operations, in interstate or foreign commerce, as a *broker*, at Hutchinson, KS, in arranging for the transportation, by motor vehicle, of: *Passengers and their baggage*, in round-trip special and charter operations, beginning and ending at points in KS, NE, IA, MO, OK, and CO, and extending to points in the United States (including AK, but excluding HI). (Hearing site: Kansas City, MO, or Omaha, NE.)

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 (1952).

[FR Doc. 78-28788 Filed 10-11-78; 8:45 am]

[7035-01-M]

[Notice No. 186]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 2, 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 8948 (Sub-112TA), filed August 14, 1978. Applicant: WESTERN GILLETTE, INC., 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, and points in its commercial zone to Salt Lake City, UT, and points in its commercial zone, for 180 days. Supporting shipper: Maxwell Petroleum, Inc., 2388 Andrew Avenue, Salt Lake City, UT 84104. Send protests to: District Supervisor, Interstate Commerce Commission, 731 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 32882 (Sub-99TA), filed August 15, 1978. Applicant: MITCHELL BROS. TRUCK LINES, P.O. Box 17039, 3841 North Columbia Boulevard, Portland, OR 97217. Representative: Edward G. Rawle, 1229 North Blue Gum Avenue, Anaheim, CA 92806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in appendix V to the report in Descriptions in Motor Carriers Certificates, 61 MCC 209, from the facilities of Bethlehem Steel Corp., at Vernon, CA, to points in Salt Lake City and Ogden, UT, and their commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting

shipper(s): Bethlehem Steel Corp., 6055 East Washington Boulevard, City of Commerce, CA 90040; P.O. Box 2336, Terminal Annex, Los Angeles, CA 90051. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 53841 (Sub-12TA), filed August 14, 1978. Applicant: W. H. CHRISTIE & SONS, INC., P.O. Box 517, Knox, PA 16232. Representative: John A. Pillar, Attorney at Law, 205 Ross Street, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and materials, equipment, and supplies* used in the manufacture of sale of containers (except commodities in bulk), between the facilities of Beverage Bottle Division, Hoover Ball & Bearing Co., at New Castle, DE, on the one hand, and, on the other, points in PA on and west of the Susquehanna River, for 180 days. Supporting shipper(s): Beverage Bottle Division, Hoover Universal Corp., Route 2, Triport Road, Georgetown, KY 40324. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 63417 (Sub-162TA), filed August 14, 1978. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: Willian E. Bain (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incandescent bulbs and packaging material* between Lexington, KY, on the one hand, and on the other, Bellevue, Cleveland and its commercial zone, Ravenna, Warren, and Youngstown, OH, for 180 days. Supporting shipper(s): General Electric Co., Cleveland, OH 44112. Send protests to: Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, VA 24011.

MC 63417 (Sub-163TA), filed August 14, 1978. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: Willian E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam or expanded plastic forms or shapes* from Coldwater, MI to Sylacauga, AL, for 180 days. Supporting shipper(s): Voltek, Inc., Coldwater, MI 49036; Merryweather Foam Latex Co., P.O. Box 1286, Sylacauga, AL 35150. Send protests to: Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, VA 24011.

MC 69833 (Sub-134TA), filed July 28, 1978. Applicant: ASSOCIATED TRUCK LINES, INC. (Michigan corporation), 200 Monroe Avenue NW., Sixth Floor, Vandenberg Center, Grand Rapids, MI 49503. Representative: Harry Pohlad (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, rubber, and plastic and rubber-coated articles and display racks*, serving the facilities of Rubbermaid, Inc., Wooster, OH, as an off-route point in connection with carrier's regular route authority, for 180 days. Supporting shipper(s): Rubbermaid, Inc., 1147 Akron Road, Wooster, OH 44691. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933.

MC 103051 (Sub-449TA), filed August 14, 1978. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue North, Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Temporary authority is sought to operate for 180 days, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liginin sulfonate*, in bulk, in tank vehicles, from Stevenson, AL, to Walnut Ridge, AR. Supporting shipper: Frit Industries, Ozark, AL 36360. Send protests to: Glenda Kuss, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Suite A-422, Federal Building, 801 Broadway, Nashville, TN 37203.

MC 107403 (Sub-1112TA), filed August 21, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., 10 West Baltimore Avenue, Lansdowne, PA 19050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar pitch*, in bulk, in tank vehicles, from Point Comfort, TX, to Oklahoma City, OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Koppers Co., Inc., 850 Koppers Buildings, Pittsburgh, PA 15219. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 107515 (Sub-1165TA), filed August 14, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., Serby & Mitchell, P.C., 3390 Peachtree Road, Fifth Floor, Lenox Towers S, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities of Hudson Industries, Inc. located in Pike County, AL, to points in the United States in and east of MN, IA, KS, OK, and TX, for a period of 180 days. Supporting shipper: Hudson Industries, Inc., P.O. Box 847, Troy, AL 36081. 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 107515 (Sub-1166TA), filed August 14, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, Serby & Mitchell, P.C., Fifth Floor, Lenox Towers I, 3390 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, 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 utilized by John Morrell & Co. at or near East St. Louis, IL, to points in IN and OH, for a period of 180 days. Supporting shipper: Mr. Curt Y. Hopkins, Manager of Transportation, John Morrell & Co., 208 South LaSalle Street, Chicago, IL 60604. 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 111485 (Sub-21TA), filed July 28, 1978. Applicant: PASCHALL TRUCK LINES, INC., Route 4, Murray, KY 42071. Representative: Mr. Robert H. Kinker, 314 West Main Street, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Paris, TN and its commercial zone and Murray, KY, and its commercial zone over U.S. Hwy 641, serving no intermediate points, for 180 days. Restricted against tacking with presently held authority. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fisher Price Toys, Division of Quaker Oats Co., R.R. 2, Murray, KY 42071. Send protests to: Mr. Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

NOTE.—Applicant intends to interline with other carriers at Paris, TN, and its commercial zone.

MC 112908 (Sub-8TA), filed August 14, 1978. Applicant: KINGSWAY TRANSPORTS LTD., 123 Rexdale Boulevard, Rexdale, ON, Canada M9W 1P3. Representative: Gary J. Rodrigue, 123 Rexdale Boulevard, Rexdale, ON, Canada M9W 1P3. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (excluding commodities in bulk in tank vehicles), between the international boundary at Port Huron, MI, Sarnia, ON, and Detroit, MI, for 180 days. (For operating convenience only during strike at Ambassador Bridge.) Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Amway of Canada Ltd., Highway 135, London, ON; Spraymotor Ltd., 980 Greenvalley Road, London, ON; Goodyear Canada Inc., 3050 Lakeshore Boulevard, Toronto, ON. Send protests to: Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

MC 116142 (Sub-26TA), filed August 14, 1978. Applicant: BEVERAGE TRANSPORTATION, INC., 625 Eberts Lane, P.O. Box M-25, York, PA 17405. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the facility of F & M Schaefer Brewing Co. at or near Fogelsville, PA, to points in NY and NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: F & M Schaefer Brewing Co., P.O. Box 2568, Allentown, PA 18001. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, 278 Federal Building, 228 Walnut Street, P.O. Box 869, Harrisburg, PA 17108.

MC 118806 (Sub-65TA), filed August 14, 1978. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Boulevard, Winnipeg, MB, Canada R2J 3K4. Representative: Bernard J. Kompare, Esq., 10 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the ports of entry on the international boundary line between the United States and Canada, located in MI and NY, to points in NY, for 180 days. Restriction: Restricted to traffic originating at the facilities of Weldwood of Canada Ltd., located at Longlac, ON, Canada, and destined to points in the named destination State; and further restricted to traffic moving in foreign commerce. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Weldwood of Canada Ltd., Guinness Tower, 1055 West Hastings, Vancouver, BC, Canada. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268 Federal Building and U.S. Post Office, 657 Second Avenue North, Fargo, ND 58102.

MC 119493 (Sub-225TA), filed August 14, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, West 20th Street, Joplin, MO 64801. Representative: Lawrence Kloeppel, P.O. Box 1196, West Street, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, flat glass, and glass articles*, from facilities of Fourco Glass Co. at or near Clarksburg, WV, and Jerry Run, Taylor County, near Flemington, WV, to AL, AR, IA, LA, MN, MS, MO, TN, and WI; materials and supplies used in the manufacture and distribution of glass, flat glass, and glass articles, from destinations States named to facilities of Fourco Glass Co. at or near Clarksburg, WV, and Jerry Run, Taylor County near Flemgton, WV, for 180 days. Supporting shipper(s): Fourco Glass Co., P.O. Box 890, Bridgeport, WV. Send protests to: District Supervisor John V. Barry, Room 600, 911 Walnut Street, Kansas City, MO 64106.

MC 121569 (Sub-1TA), filed August 11, 1978. Applicant: GATOR FREIGHTWAYS, INC., 2175 Commonwealth Avenue, Jackson, FL 32209. Representative: James E. Wharton, Suite 811, Metcalf Building, 100 South Orange Avenue, Orlando, FL 32801. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment over regular routes as follows:* Between Jacksonville and the FL-GA State line via State Road 15 (U.S. 1) and State Road 5 (U.S. 170 serving all intermediate points); between Jacksonville and Miami via State road (U.S. 1) serving all intermediate points and the off-route points in Allenhurst, Artesia, Canaveral, Canaveral Beach, Canaveral Harbor, Cocoa Beach, Courtney, Fellsmere, Georgiana, Indiatlantic, Jesen Beach, Lotus, Melbourne Beach, Patrick Air Force Base, Port Canaveral, Shiloh, Titusville Beach, Tropic, and Wilson; between Bunnell and Flagler Beach via State Road 100 serving intermediate points and the off-route points of the Lehigh Portland Cement Co., Inc., Bunnell to junction of State Road 11 and U.S. 92 and Deland via State Roads 11 and 15, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately 33 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor G. H. Fauss, Jr., ICC, Bureau of Operations, P.O. Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124711 (Sub-60TA), filed August 14, 1978. Applicant: BECKER CORP., P.O. Box 1050, El Dorado, KS 67042. Representative: Rufus H. Lawson, 2400 Northwest 23d Street, Oklahoma City, OK 73007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, and *zinc sulphate*, in bulk, in tank vehicles, from the facilities of National Zinc Co. at Bartlesville, OK, to points in IA, NE, KS, MO, AR, LA, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Zinc Co., P.O. Box 579, Bartlesville, OK 74003. Send protests to: James H. Berry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 128822 (Sub-5TA), filed August 15, 1978. Applicant: RITTER & SMITH TRUCKING, INC., 1910 Halethorpe Farm Road, Halethorpe, MD 21227. Representative: Chester A Zyblut, Esq., 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel pipe, plain galvanized or asphalt coated, highway guard rail, tunnel liner plates, sectional plate pipe, steel piling, and accessories and fittings for the above commodities*, from the facilities of Armco, Inc., Halethorpe, MD to points in NC, under a continuing contract or contracts with Armco, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Charles W. Hall, Director of Transportation, Armco, Inc., 703 Curtis Street, Middletown, OH 45043. Sent protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 1025 Federal Building, Baltimore, MD 21201.

MC 128905 (Sub-5TA), filed July 28, 1978. Applicant: ZERKLE TRUCKING CO., OH corporation, 2400

Eighth Avenue, P.O. Box 5628, Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and fittings, and materials used in the installation of plastic pipe* from Wilton, IA to points in KY and OH, (2) *insulation board* from Rockdale, IL to points in KY, OH and WV, (3) *cement pipe containing asbestos fibre, and building materials* from Waukegan, IL to points in KY, OH and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mr. Edwin T. Sinclair, Regional Traffic Manager, Johns-Manville Sales Corp., 2222 Kensington Court, Oak Brook, IL 60521. Send protests to: Miss Frances A. Ciccarello, Secretary, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

MC 128951 (Sub-19TA), filed July 28, 1978. Applicant: ROBERT H. DITTRICH d.b.a. BOB DITTRICH TRUCKING, 1000 North Front Street, New Ulm, MN 56073. Representative: Bruce A. Rasumussen, 1110 Northwestern Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mink feed in bag or in bulk or in combination* moving in the same truck equipped with self-unloading equipment by auger discharge from the plantsite of Wisco Milling Co. in Abbotsford, WI to points in MN, OH and PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wisco Milling Co., Div. of Wisco Frozen Foods, Inc., Box 10, Abbotsford, WI 54405. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, MN 55401.

MC 129032 (Sub-52TA), filed August 15, 1978. Applicant: TOM INNMAN TRUCKING CO., INC., 6015 South 49th West, P.O. Box 9667, Tulsa, OK 74107. Representative: David R. Worthington (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials* and (2) *materials, equipment, and supplies* used in brewery houses and empty containers for recycling, from Jefferson County, CO to MO and WA (2) from WA and MO to Jefferson County, CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Adolph Coors Co., Golden, CO 80401. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 NW., Third Street, Oklahoma City, OK 73102.

MC 129326 (Sub-30TA), filed August 14, 1978. Applicant: CHEMICAL TANK LINES, INC., P.O. Drawer 437, Highway 60 West, Mulberry, FL 33860. Representative: Keith Alexander, P.O. Drawer 437, Highway 60 West, Mulberry, FL 33860. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea*, in bulk, in tank vehicles from Savannah, GA to Aubaurnadale, FL. There is no environmental impact involved in the application. For 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cargill, Inc. P.O. Box 9300, Dept. 29, Minneapolis, MN 55440. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Room 101, 8410 NW, 53d Terrace, Miami, FL 33166.

MC 133655 (Sub-118TA), filed August 14, 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. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured or distributed by manufacturers or distributors of medical, hospital and surgical supplies; cloth, dry goods and fabrics, either woven or nonwoven; natural, and/or synthetic fiber; tapes, industrial and/or pipe covering; and pipeline coatings or primer, rust preventative between points in Franklin, KY: Griswoldville and Walpole, MA; and Windham, CT on the one hand, and, on the other, Dallas, TX; New Orleans, LA; Los Angeles and San Jose, CA, for 180 days. Supporting shipper: The Kendall Co., One Federal Street, Boston, MA 02101 (J. V. Garrison). Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Herring Plaza, Box H-4395, Amarillo, TX 79101.

MC 135641 (Sub-6TA), filed July 28, 1978. Applicant: M. B. CUTHBERTSON & B. G. CUTHBERTSON, d.b.a. M. B. CUTHBERTSON & SON, P.O. Box 37, Rural Route No. 2, Toledo, IA 52342. 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: *Prefabricated houses, component parts, for houses, and materials, equipment, and supplies* (except materials and supplies in bulk), used in the manufacture, processing, sales, and distribution of prefabricated houses, from Toledo, IA to points in IL, MO, ND, SD, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: E & S Homes, Highway 30 West, Toledo, IA 52342. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 136809 (Sub-2TA), filed August 14, 1978. Applicant: O. K. LEASING CORP., 437 Parkinson, Terrace, Orange, NJ 07050. Representative: Paul J. Keeler, Esq., P.O. Box 253, South Plainfield, NJ 07080. Authority sought to operate as a *contact carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hand yarns, instruction pamphlets, stitchery and needlepoint craft items; rug craft items; kits, picture, wallpanel or plaque; machine knitting yarn*, from South Hackensack, NJ to El Segundo, CA. (2) *Yarn, dyed, on cone tubes or in skeins;* from South Hackensack, NJ to Mount Airy, NC (3) yarn, undyed or raw, from points in NC and SC to South Hackensack, NJ. Restricted to a transportation service to be performed under a continuing contract or contracts with Spinnerin Yarn Co., Inc. of South Hackensack, NJ, for 180 days. Applicant has also filed an underlying ETA up to 90 days of operating authority. Supporting shippers: Spinnerin Yarn Co., Inc., 30 Wesley Street, South Hackensack NJ 07606. Send protests to: District Supervisor Joel Morrows Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 136818 (Sub-32TA), filed August 14, 1978. Applicant: SWIFT TRANSPORTATION CO, INC., 335 West Elwood Road, Phoenix AZ 85030. Representative: Donald Fernaays, 4040 East McDowell Road, Phoenix, AZ 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, in refrigerated vehicles, from Jefferson County, CO, to points in MO, IA, and WA, and (2) *empty containers* for recycling and *materials and supplies* on return, from points in MO, IA, and WA, to points in Jefferson County, CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Adolph Coors Co., Golden, CO 80401. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building,

230 North first Avenue, Phoenix, AZ 85025.

MC 138432 (Sub-9TA), filed July 28, 1978. Applicant: GARLAND GEHRKE, Rural Route 1, Lincoln, IL 62656. Representative: James R. Madler, 120 West Madison Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, from St. Louis, MO, to Bloomington, IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): J. F. Kauffmann, Traffic Manager—Rates, Anheuser-Busch, Inc., 721 Pestalozzi Street, St. Louis, MO 63118. John W. Wombacher, B & J Sales, Inc., 1105 East Lafayette Street, Bloomington, IL 61701. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 138890 (Sub-11TA), filed August 15, 1978. Applicant: MOODIE, INC., 301 Acorn Street, Stevens Point, WI 54481. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk) from the facilities used by Ore-Ida Foods, Inc., at or near Plover, WI, to points in and east of ND, SD, NE, KS, OK, and TX, for 180 days. Restriction: Restricted to traffic originating at the named origin and destined to the named states. Supporting shipper(s): Ore-Ida Foods, Inc., Owyhee Plaza, Boise, ID 83702. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 212 East Washington Avenue, Room 317, Madison, WI 53703.

MC 139261 (Sub-11TA), filed August 14, 1978. Applicant: BUCKEYE EXPRESS, INC., P.O. Box 368, Perrysburg, OH 43551. Representative: Michael M. Briley, Attorney at Law, 300 Madison Avenue, 12th Floor, Toledo, OH 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery, and food business houses, institutions, catalog showroom stores, and home center stores, except commodities in bulk, from the facilities of Tara Foods Co., Inc., located at Perrysburg, OH, to all points in CA, CO, FL, GA, IL, IN, LA, MA, MI, MO, NJ, and TX, limited to transportation services to be performed for and under a continuing contract or contracts, with Tara Foods Co., Inc., for 180 days. Supporting shipper(s): Tara Foods Co., Inc., 30600 Oregon Road, Perrysburg, OH 43551. 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 139577 (Sub-26TA), filed August 15, 1978. Applicant: ADAMS TRANSIT, INC., 204 East Winnebago Street, P.O. Box 338, Friesland, WI 53935. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from the facilities used by Ore-Ida Foods, Inc., at or near Plover, WI, to points in and east of MN, IA, MO, AR, and LA, for 180 days. Restriction: Restricted to traffic originating at the named origins and destined to the named States. Supporting shipper: Ore-Ida Foods, Inc., Owyhee Plaza, Boise, ID 83702. Send protests to: Ronald A. Morken, District Supervisor, 212 East Washington Avenue, Room 317, Madison, WI 53703.

MC 140024 (Sub-123TA), filed August 14, 1978. Applicant: J. B. MONTGOMERY, INC., a Delaware corporation, 5565 East 52d Avenue, Commerce City, CO 80022. Representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *High temperature bonding mortar, firebrick, and refractory material*, from Siloam, KY, to points in MI, OH, IN, Chicago, IL, and Milwaukee, WI, including points in the commercial zones of destination cities named, for 180 days. Supporting shipper: C-E Industrial Products Division, Combustion Engineering, Inc., P.O. Box 828, Valley Forge, PA 19482. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, Denver, CO 80202.

MC 140061 (Sub-8TA), filed July 28, 1978. Applicant: DONALD MULDER, d.b.a. DON MULDER TRUCKING, 1735 North 50th Street, Lincoln, NE 68504. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled vehicles, turf spikers, chemical injectors, rakes, seeders, spreaders, sod cutters, trailers, accessories, attachments, and parts*, from Lincoln, NE, to points in the United States (except AK, HI, and NE), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: OMC-Lincoln, Division of Outboard Marine Corp., Harold E. Wright, Traffic Manager, 900 North 21st Street, Lincoln, NE 63501. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, NE 68508.

MC 140612 (Sub-50TA), filed July 28, 1978. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Television sets, electronic equipment, components, parts, accessories, materials, supplies, and equipment used in the manufacture, production, and distribution of the above commodities* (except commodities in bulk), between the facilities utilized by Sanyo Manufacturing Corp., located at or near Forrest City, AK, on the one hand, and, on the other, points in CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sanyo Manufacturing Corp., 3333 Sanyo Road, Forrest City, AK 72335. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 140612 (Sub-52TA), filed July 28, 1978. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational and gymnastic equipment, accessories, materials, and supplies used in the manufacture, production, and distribution of the above commodities* (except commodities in bulk), from Cedar Rapids, IA, to points in AZ, CA, ID, NV, UT, OR, and WA, and from Hanging Rock, OH, and Waupaca, WI, to Cedar Rapids, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Nissen Corp., 930 27th Avenue SW., Cedar Rapids, IA 52406. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 140665 (Sub-35TA), filed August 14, 1978. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts and accessories*, from the facilities utilized by the Ford Motor Co., at or near Nashville, TN, Mansfield, OH, and Melvindale, MI, to Pico Rivera and Milpitas, CA, for 180 days. Supporting shipper(s): Ford Motor Co., Dearborn,

MI 48121. Send protests to: District Supervisor John V. Barry, Room 600, 911 Walnut Street, Kansas City, MO 64106.

MC 142310 (Sub-4TA), filed August 15, 1978. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from the facilities used by Ore-Ida Foods, Inc., at or near Plover, WI, to points in and east of ND, SD, NE, KS, OK, and TX, for 180 days. Restriction: Restricted to traffic originating at the named origin and destined to the named States. Supporting shipper(s): Ore-Ida Foods, Inc., Owyhee Plaza, Boise, ID 83702. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 212 East Washington Avenue, Room 317, Madison, WI 53703.

MC 142948 (Sub-11TA), filed August 14, 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. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, for 180 days, transporting: *Cosmetics, hair and body products and store supplies including advertising materials* from the facilities of W. H. Feronce Co., Philadelphia, PA, to points in the United States. Restriction: Restricted to traffic originating at the above named location, and destined to the above named destination points. Supporting shipper: American United Chemical & Compounding Corp., d.b.a. Ali Products Distributing Co., 2550 Fifth Avenue, Suite 601, San Diego, CA 92103. Send protests to: Glenda Kuss, Transportation Assistant, Bureau of Operations, ICC, Suite A, 422 U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 142954 (Sub-6TA), filed August 14, 1978. Applicant: GLENN BROS. MEAT CO., P.O. Box 9343, Little Rock, AR 72209. Representative: Phillip Glenn (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oak dimension and fiberboard* from Little Rock, AR to Richmond, Jasper, and Celestine, IN, Cedar Hill and Dallas, TX, Colorado Springs, CO, Fergus Falls, MN, Adrian, MI, and Colombia, MS, for 180 days. Supporting shipper(s): Industrial Wood Products, P.O. Box 182, Little Rock, AR 72203. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201. (Hearing site: Little Rock, AR or Washington, DC.)

MC 143648 (Sub-6TA), filed August 21, 1978. Applicant: CORALVILLE TRANSPORT, INC., Rural Route No. 1, Lamont, IA 50650. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from the facilities of Land O' Lakes Agricultural Services Division at or near Mason City, IA to points in the states of MN, WI, ND, SD, and NE, for 180 days. Supporting shipper(s): Land O' Laked, Agricultural Services Division, 2827 Eight Avenue South, Fort Dodge, IA 50501. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, De Moines, IA 50309.

MC 144452 (Sub-3TA), filed July 28, 1978. Applicant: ARLEN LINDQUIST d.b.a. ARLEN LINDQUIST TRUCKING, 3242 Old Hwy 8, Minneapolis, MN 55418. Representative: James B. Hovland, P.O. Box 1680, 414 Gate City Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires* from Memphis, TN to CO, KS, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fleetwood Tire West, Inc., Box 6556, Colorado Springs, CO 80934. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South Forth Street, Minneapolis, MN 55401.

MC 144688 (Sub-9TA), filed August 14, 1978. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Representative: Lavern R. Holdeman, of Peterson, Bowman, Larsen & Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in or used by retail and wholesale grocery, drug and food business houses* (except frozen commodities and commodities in bulk), (1) from Chatanooga, TN, to points in the States of AL, FL, GA, KY, LA, MS and TN; and (2) from Atlanta, GA, to points in the states of AL, FL, GA, NC and TN (restricted in parts (1) and (2) to the transportation of shipments originating at the facilities of A. E. Staley Manufacturing Co., at or near Chattanooga, TN, and Atlanta, GA, and destined to the above-named destination States), for 180 days. Supporting shipper: A. E. Staley Manufacturing Co., R. L. Lighthall, assistant to the director, corporate transportation, 2200 Eldorado Street, Decatur, IL 62525. Send protests to: Eugene A. Bryant, District Supervisor, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

MC 144978 (Sub-3TA), filed July 28, 1978. Applicant: MIDWESTERN PLASTICS & CHEMICALS, INC., 1025 Avenue M, Grand Prairie, TX 75050. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic resins* (except in bulk), from Bayport, and Houston, TX, to points in FL, AL, GA, SC, NC, TN, KY, OH, IN, IL, MA, NJ, CT, and MN; and (2) *scrap plastic materials* (except in bulk), from Lake Charles, LA, to Houston, TX, for 180 days. Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with Synthetic Materials Corp. Supporting shipper(s): Synthetic Materials Corp., 700 Turkey, Houston, TX 77020. Send protests to: Opal M. Jones, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 145093 (Sub-1TA), filed July 28, 1978. Applicant: J.C. TRANSPORT CORP., 53 East Broadway, P.O. Box 142, North Salem, NH 03073. Representative: S. L. Watts, vice president—consulting services (registered practitioner), TDS, Inc., 1050 Waltham Street, Lexington, MA 02173. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Yogurt, cheese, cheese foods and cultured products* from the facilities of Colombo, Inc. and in the return direction, products used or useful in the manufacture, processing and marketing of the above products (applicant will not operate in bulk service), between the States of MA, NH, CT, RI, NY, NJ, PA, DE, MD, OH, MI, IN, and DC on the one hand, and the facilities of Colombo, Inc. on the other. Colombo facilities are located at Methuen, MA and Hagerstown, MD, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Colombo, Inc., Danton Drive, Methuen, MA 01844. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3, 6 Loudon Road, Concord, NH 03301.

MC 145105 (Sub-1TA), filed July 28, 1978. Applicant: WEBBER TRANS-

PORT CO., 885 U.S. Route 1, Avenel, NJ 07001. Representative: Venezia & Nolan, Esqs., 306 Main Street, Woodbridge, NJ 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imported motor vehicles in truckaway service*, from Port Newark, NJ, to points in ME, NH, VT, RI, CT, NY, PA, DE, MD, WV, OH, IN, MI, IL, DC, VA, MA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Honda Motor Co., Inc., 100 West Alondra Boulevard, Gardena, CA 90247. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission 9 Clinton Street, Newark, NJ 07102.

MC 145107 (Sub-1TA), filed August 9, 1978. Applicant: FRANCIS P. CONATY, d.b.a. WILMINGTON DELIVERY, 806 Seville Avenue, Wilmington, DE 19809. Representative: Martin R. Martino, 205 Pennsylvania Avenue SE., Washington, DC 20023. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory equipment, furniture, instruments, supplies and chemicals* for use in hospital laboratories, educational, government and industrial laboratories between King of Prussia, PA, on the one hand, and, on the other, points in PA, DE, NJ, and MD, under a continuing contract or contracts with Fisher Scientific Co., for 180 days. Supporting shipper(s): Fisher Scientific Co., 191 South Gulph Road, King of Prussia, PA 19406. Send protests to: T. M. Esposito, transportation assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 145126 (Sub-1TA), filed August 14, 1978. Applicant: JERRY D. MARTIN, d.b.a. MARTIN TRUCKING CO., West Williams Street, Route 2, Cardington, OH 43315. Representative: James Duvall, Esq., P.O. Box 97, Dublin, OH 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scales, and electronic and/or mechanical parts and/or subassemblies therefor*, (1) between the facilities of Toledo Scales, a Division of Reliance Electric Corp., at or near Charlotte, NC; Toledo, Findlay, Westerville, Sidney, and Worthington, OH; Greenville and Inman, SC; and Franksville, WI, and (2) between the points in (1) above, on the one hand, and, on the other, the port of entry at the international boundary at or near Windsor, ON, Canada, under a continuing contract or contracts with Toledo Scales Division, Reliance Electric Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Toledo Scales Division, Reliance Electric Corp., 350 West Wilson Bridge Road, Worthington, OH 43085. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

MC 145191TA, filed August 11, 1978. Applicant: LASALLE CARTAGE CO., INC., 2707 Territorial Road, St. Paul, MN 55114. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Industrial solvents, epoxy resins, lubricating oil, industrial soap, and polymers*, from the facilities of Worum Chemical Co., Inc. in St. Paul, MN to points in WI; Fargo, Grand Forks, and Devils Lake, ND; Sioux Falls, Mitchell, and Brookings, SD; Houghton, MI and points in IA on and north of U.S. Hwy 18. (2) *Materials and supplies used in the manufacture of fiber glass* from the facilities of Worum Fiberglass Supply Co., Inc. in St. Paul, MN to points in WI; Fargo, Grand Forks, and Devils Lake, ND; Sioux Falls and Brookings, SD; Houghton, MI and points in IA on and north of U.S. Hwy 18, under a continuing contract or contracts with Worum Chemical Co., Inc. and Worum Fiberglass Supply Co., Inc. of St. Paul, MN, for 180 days. Supporting shipper(s): Worum Chemical Co., Inc., 2130 Kasota Avenue, St. Paul, MN 55108. Worum Fiberglass Co., Inc., 2130 Kasota Avenue, St. Paul, MN 55108. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, MN 55401.

MC 145235 (Sub-1TA), filed August 14, 1978. Applicant: DUTCH MAID PRODUCE, INC., Route 2, Willard, OH 44890. Representative: David A. Turnano—George, Greek, King, McMahon & McConnaughey, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint products and materials, equipment and supplies* used in the manufacture, sale and distribution of paint and paint products (except commodities in bulk) between the facilities of Glidden Coatings & Resins Division of S.C.M. Corp. at or near Huron, OH on the one hand, and on the other, points in GA, IL, IN, IA, KY, MD, MI, MN, NE, NY, PA, TX, VA, and WI. Restricted to service performed under contract or contracts with Glidden Coatings & Resins Division of S.C.M. Corp. of Huron, OH, for 180 days. Supporting shipper(s): Glidden Coatings & Resins, Division of S.C.M. Corp., 300 Sprowl Road, Huron, OH 44839. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations—ICC, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

MC 145253TA, filed August 14, 1978. Applicant: GEORGE MARKOTA d.b.a. GEORGE MARKOTA TRUCKING, 7540 Salem-Warren Road, Berlin Center, OH 44401. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of National Industrial Lumber Co. located at North Jackson, OH and Columbus, OH to points in PA and west of U.S. Hwy 219, points in WV on and north of a line extending eastwardly from KY-WV State border along I-64 to its junction with WV State Route 4 then northeast along State Route 4 to U.S. Hwy 119 to the PA-WV border, and points in IN on and east of U.S. Hwy 31, under a continuing contract or contracts with National Industrial Lumber Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): National Industrial Lumber Co., North Jackson, OH. Send protests to: Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 145294TA, filed August 21, 1978. Applicant: JAMES T. BARTLETT and CHARLES C. BROWN d.b.a. CHASE & THOMAS TRUCKING CO., P.O. Box 610, Bridgeport, WV 26330. Representatives: James T. Bartlett and Charles C. Brown, Chase & Thomas Trucking Co., P.O. Box 610, Bridgeport, WV 26330. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica glass sand*, in bulk, in dump vehicles from Gore, VA to Jerry Run, WV, for 180 days. Supporting shipper(s): Bruce G. Wells, director of purchasing, Fourco Glass Co., Jerry Run Division, P.O. Box 890, Bridgeport, WV 26330. Send protests to: Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-28784 Filed 10-11-78; 8:45 am]

[7035-01-M]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice No. 185]
OCTOBER 2, 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 particuar portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 21866 (Sub-108TA), filed August 21, 1978. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, Esq., 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cases, covers and vent caps* used in the manufacture of electric storage batteries from the facilities of the Richardson Co. in Indianapolis, IN to the facilities of Lancaster Battery Co., Inc. in Lancaster, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lancaster Battery Co., Inc., 1330 Harrisburg Avenue, P.O. Box 1745, Lancaster, PA 17604. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 26396 (Sub-195TA), filed August 21, 1978. Applicant: POPEIKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Sharon L. Hamlett, P.O. Box 990, Livingston, MT 59047. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products* from points in AR, MS, TX, and KS to points in ND, MN, SD, NE, IA, and KS; and from points on the international boundary line between the United States and Canada located in ND and MT to points in the States of OK, TX, AR, LA, TN, MO, NE, KS, and KY, for 180 days. Supporting shipper(s): R. N. Watkins, general manager, Continental Lumber Co., 127 West First, Halstead, KS. Send protests to: District Supervisor Paul J. Labane, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 35807 (Sub-85TA), filed August 16, 1978. Applicant: WELLS FARGO ARMORED SERVICE CORP., P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher, P.O. Box 4313, Atlanta, GA 30302. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, between Denver, CO; Las Vegas, NV; commercial zone, Philadelphia, PA, Phoenix, AZ, commercial zone; Reno, NV, commercial zone and Stateline, NV under a continuing contract or contracts with General Services Administration, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Services Administration, GSA-FSS(FZTC), Washington, DC 20406. Send protest to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 W. Peachtree Street Northwest, Room 300, Atlanta, GA 30309.

MC 51146 (Sub-628TA), filed August 21, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Wooden door components and wooden door sections*, from Centralia, WA, to the facilities of Baywood Manufacturing Co., Green Bay, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Baywood Manufacturing Co., 1330 Elizabeth Street, Green Bay, WI 54308 (Arnold Schmidt). 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 102150 (Sub-14TA), filed August 21, 1978. Applicant: JENSEN TRANSPORT, INC., P.O. Box 368, Highway 65 South, Albert Lea, MN 56007. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279 Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by moter vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from the facilities of Land O'Lakes Agricultural Services Division at or near Mason City, IA, to points in the States of MN, WI, ND, SD, and NE, for 180 days. Supporting shipper: Land O'Lakes Agricultural Services Division, 2827 Eighth Avenue South, Fort Dodge, IA 50501. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, MN 55401.

MC 106398 (Sub-825TA), filed August 16, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, P.O. Box 3329, Tulsa, OK 74103. Representative: Irvin Tull, 525 South Main, Tulsa, OK 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Iron and steel articles*, from the facilities of the Caine Steel Co., Atlanta, GA, to all points in AL, FL, IL, IN, IA, KY, LA, MI, MS, MO, NE, NJ, NY, NC, OH, PA, SC, TN, and TX, for 180 days. Applicant has also filed and underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Caine Steel Co., 1315 Chattahoochee Avenue, Atlanta, GA 30318. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office Building, 215 Northwest Third Street, Oklahoma City, OK 73102.

MC 107295 (Sub-883TA), filed August 16, 1978. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Blountstown, FL, to points in AL, CT, DE, DC, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WI, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Donald R. Roarty, Manager, Traffic, Abitibi Corp., 3250 West Big Beaver Road, Troy, MI 48084. Send protests to: Charles D. Little, District Supervisor,

Interstate Commerce Commission, 414 Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 107403 (Sub-1110TA), filed August 21, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Haynes, Jr., 10 West Baltimore Avenue, Lansdowne, PA 19050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Pascagoula, MS, to Harvey & Geismar, LA, and Houston, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: First Chemcial Corp., P.O. Box 1427, Pascagoula, MS 39567. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, room 3238, Philadelphia, PA 19106.

MC 107496 (Sub-1159TA), filed August 21, 1978. Applicant: RUAN TRANSPORT CORP., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, 666 Grand Avenue, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane gas*, in bulk, from West Memphis, AR, to points in TN, for 180 days. Supporting shipper: Northern Propane Gas Co., 4934 East Shelby Drive, Memphis, TN 38118. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 107496 (Sub-1160TA), filed August 21, 1978. Applicant: RUAN TRANSPORT CORP., 666 Grand Avenue, 3200 Ruan Center, Des Moines, IA 50309. Representative: E. Check, 666 Grand Avenue, 3200 Ruan Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Clarksville, MO to points in NE, for 180 days. Applicant has also filed an underlying ETA up to 90 days of operating authority. Supporting shipper: Dundee Cement Co., P.O. Box 67, Clarksville, MO 63336. Apollo Concrete Co., P.O. Box 12, Bennington, NE 68007. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 110525 (Sub-1258TA), filed August 16, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, PA 19335. Representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Lake Charles, LA to points in the United States (excluding AK and HA), for 180 days. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 112617 (Sub-406TA), filed August 16, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford, vice president, traffic (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except petrochemicals), in bulk, in tank vehicles, from the plantsite of W. R. Grace and Co., at or near Owensboro, KY, to South Acton, MA, and Brooklyn, NY, for 180 days. Supporting shipper: J. D. Feagin, traffic manager, W. R. Grace and Co., 55 Hayden Avenue, Lexington, MA 02173. Send protests to: Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

MC 114211 (Sub-366TA), filed August 21, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 210 Beck Street, Waterloo, Iowa 50704. Representative: Adelor J. Warren, P.O. Box 420, 210 Beck Street, Waterloo, IA 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut log homes* from the facilities of Northern Products, Inc., at or near Bangor, ME, to points in WI, IL, IA, and MN, for 180 days. Supporting shipper: Gates Forest Products, Inc., P.O. Box 244, RR 1, Spring Green, WI. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 114569 (Sub-241TA), filed August 21, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except frozen foods and except commodities in bulk, in tank vehicles) from Philadelphia, PA 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 to points in AR, CO, IA, KS, KY, LA, MI, MN, MS, NO, NE, NV, NM, ND, OK, SD, TN, TX, WI, and WY. Supporting shippers: FOSTER IMPORTING CO., New York, NY; Nestle Co., Inc., White Plains, NY; Borden, Inc., Columbus, OH; Armour Food Co., Phoenix, AZ; John A. Steer Co., Philadelphia, PA; Mar Meat Co., Inc., St. Louis, MO; and Sanna Division, Beatrice Foods Co., Madison, WI. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108, for 180 days.

MC 114569 (Sub-242TA), filed August 21, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper and printed forms* from Penn Tech Paper Co. at or near Johnsonburg, PA and Standard Register Co. at or near Bedford, PA to points in CA and AZ. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard Register Co., 121 Mt. Zion Road, York, PA 17405. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108. For 180 days.

MC 114896 (Sub-69TA), filed August 21, 1978. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Road, New Hyde Park, NY 11040. Representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, between Phoenix, AZ, and its commercial zone; Denver, CO; Las Vegas, NV, and its commercial zone; Reno, NV, and its commercial zone; Stateline, NV, and its commercial zone; and Philadelphia, PA, for 180 days. Supporting shipper: General Services Administration, Chief, Contracts and Negotiations Branch, Washington, DC 20406. Send protests to Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007. Under a continuing contract or contracts with General Services Administration.

MC 115517 (Sub-8TA), filed August 16, 1978. Applicant: B & L TRUCKING CO. INC., Route 4, Albemarle, NC 28001. Representative: Joshua J. Morton, Jr., P.O. Box 267, Albemarle, NC 28001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings and insulation* used in building brick kilns, hospitals, school buildings, and commercial buildings from Albemarle, NC, point

of origination, to the States of OK, TN, OR, and AZ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lorch Plumbing & Heating Co. Inc., P.O. Box 1339, Albemarle, NC 28001. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC 516, Mart Office Building, Charlotte, NC 28205.

MC 115654 (Sub-105TA), filed August 16, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* in vehicles equipped with mechanical refrigeration, from the facilities of George A. Hormel & Co. at or near Memphis, TN to points in AR and MS, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: George A. Hormel & Co., 3939 Whitebrook Plaza, Suite 115, Building H, P.O. Box 18664, Memphis, TN. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 117910 (Sub-5 TA), filed August 16, 1978. Applicant: W. H. FROH, INC., 57760 Main Boulevard, New Haven, MI 48048. Representative: Walter N. Bieneman, attorney, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Metal and metal products,* containers therefor, *and equipment, materials and supplies* used in the manufacture of such products, under a continuing contract, or contracts with Mueller Brass Co., between Port Huron, MI, on the one hand, and, on the other, those points in the United States in and east of the States of MN, IA, MO, AR, and LA, for 180 days. Supporting shipper: Mueller Brass Co., Port Huron, MI 48060. Sent protests to: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 321 West Lafayette Boulevard, Detroit, MI 48226.

MC 119726 (Sub-140 TA), filed August 16, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beattey, 130 E. Washington Street, Suite 1000, Indianapolis, IN 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pulpboard, fiberboard, and corrugated boxes,* from the facilities of Container Corp., of America, at or near Fernandina Beach, FL, to Atlanta, GA, Winston-Salem and Shelby, NC, Memphis, TN, and Ft. Worth, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Container Corp. of America, 500 East North Avenue, Carol Stream, IL 60187. 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 119789 (Sub-511 TA), filed August 16, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 266188, Dallas, TX 75266. Representative: Lewis Coffey (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregualr routes, transporting: *Frozen bakery products* from Ashland, KY to Brea, CA., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rich Products Corp., 1145 Niagara Street, Buffalo, NY 142213. Send protests to: Opal M. Jones, Transportation Assistant, 110 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 120646 (Sub-24 TA), filed August 16, 1978. Applicant: BRADLEY FREIGHT LINES, INC., P.O. Box 5875, Asheville, NC 28803. Representative: Henry E. Seaton, 915 Pennsylvania Building, Pennsylvania Avenue and 13th Street, Washington, DC 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture, furnishings and commodities* used in the manufacture of new furniture between Homer, LA on the one hand, and, on the other hand, points in the United States in, and west of, MI, OH, KY, TN, GA, and FL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: River Oak Furniture Co., Homer, LA. Send protests to: Terrel Price, District Supervisor, 800 Briar Creek Road, Room CC 516, Mart Office Building, Charlotte, NC 28205.

MC 127187 (Sub-40TA), filed August 16, 1978. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Boulevard, Fergus Falls, MN 56537. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Agricultural chemicals* between Sioux Falls, SD, on the one hand, and, on the other, points in MT and ND, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Moyer Chemical & Equipment Co., Inc., 700 West Cherokee, P.O. Box 1083, Sioux Falls, SD 57101. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268 Federal Building and U.S. Post Office, 657 Second Avenue North, Fargo, ND 58102.

MC 128527 (Sub-123TA), filed August 18, 1978. Applicant: May Trucking Co., P.O. Box 398, Payette, ID 83661. Representative: Timothy R. Stivers, registered practitioner, P.O. Box 162, Boise, ID 83701. Authority sought to operate in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Steel,* unfinished; *structural steel;* and *steel articles, viz: coil, plate, and sheet* from the facilities of Metra Steel at or near Portland, OR, to points in Cache, Box Elder, Davis, Salt Lake, Utah, Wasatch and Weber Counties, UT, and Oakland and Sacramento, CA, and points in their commercial zones. Supporting shipper: Metra Steel, P.O. Box 3154, Portland, OR 97204. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 1471 Shoreline Drive, Suite 110, Boise, ID 83706. For 180 days.

MC 134958 (Sub-10TA), filed August 16, 1978. Applicant: HAMS EXPRESS, INC., 3499 South Third Street, Philadelphia, PA 19148. Representative: David M. Schwartz, 1025 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* (except in bulk), *meat, meat products, and meat byproducts and such merchandise* as used by a food processor, from plantsite of American Home Foods, Division of American Home Products Corp. at Milton, PA, to points in IL, IN, IA, MI, MN, MO, NJ, OH, and WI; from Mt. Airy, MD and the commercial zones of Baltimore, MD; New York, NY; Philadelphia, PA and Wilmington, DE, to Milton, PA and LaPorte, IN, for 180 days. Supporting shipper: American Home Foods, Division of American Home Products Corp., 685 Third Avenue, New York, NY 10017. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 135082 (Sub-74TA), filed August 15, 1978. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road NE., Albuquerque, NM 87125. Representative: Randall R. Sain, (same as above). Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rolled plastic sheeting* from the facilities of Crown Zellerbach Corp., at or near Orange, TX, to the facilities of Crown Zellerbach Corp., at or near Portland, OR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Crown Zellerbach Corp., 3400 North Marine Drive, Portland, OR 97212. Send protests to: District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

MC 135283 (Sub-43TA), filed August 21, 1978. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, Grand Island, NE 68801. Representative: Gailyn L. Larsen, Peterson, Bowman, Larsen & Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 M.C.C. 209 and 766 (except hides and commodities in bulk) from the facilities of Swift & Co., at or near Grand Island, NE, to which Wichita, KS, and its commercial zone, for 180 days. Supporting shipper: Swift & Co., John H. Groth, Manager, Claims and Services, 115 West Jackson Boulevard, Chicago, IL. Send protests to: Max Johnston, District Supervisor, Interstate Commerce Commission, 285 Federal Building, 100 Centennial Mall North, Lincoln, NE 68508. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

MC 135598 (Sub-16TA), filed August 21, 1978. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Pabst, GA to points in MO, IA, IL, and WI, for 180 days. Supporting shipper: Pabst Brewing Co., 917 West Juneau Avenue, Milwaukee, WI 53201. Send protests to Harold C. Jolliff, Transportation Specialist, Interstate Commerce Commission, P.O. Box 2418, Springfield, IL 62705.

MC 13581 (Sub-35TA), filed August 21, 1978. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, P.O. Box 9093, Fort Worth, TX 76107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, and medicines* from New Brunswick, Somerset, and South Plainfield, NJ to Mission, KS under continuing contract or contracts with E. R. Squbb & Sons, Inc., for 180 days. Supporting shipper: E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, NJ 08903. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 136343 (Sub-150TA), filed August 16, 1978. Applicant: MILTON TRANSPORTATION, INC., R.D. 1, P.O. Box 355, Milton, PA 17847.Representative: Gorge A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, books, equipment, products, and supplies* used in the manufacture and sale of the foregoing (except commodities in bulk) between the facilities of Independent News Co., located at Bethany, Bloomfield, Bristol, North Haven, CT; Springfield, Lowell, MA; New York, Albany, Buffalo, NY; Philadelphia, PA; Atlanta, GA; and DC, on the one hand, and, on the other, points in the States of CA, CT, DE, FL, GA, IN, IL, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, OR, PA, RI, SC, TX, VT, VA, WA, WV, and DC, for 180 days. Authority is required to operate interstate between the States involved because of stopoffs, in the same State, and export and import traffic. Supporting shipper: Independent News Co., 75 Rockefeller Plaza, New York, NY 10019. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

MC 136899 (Sub-28TA), filed August 15, 1978. Applicant: HIGGINS TRANSPORTATION LTD, P.O. Box 192, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 East Gilman, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, used, distributed or manufactured by lawn and garden supply houses from the facilities of Power-O-Peat located in St. Louis County, MN to points in the U.S. (except AK and HI), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Joseph A. Leoni d.b.a. Power-O-Peat, P.O. Box 956, Gilbert, MN 55741. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 212 E. Washington, Avenue, Room 317, Madison, WI 53703.

MC 138157 (Sub-81TA), filed August 18, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Repesentative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the facilities of Owens-Illinois, Inc. at or near Clarion, PA to Tullahoma, TN, for 180 days. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

MC 139906 (Sub-18TA), filed August 16, 1978. Applicant: INTERSTATE CONTRACT CARRIER CORP., 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the facilities of Beveridge Paper Co., at Indianapolis, IN to points in CO, UT, WA, OR, NM, AZ, and CA, for 180 days. Supporting shipper: Beveridge Paper Co., Inc., 717 West Washington, Indianapolis, IN 46204. Send protests to: L. D. Helfer, District Supervisor, Interstate Commerce Commission, 5301 Federal Building, Salt Lake City, UT 84138.

MC 140563 (Sub-14TA), filed August 14, 1978. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Newsprint paper and groundwood paper*, from the facilities of Bowater Southern Paper Corp. at or near Calhoun, TN, to points in NY, and (2) *Materials, equipment and supplies* used in the manufacture or distribution of commodities named in (1) above (except commodities in bulk), from points in NY to the facilities of Bowater Southern Paper Corp. at or near Calhoun, TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bowater Southern Paper Corp., Calhoun, TN 37309. 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 141245 (Sub-5TA), filed: August 21, 1978. Applicant: BARRETT TRUCKING CO., INC., 16 Austin Drive, Burlington, VT 05401. Representative: Brian L. Troiano, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Cranston, RI, to Barre, VT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Calmont Beverage Co., Inc., 21 South Main Street, Barre, VT 05641. Send protests to: David Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, Montpelier, VT 05602.

MC 141402 (Sub-17TA), filed August 16, 1978. Applicant: LINCOLN FREIGHT LINES, INC., State Highway Route 32, P.O. Box 332 & Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Joliet, IL, to Cincinnati, OH and New Kensington and Schenley, PA. Restricted to a contract or continuing contracts with Universal Glass-National Bottling Corp., for 180 days. Supporting shipper: Universal Glass-National Bottling Corp., One Decker Square, Bala Cynwyd, Philadelphia, PA 19004. 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 141921 (Sub-18TA), filed August 21, 1978. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Rd., Manchester, NH 03103. Representative: John A. Sykas, 143 Frontage Rd., Manchester, NH 03103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising material*, (2) *empty containers for recycling and materials and supplies used in the manufacturing and distribution of malt beverages and related advertising material;* (1) from Jefferson County, CO, to points in IA, MO and WA, (2) from points in IA, MO and WA to Jefferson County, CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Adolph Coors Co., Golden, CO 80401, Attention: Lou Bonner, Director of Transportation. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 143027 (Sub-3TA), filed August 21, 1978. Applicant: MICHAEL J. RESUDEK, d.b.a. CAPITOL CARTAGE CO., 3521 International Lane, Madison, WI 53704. Representative: Michael S. Varda, P.O. Box 2509, 121 South Pinckney St., Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical switches and parts, materials, and supplies used in the manufacture of electrical switches*, between the facilities of Allen-Bradley Co. at or near Richland Center, WI, on the one hand, and, on the other, Dane County Regional Airport at Madison, WI, and (2) *hydraulic valves and cylinders, and parts, materials, and supplies used in the manufacture of hydraulic valves & cylinders*, between the facilities of Tivett, Inc. at or near Mineral Point, WI, on the one hand, and on the other, Dane County Regional Airport at Madison, WI, for 180 days. Restriction: Restricted in parts (1) and (2) to traffic having a prior or subsequent movement by air. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Allen-Bradley Co., 1201 South 2nd St., Milwaukee, WI 53204. Rivett, Inc., 7700 Capitol Drive, Pewaukee, WI 53072. Send protests to: Ronald Morken, District Supervisor, Interstate Commerce Commission, 139 West Wilson St., Madison, WI 53703.

MC 143503 (Sub-4TA), filed August 21, 1978. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, CA 93031. Representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furnishings*, and *appliances*, from the facilities of Finger Furniture Company, Inc., at or near Beaumont and Houston, TX, to points in Acadia, Allen, Beauregard, Calcasie, Camerson, Evangeline, Jefferson Davis, Lafayette, Rapides, Sabine, Vermilion, and Vernon Parishes, LA, for 180 days. Supporting shipper: Finger Furniture Co., Inc., P.O. Box 194, Houston, TX 77001. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 143649 (Sub-6TA), filed August 21, 1978. Applicant: FIGANBAUM TRUCKING, INC., Tripoli, IA 50676. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from the facilities of Land O'Lakes Agricultural Services Division at or near Mason City, IA, to points in the States of MN, WI, ND, SD, and NB, for 180 days. Supporting shipper: Land O'Lakes, Agricultural Services Division, 2827 8th Avenue South, Ft. Dodge, IA 50501. Send protests to: Mr. Herbert Allen, District Supervisor, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 143753 (Sub-3TA), filed August 16, 1978. Applicant: BOLES & FRANKLIN, INC., Route 2, Box 169, Weaverville, NC 28787. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Clay County, KY, to points in Pickaway and Sandusky Counties, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Trucker's Coal Market, Inc., Route 4, Box 183, Manchester, KY 40962. Send protests to: Terrel Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 143868 (Sub-2TA), filed August 21, 1978. Applicant: R.E.T.E.N.A. CARRIERS, INC., 2011 North Tyler, Suite H, South El Monte, CA 91733. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultrual pesticides*, from Los Angeles, CA to points in AL, AR, AZ, FL, GA, KY, LA, MI, MN, MS, MO, NC, OK, SC, TN, TX, VA, and WI, and, *Ingredients* for agricultural pesticides, from Henderson, NV, Kingsport, TN, Niagara Falls, NY, and North Charleston, SC to Los Angeles, CA, for 180 days. Supporting shipper: Amvac Chemical Corp., 4100 East Washington Blvd., Los Angeles, CA 90023. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, 300 North Los Angeles Street., Los Angeles, CA 90012. Under a continuing contract or contracts with Amvac Chemical Corp.

MC 144452 (Sub-4TA), filed August 16, 1978. Applicant: ARLEN LINDQUIST, d.b.a ARLEN E. LINDQUIST TRUCKING, 3242 Old Highway 8, Minneapolis, MN 55418. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oil*, in cases and drums, from (a) Roxana, IL to Portage, Baraboo, De-

Forest, Richland Center, Lyndon Station, Dodgeville, Plain, Wisconsin Dells, Shawano, Waupaca, Stevens Point, Wisconsin Rapids, Marshfield, Colby, Beaver Dam, Green Lake, Waupun, Seymour, Oconto Falls, Merrill, Eagle River, Rhinelander, Chippewa Falls, Wausau, Mellen and Antigo, WI; and (b) Oil City, PA to Chippewa Falls, WI. (2) *Empty oil drums*, from Portage, Baraboo, DeForest, Richland Center, Lyndon Station, Dodgeville, Plain, Wisconsin Dells, Shawano, Waupaca, Stevens Point, Wisconsin Rapids, Marshfield, Colby, Beaver Dam, Green Lake, Waupun, Seymour, Oconto Falls, Merrill, Eagle River, Rhinelander, Chippewa Falls, Wausau, Mellen and Antigo, WI to St. Louis, MO. (3) *Lubricants* (ECIB) from New Orleans, LA to Richland Center, WI. (4) *Anti-freeze*, from Chicago, IL to Portage and Dodgeville, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 10 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Courthouse, 110 South 4th Street, Minneapolis, MN.

MC 144947 (Sub-1TA), filed August 21, 1978. Applicant: HARMON'S EXPRESS, INC., 1206 Salem Street, Groveland, MA 01834. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and sand aggregate, in bulk, in dump vehicles*, from Westbrook, ME, to Seabrook, NH, for 180 days. Supporting shipper: Public Service Co. of New Hampshire, P.O. Box 700, Seabrook, NH 03874. Send protests to Max Gorenstein, District Supervisor, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 145154 (Sub-1TA), filed August 23, 1978. Applicant: YOUNG'S TRANSPORTATION CO., 3310 L Ella Boulevard, Houston, TX 77018. Representative: Eric Meierhoefer, Suite 432, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and rugs* from points in GA to Houston, TX, and points in the commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 11 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor John F. Mensing, 8610 Federal Building, 515 Rusk Avenue, Houston, TX 77002.

MC 145225 (Sub-1TA), filed August 16, 1978. Applicant: GAULCO, LTD., 1700 Church Avenue, Winnipeg, MB, Canada R2X 2W9. Representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the installation of carpet from ports of entry on the United States-Canada border located in ID, MI, MN, MT, ND, and WA, with an origin point of Edmonston, AB, Canada, to points in CA, FL, GA, IL, IN, MD, MN, NY, ND, OR, PA, RI, SC, VA, and WA, under a continuing contract with Grip-Rite Carpet Accessories, Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Grip-Rite Carpet Accessories, Ltd., 12002 75 Street, Edmonton, AB, Canada T5B 2B6. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building and U.S. Post Office, 657 Second Avenue North, Fargo, ND 58102.

MC 145244TA, filed August 16, 1978. Applicant: HAROLD E. FELGAR, 1315 East Seventh Street, Room 312, Los Angeles, CA 90012. Representative: Timothy P. Johnson, 18952 Mac Arthur Boulevard, No. 300, Irvin, CA 92715. Authority sought to sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods, packaged foods, vitamins, health foods, food supplements, yogurt, and cheese*, between St. Augustine, FL, Los Angeles, CA, and San Francisco, CA, under a continuing contract or contracts with Tree of Life, Inc., for 180 days. Supporting shipper: Tree of Life, Inc., P.O. Box 410, 315 Industrial Boulevard, St. Augustine, FL 32084. Send protests to: Irene Carlos, 300 North Los Angeles Street, Room 1321, Los Angeles, CA 90012.

MC 145291TA, filed August 21, 1978. Applicant: ALBERT HULSE, JR., 59 Myrtle Street, Methuen, MA 02108. Representative: George A. McLaughlin, Jr., 44 School Street, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oil*, in tank vehicles, between points in MA and NH located within 75 miles of Methuen, MA, for 180 days, under a continuing contract or contracts with Automatic Heating Service, Inc. Supporting shipper: Automatic Heating Service, Inc., 56 Union Street, Methuen, MA 01844. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

PASSENGER CARRIERS

MC 141369 (Sub-4TA), filed August 21, 1978. Applicant: V. P. I. LIMOUSINE, INC., 11 Brownhouse Road, Stamford, CT 06902. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, in nonscheduled, door-to-door service, limited to the transportation of no more than six passengers (not including the driver) in any one vehicle at any one time between points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, NJ, on the one hand, and, on the other, points in New York City and Nassau, Suffolk, and Westchester Counties, NY, for 180 days. Supporting shipper(s): There are approximately nine 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: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Room 324, Hartford, CT 06101.

MC 141369 (Sub-5TA), filed August 21, 1978. Applicant: V. P. I. LIMOUSINE, INC., 11 Brownhouse Road, Stamford, CT 06902. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, in nonscheduled, door-to-door service, limited to the transportation of no more than six passengers (not including the driver) in any one vehicle at any one time between points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, NJ, on the one hand, and, on the other, points in Fairfield County, CT, for 180 days. Supporting shipper(s): Amax, Inc., Amax Center, Greenwich, CT 06830. McKinsey & Co., 245 Park Avenue, New York City, NY 10017. Combustion Engineering, Inc., 900 Long Ridge Road, Stanford, CT 06902. Bowater, Inc., 1500 East Putnam Avenue, Old Greenwich, CT 06870. Send protests to: J. D. Perry,

Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Room 324, Hartford, CT 06101.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-28785 Filed 10-11-78; 8:45 am]

[7035-01-M]

[Volume No. 118]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Petitions for Modification, Interpretation or Reinstatement of Operating Rights Authority

October 4, 1978.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and ducuments must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

MC 730 (Sub-272) (M1F) (notice of filing of petition to modify certificate), filed August 24, 1978. Petitioner: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, P.O. Box 958, Oakland, CA 94604. Representative: Alfred G. Krebs (same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC 730 Sub-272 issued October 27, 1966 authorizing transportation, over regular routes, as pertinent of: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commisison, commodities in bulk, and those requiring special equipment), between Chicago, IL, and Boston, MA, serving the intermediate points of Akron, OH, and those within 10 miles of Akron and Mansfield, OH, Syracuse, NY, all intermediate points in NY located east of Syracuse, all intermediate points in MA, RI, and CT, intermediate and off-route points in the Chicago, IL, commerical zone, as defined by the Commission, off-route points located within 10 miles of Akron, off-route points located within 20 miles of Boston, and the off-route points of Gloversville and Rome, NY, without restriction; and the intermediate points of South Bend, Mishawaka, Elkhart, Fort Wayne, and Warsaw, IN, the off-route point of Goshen, IN, and intermediate points in OH (except Akron and Mansfield and points within 10 miles of Akron), restricted to the pickup of eastbound traffic and the delivery of westbound traffic; and intermediate points in NY west of Syracuse, restricted to the delivery of westbound traffic. By the instant petition, petitioner seeks to modify the above authority be deleting the language of "pickup of eastbound traffic and the delivery of westbound traffic" in reference to the restriction in connection with OH points and named IN cities.

MC 10343 (MIF) (Notice of filing of petition to modify certificate), filed August 24, 1978. Petitioner: CHURCH-HILL TRUCK LINES, INC., P.O. Box 250, Chillicothe, MO 64601. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Petitioner holds a motor *common carrier* certificate in MC 10343 issued March 20, 1975, authorizing transportation, over regular routes, as pertinent, of (C) *General commodities* (except those of unusual value, classes A and B explosives, households as defined by the Commission, commodities in bulk, and those requiring special equipment), serving all intermediate points on U.S. Hwy 36 between St. Joseph, MO, and Cameron, MO, in connection with carrier's regular-route operations authorized in section (B) (except those points that carrier is already authorized to serve in section (B)). Between Kansas City, MO., and Chillicothe, MO, serving all intermediate points: From Kansas City over U.S. Hwy 24 to Waverly, MO, then over U.S. Hwy 65 to Chillicothe, and return over the same route. Between junction U.S. Hwys 36 and 61 and Chicago, IL, serving no intermediate points, and serving junction U.S. Hwys 24 and 66 for purposes of joinder only: From junction U.S. Hwys 36 and 61 over U.S. Hwy 36 to Springfield, IL, then over U.S. Hwy 66 via its junction with U.S. Hwy 24 to Chicago, and return over the same route. Between junction IL Hwy 96 and U.S. Hwy 24, and junction U.S. Hwys 24 and 66, serving no intermediate points and serving junction IL Hwy 96 and U.S. Hwy 24 and junction U.S. Hwys 24 and 66 for purposes of joinder only: From junction IL Hwy 96 and U.S. Hwy 24 over U.S. Hwy 24 to junction U.S. Hwy 66, and return over the same route. Between Monmouth, IL, and Good Hope, IL, serving all intermediate points: From Monmouth over U.S. Hwy 67 to Good Hope, and return over the same route. Between junction IA Hwy 22 and U.S. Hwy 61, and Dubuque, IA, serving all intermediate points: From junction IA Hwy 22 and U.S. Hwy 61 over U.S. Hwy 61 to Dubuque, and return over the same route. Between Davenport, IA, and junction U.S. Hwys 6 and 63, serving all intermediate points: From Davenport over U.S. Hwy 6 to junction U.S. Hwy 63, and return over the same route. Between junction U.S. Hwys 6 and 63 and Princeton, MO, serving no intermediate points, and serving junction U.S. Hwys 6 and 63 and Princeton for purposes of joinder only: From junction U.S. Hwys 6 and 63, over U.S. Hwy 6 to junction U.S. Hwy 65, then over U.S. Hwy 65 to Princeton, and return over the same route. Between Donnelson, IA, and Cedar Rapids, IA, serving all intermediate points: From Donnelson over U.S. Hwy 218 to Cedar Rapids, and return over the same route. Between Ottumwa, IA, and Waterloo, IA, serving all intermediate points: From Ottumwa over U.S. Hwy 63 to Waterloo, and return over the same route. Between junction U.S. Hwy 63 and IA Hwy 149 and Iowa City, IA, serving all intermediate points: From junction U.S. Hwy 63 and IA Hwy 149 over IA Hwy 149 to Sigourney, IA, then over IA Hwy 92 to junction IA Hwy 1, then over IA Hwy 1 to Iowa City, and return over the same route. Between Bloomfield, IA and Kirksville, MO, serving all intermediate points: From Bloomfield over U.S. Hwy 63 to Kirksville, and return over the same route. Between St. Joseph, MO, and Kansas City, MO, serving no intermediate points and serving the termini for purposes of joinder only: From St. Joseph over Interstate Hwy 29 to Kansas City, and return over the same route. In connection with the routes described above in section (C) service is authorized to all points in that part of IA on and east of U.S. Hwy 63; those in that part of MO on and north of U.S. Hwy 40; those in that part of IL north of a line beginning at a point on U.S. Hwy 24 at the IL-MO State line and extending along U.S. Hwy 24 to junction U.S. Hwy 66, then along U.S. Hwy 66 to Chicago, IL, (including all points in the Chicago, IL, Commercial Zone as defined by the Commission, as off-route points in connection with carrier's authorized regular-route operations in section (C) above, and with carrier's otherwise authorized regular-route operations). Restriction: Said op-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, DC 20423.

erations are restricted to the transportation of traffic moving between Meadville, MO, and points within 10 miles thereof, on the one hand, and, on the other, Kansas City, KS, and points in IA, MO, and IL. By the instant petition, petitioner seeks to modify the above authority by deleting the above restriction.

MC 55822 (Sub-8) (M-2F) (notice of filing of petition to modify permit), filed August 31, 1978. Petitioner: Victory Express, Inc., P.O. Box 4076, Trotwood, OH 45426. representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, VA 22314. Petitioner holds permit in MC 55822 (sub-8), issued October 16, 1974, authorizing transportation, as here pertinent, over irregular routes, of: *General commodities* (except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities which because of their size or weight require the use of special equipment), between points in the United States (except Alaska and Hawaii) restricted to the transportation of shipments originating at, or destined to, the plantsites, warehouses and branch facilities of the NCR Corp., under a continuing contract with the NCR Corp. of Dayton, OH. By the instant petition, petititoner seeks to modify the above authority by adding Appleton Papers, Inc., as a contracting shipper.

MC 94201 (Sub-135) (M1F) (notice of filing of petition to modify certificate), filed August 30, 1978. Petitioner: BOWMAN, TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, AL 35203. Petitioner holds a motor *common carrier* certificate in MC 94210 Sub-135, issued June 2, 1977, authorizing transportation, over regular routes, of *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 various points in GA, SC, FL, AL, and TN, generally, with the following restrictions: (1) Between points in AL (and points within their commercial zones) on and south of U.S. Hwy 80 and points in Lee and Chambers Counties, AL, on the one hand, and, on the other, points in GA (and points within their commercial zones) on and south of U.S. Hwy 80 and points in FL, (2) Between points in GA (and points in their commercial zones) on and south of U.S. Hwy 80, on the one hand, and, on the other, points in AL (and points in their commercial zones) on and south of U.S. Hwy 80, points in Lee and Chambers Counties, AL, and points in FL, (3) Between points in FL on and north of a line beginning at Melbourne, FL, extending over U.S. Hwy 192 to its junction with U.S Hwys 17 and 92, then over U.S. Hwys 17 and 92 to their junction with U.S. Hwy 41, then over U.S. Hwy 41 to Piney Point, FL, and points in FL east of Jefferson County, FL, on the one hand, and, on the other, points in SC, NC and the following points in VA: Chesapeake, Suffolk, Portsmouth, Virginia Beach, Norfolk, Newport News and Hampton, VA, and points within their respective commercial zones, (4) Between Memphis, TN, and Nashville, TN, and points within their respective commercial zones, on the one hand, and, on the other, Florence, AL, and points within 10 miles of Florence, AL, (5) To or from all intermediate and off-route points in the State of MS, (6) Between points in the State of FL, between points in the State of AL; and between points in the State of TN; (7) Between points in AL outside the 65-mile radius of Birmingham, AL, on the one hand, and, on the other, points in FL north of FL Hwy 44, (excepted from this resticition are points authorized to be served by Bowman in its Sub-Nos. 59 authority; and (8) restricted against the tacking or joining the authority granted in this proceeding with carrier's present authority, so as to perform service between Memphis, TN, and points in its commercial zone, on the one hand, and, on the other, Chicago, IL, and points in its commercial zone. By the instant petition, petitioner seeks to modify or eliminate the restrictions as follows: (1) To eliminate "and points in Lee and Chambers Counties, AL" in Restriction (1) which would enable Bowman to transport the authorized commodities. Between points in Lee and Chambers Counties, AL, on the one hand, and, on the other points in GA (and points within their commercial zones) on and south of U.S. Hwy 80 and points in FL without having to traverse the 5 points (Cedartown, Lindale, Mt. Berry, Rome and Summerville) or Atlanta gateway. (2) To eliminate the words "points in Lee and Chambers Counties, AL" in paragraph (2) of the Restrictions which would enable Bowman to transport the involved commodities. Between points in GA (and points within their commercial zones) on and south of U.S. Hwy 80, on the one hand, and, on the other, points in Lee and Chambers Counties, AL, without having to traverse the Atlanta or 5 points (Cedartown, Lindale, Mount Berry, Rome and Summerville) GA gateways. (3) To eliminate Restriction (3) in the Sub-135 certificate which restricts same against the movement of traffic: Between points in FL on and North of a line beginning at Melbourne, FL extending over U.S. Hwy 192 to its junction with U.S. Hwys 17 and 92, then over U.S. Hwys 17 and 92 to their junction with U.S. Hwy 41, then over U.S. Hwy 41 to Piney Point, FL, and points in FL east of Jefferson Co., Fl, on the one hand, and, on the other, points in SC, NC and the following points in VA: Chesapeake, Suffolk, Portsmouth, Virginia Beach, Norfolk, Newport News and Hampton, VA, and points within their respective commercial zones. Elimination of this restriction would enable Bowman to transport the involved traffic moving between points in Fl on and North of a line beginning at Melbourne, FL extending over U.S. Hwy 192 to its junction with U.S. Hwys 17 and 92, then over U.S. Hwys 17 and 92 to their junction with U.S. Hwy 41, then over U.S. Hwy 41 to Piney Point, FL, and points in FL east of Jefferson Co., FL, on the one hand, and, on the other, points in SC, NC and the following points in VA: Chesapeake, Suffolk, Portsmouth, Virginia Beach, Norfolk, Newport News and Hampton, VA, and points within their respective commercial zones. Direct without operating through the gateways of Atlanta or the 5 GA points (Cedartown, Lindale, Mount Berry, Rome or Summerville).

MC 133095 (Sub-152) (M1F) (notice of filing of petition to modify certificate), filed August 10, 1978. Petitioner: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kim G. Meyer, Suite 1200, Atlanta Gas Light Tower, 235 Peachtree Street NE., Atlanta, GA 30303. Petitioner holds a motor *common carrier* certificate in MC 133095 Sub-152, issued March 28, 1978 authorizing transportation over irregular routes, of: *Hair care toiletries and equipment,* from the facilities of Clairol, Inc., at or near Camarillo, CA, to Dallas, TX, Chicago, IL, Atlanta, GA, and Stamford, CT. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the named origin and destined to the named destination points. By the instant petition, petitioner seeks to modify the above authority by Los Angeles, CA, as an additional origin point.

MC 133095 (Sub-159) (M1F) (notice of filing of petition to modify certificate), filed August 10, 1978. Petitioner: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kim G. Meyer, Suite 1200, Atlanta Gas Light Tower, 235 Peachtree Street NE., Atlanta, GA 30303. Petitioner holds a motor *common carrier* certificate in MC 133095 (Sub-159) issued March 26, 1978 authorizing transportation over irregular routes, of: (1) *Hair care toiletries and equipment,* from Camarillo, CA, to Portland, OR, and (2) *Materi-*

als, supplies, and ingredients used in the packaging, manufacture, and distribution of toiletries and toiletry equipment (except in bulk), in vehicles equipped with mechanical refrigeration, from Stamford, CT, to Camarillo, CA. Restriction: The authority granted herein is restricted to the transportation of shipments originating at and destined to the facilities utilized by Clairol, Inc. By the instant petition, petitioner seeks to modify the above authority by adding Los Angeles, CA, as an origin in (1) and as a destination in (2) above.

MC 133119 (Sub-30) (M1F) (notice of filing of petition for modification of certificate) filed August 2, 1978. Petitioner: HEYL TRUCK LINES INC., P.O. Box 206, Akron, IA 51001. Representative: A. J. Swanson, P.O.Box 81849, Lincoln, NE 68501. Petitioner holds motor *common carrier* authority in MC 133119 (Sub-30), authorizing transportation over irregular routes of: Bananas and agricultural commodities, the transportation of which is exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed shipments with bananas, from the facilities of the Del Monte Banana Co., at Charleston, S.C., to points in WI, MN, and ND. By the instant petition, petitioner seeks to delete the phrase, "the facilities of the Del Monte Banana Co. at".

MC 134599 (Subs-110 and 119) (M1F) (notice of filing of petition to modify permits), filed August 16, 1978. Petitioner: INTERSTATE CONTRACT CARRIER CORP., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard Peterson, P.O. Box 81849, Lincoln, NE 68501. Petitioner holds motor *contract carrier* permits in MC 134599 (Subs- 110 and 119) issued January 29, 1976, and April 12, 1976, respectively. MC 134599 (Sub-110) authorizes transportation, over irregular routes, of: *Crated office furniture, parts* of office furniture and *advertising, sales, and promotional materials* for office furniture, from the facilities of Steelcase, Inc., at Grand Rapids, MI, to points in VA. MO (except St. Louis, MO, and points in its commercial zone as defined by the Commission), AR, LA, KS, OK, TX, CO, and NM, under a continuing contract with Steelcase, Inc., of Grand Rapids, MI. MC 134599 (Sub-119) authorizes transportation, over irregular routes, of: (1) *Crated office furniture and parts* of office furniture (except in bulk or those which because of size or weight require the use of special equipment), from the facilities of Steelcase, Inc., in Grand Rapids, MI, to points in MT, WY, NC, SD, NE (except Omaha), IA (except Des Moines), ME, NH, VT, and WV; and (2) *equipment, materials and supplies* used in the manufacture of office equipment (except in bulk or, which because of size or weight, require special handling and special equipment), from points in MT, WY, ND, SD, NE (except Omaha), IA (except Des Moines), ME, NH, VT, and WV to the facilities of Steelcase, Inc., in Grand Rapids, MI, under a continuing contract(s) in (1) and (2) above with Steelcase, Inc. By the instant petition, petitioner seeks to modify the above authority by (1) removing the restriction (except St. Louis, MO, and points in its commercial zone) in Sub-110; and (2) removing the restrictions (except Omaha) and (except Des Moines) in its Sub-119 authority.

MC 135009 (Sub-2) (M1F) (notice of filing of petition to modify permit), filed August 22, 1978. Petitioner: PEAK TRANSFER CO., INC., 57 Hathaway Street, Wallington, NJ 07055. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. Petitioner holds a motor *contract carrier* permit in MC 135009 (Sub-2) issued December 30, 1977, authorizing transportation, over irregular routes, of *books, printed matter, and such commodities* as are used in the manufacture, sale, and distribution of books (except commodities in bulk, in tank vehicles), (1) Between Clifton, NJ, on the one hand, and, on the other, points in AL, AR, CA, CT, FL, GA, IL, IN, MA, MS, MO, NJ, NY, NC, OH, OR, PA, SC, TN, TX, UT, VT, WV, and WI; and (2) Between Elk Grove Village, IL, on the one hand, and, on the other, points in AL, AR, CA, CT, FL, GA, IL, MA, MS, MO, NJ, NY, NC, OR, PA (except points in Beaver, Indiana, and Westmoreland Counties, PA), SC, TN, TX, UT, VT, WV, and WI. Restriction: The service authorized herein shall be limited to a transportation service to be performed under a continuing contract, or contracts, with Holt, Rinehart & Winston. By the instant petition, petitioner seeks to modify the above be adding Bellmawr, NJ, as a base point in (1) of the territorial description.

MC 135828 (M1F) (notice of filing of petition to modify certificate), filed August 31, 1978. Petitioner: PEACE BRIDGE BROKERAGE LTD., 33 Walnut St., Fort Erie, ON, Canada. Representative: H. A. Simons, (same address as petitioner). Petitioner holds a motor *common carrier,* certificate in MC 135828 issued April 10, 1975, authorizing transportation, over irregular routes, of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) in express service, between points in Erie, Genesee, and Niagara Counties, NY, on the one hand, and, on the other, Buffalo, Lewiston, and Niagara Falls, NY. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted to the transportation of shipments originating at or destined to points in Canada, and (2) The operations authorized herein are restricted to the transportation of packages or articles weighing in the aggregate less than 300 pounds per shipment from any one consignor to any one consignee on any one day. By the instant petition, petitioner seeks to modify the weight limitation in the above restriction to 1,000 pounds in lieu of 300 pounds per shipment.

MC 143061 (M1F) (notice of filing of petition to modify permit), filed August 30, 1978. Petitioner: ELECTRIC TRANSPORT, INC., P.O. Box 338, Eden, NC 27288. Representative: K. Edward Wolcott, Suite 1200, Atlanta Gas Light Tower, 235 Peachtree Street NE., Atlanta, GA 30303. Petitioner holds a motor *contract carrier* permit in MC 143061 issued April 12, 1978 authorizing transportation, over irregular routes, of (1) *Electrical equipment, devices, and products,* (2) *parts* of the commodities in (1), and (3) *commodities* used by and dealt in by manufacturers of the commodities in (1) (except any commodities in bulk, commodities which because of size or weight require special equipment, and aerospace craft and aerospace craft parts); (a) between Somersworth, NH, Pittsfield, MA, and Rotterdam, NY, and (b) between the facilities of General Electric Co., at or near Somersworth, NH, Pittsfield, MA, Rotterdam, NY, Salisbury, Hickory, and East Flat Rock, NC, on the one hand, and, on the other, points in the United States on and west of the eastern State boundary line of WI, IA, MO, AR, and LA (except AK and HI); and points in the Upper Peninsula of MI, under a continuing contract with General Electric Co. By the instant petition, petitioner seeks to modify the above authority by adding Schenectady, NY, as an additional service point in (a) and as a base point in (b) of the territorial description.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register. An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Spe-

cial Rule 247(e) of the Commission's general rules of practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the previse manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier, if no representative is named.

MC 114211 (Sub-329) (Republication), filed November 7, 1977, published in the FEDERAL REGISTER issue of December 30, 1977, and republished this issue. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 324 Manhard St., Waterloo, IA 50704. Representative: Daniel Sullivan, Suite 1600, 105 South LaSalle, Chicago, IL 60604. A decision of the Commission, Review Board No. 3, decided July 31, 1978, and served August 18, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of *used irrigation systems and accessories* for use with used irrigation systems, between points in the United States (except AK and HI), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to delete the restriction.

MC 115331 (Sub-441) (republished), filed December 5, 1977, published in the FEDERAL REGISTER issue of February 2, 1978, and republished this issue. Applicant: TRUCK TRANSPORT, INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. A decision of the Commission, Review Board No. 3, decided August 14, 1978, and served September 1, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of: (1) *Pebble lime Springfield, MO, to Hawesville, KY; and (2) fly ash,* in bulk, from in bulk, from point in Pike County, IN, to points in IL, KY, MO, AR, and TN, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity description and indicate Hawesville, KY, in lieu of Wickliffe, KY, as an origin points in part (1) above.

MC 119641 (Sub-149F) (Republication), filed February 9, 1978, published in the FEDERAL REGISTER issue of March 23, 1978, and republished this issue. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Representative: Alkie E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, IN 46404. A decision of the Commission, Review Board No. 3, decided August 21, 1978, and served September 11, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of *plywood, particle board, hardboard, gypsum board, moulding, and plastic articles,* from the facilities of Weyerhaeuser Co., at Chesapeake, VA, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, WV, and WI, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the addition of KY as a destination State.

MC 138882 (Sub-35) (Republication), filed January 10, 1978, published in the FEDERAL REGISTER issue of February 24, 1978, and republished this issue. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. A decision of the Commission, Review Board No. 2, decided August 14, 1978, and served September 21, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicles, over irregular routes, in the transportation of *veneer and plywood,* from the facilities of Capitol Veneer Works, Inc., at or near Montgomery, AL, to points in NY, VT, MD, VA, NC, SC, GA, FL, TN, KY, OH, MS, AZ, UT, CO, CA, AR, IN, IL, MO, IA, TX, CT, ME, MA, RI, and NH, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity description, and add TX, CT, ME, MA, RI, and NH as destination points.

MC 140051 (Sub-4) (Republication), filed January 12, 1978, published in the FEDERAL REGISTER issue of March 16, 1978, and republished this issue. Applicant: DANIEL C. NEACE, d.b.a., LANCER ENTERPRISES, 3131 Crest Road, Cincinnati, OH 45247. Representative: Timothy T. Slater, 6343 Birchdale Court, Cincinnati, OH 45230. A decision of the Commission, Review Board No. 1, decided September 14, 1978, and served September 20, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *contract carrier,* by motor vehicle, over irregular routes, in the transportation of (1) *Carpet, linoleum, and tile;* and (2) *materials and supplies* used in the installation of the commodities in (1) above, from the facilities of Carson, Pirie, Scott & Co., at Cincinnati, OH, to points in Allen, Huntington, Wells, Adams, Grant, Blackford, Jay, Tipton, Madison, Delaware, Randolph, Marion, Hancock, Henry, Wayne, Johnson, Shelby, Rush, Fayette, Union, Brown, Bartholomew, Decatur, Franklin, Jackson, Jennings, Ripley, Dearborn, Ohio, Switzerland, Jefferson, Scott, Washington, Clark, Floyd, and Harrison Counties, IN, under a continuing contract or contracts with Carson, Pirie, Scott & Co., of Cincinnati, OH, will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the applicant's actual grant of authority.

MC 141124 (Sub-15F) (Republication), filed February 8, 1978, published in the FEDERAL REGISTER issue of March 16, 1978, and republished this issue. Applicant: EVANGELIST COMMERCIAL CORP., P.O. Box 1709, Wilmington, DE 19899. Representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. A decision of the Commission, Review Board No. 2, decided August 30, 1978, and served September 15, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of (1) *Paper and paper products,* from the facilities of Champion International Corp., at or near Canton, Waynesville, Asheville, and Fletcher, NC, to points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT; and (2) *equipment, materials, and supplies* used in the manufacture of paper and paper products (except commodities in bulk), from points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT, to the facilities of Champion International Corp., at or near Canton, Waynesville, Asheville, and Fletcher, NC, that applicant is fit, willing, and able properly to perform such service and to con-

form to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate CT in lieu of CO, as a destination State.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

MC-F-13458. (amendment) (HOLLAND MOTOR EXPRESS, INC.—Purchase (portion)—NAVAJO FREIGHT LINES, INC.), published in the December 30, 1977 issue of the FEDERAL REGISTER. Applicants have requested by letter dated August 7, 1978, that the Commission permit the amending of their application. In a decision served September 18, 1978, applicants were permitted to amend their application to include the following authority that was inadvertently omitted: *General commodities,* with exceptions, as a *common carrier* over regular routes between the junction of U.S. Hwy 27 and MI Hwy 60 and Jackson, MI, over MI Hwy 60, serving no intermediate points.

MC-F-13694F (correction) (COOPER MOTOR LINES—Purchase (portion)—CRESCENT MOTOR LINES), published in the September 13, 1978, issue of the FEDERAL REGISTER, on page 40991. Previous notice inadvertently published the notice as Docket No. MC-F-3694. The correct number is No. MC-F-13694F.

MC-F-13724F. Authority sought for purchase by DUDLEY TRUCKING, INC., P.O. Box 1651, Tacoma, WA 98402, of a portion of the operating rights and property of Dudley Boat & Trailer Transportation, Inc., 13315 8th Street East, Sumner, WA, 98390, and for acquisition by Terry L. Rucker and Chris M. Rucker, both of 1819 Olympic Street, P.O. Box 1651, Tacoma, WA 98402, of control of such rights through the transaction. Applicants' representative: Michael B. Crutcher, 2000 IBM Building, Seattle, WA, 98101. Operating rights sought to be transferred: *Iron and steel articles and pipe,* as a *common carrier* over irregular routes, between points in OR and WA. Dudley Trucking, Inc., holds no authority from this Commission. However, Dudley Trucking, Inc., is controlled by Terry L. Rucker and Chris M. Rucker. Terry L. Rucker and Chris M. Rucker are affiliated with Rucker Bros. Trucking Inc., who has authority to operate as a common carrier in the States of WA and OR. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13726F. (correction) (LEE WAY MOTOR FREIGHT, INC.—Purchase (portion)—O.K. MOTOR SERVICE, INC.), published in the September 13, 1978, issue of the FEDERAL REGISTER, on page 40992. Previous notice should have read as follows: *General commodities,* with exceptions, as a *common carrier* over regular routes between * * *.

No. MC-F-13740F. Authority sought for purchase by FAST FREIGHT SYSTEMS, INC., 118 North Congress Street, Jackson, MS 39205, of a portion of the operating rights of DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., P.O. Box 8099, Grand Rapids, MI 49508, of control of such rights through the transaction. Applicants' representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Operating rights sought to be transferred: (I) MC-106603 (Sub-142) (portion), (a) *Iron and steel articles,* as a *common carrier* over irregular routes, from the plantsite and storage facilities of North Star Steel Co. located at or near Wilton, IA, to points in AL, MS, and TN, and (b) *Materials, equipment and supplies,* used in the manufacture and distribution of iron and steel articles, from points in the States named in part (a) above, to plantsite and storage facilities of North Star Steel Co., located at or near Wilton, IA. Restriction: The authority in (a) and (b) above is restricted to the transportation of traffic originating at and destined to the named origins and destinations; the authority in (b) is further restricted against transportation of commodities in bulk. (II) MC-46240 (Sub-16), *brass, bronze, copper, and aluminum products and equipment materials, and supplies* used in the manufacture of such products (except commodities in bulk), as a *common carrier* over irregular routes between Fulton, MS, on the one hand, and, on the other, points in the United States (except AK and HI). (III) MC-46240 (Sub-17) (portion), *copper, brass, bronze, and aluminum articles,* as a *common carrier* over irregular routes from Hartsville, TN, to points in OH, IN, IL, WI, PA, KY, WV, MO, IA, NY, NJ, AL, AR, CT, DE, FL, GA, LA, MA, MN, and MS, with no transportation on return except as otherwise authorized. Vendee is authorized to operate a *common carrier* in MI, WI, IA, IL, IN, OH, PA, WV, KY, and MO. Application has been filed for temporary authority under section 210a(b).

MC-F-13744E. Authority sought for purchase by WEST COAST TRUCK LINES, INC., 85647 Hwy 99 South, Eugene, OR 97405, of a portion of the operating rights of Southwest Truck Service, P.O. Box AD, Watsonville, CA 95076, and for acquisition by, Edward P. Barton, and M. Dean Barton, 85647 Hwy 99 South, Eugene, OR 97405, of control of such rights through the transaction. Applicants' representative: Jerry R. Woods, Suite 1440, 200 Market Building, Portland, OR 97201. Operating rights sought to be transferred: Permit No. MC-128246 (Sub-15) issued March 31, 1978, (1) *Foodstuffs, not frozen and in containers,* and (2) *plastic and paper food service items prepackaged for individual use,* from Manteca, Spreckels, and Woodland, CA, to points in OR and WA; and (3) returned shipments of the commodities described in (1) and (2) above, from points in OR and WA to Manteca, Spreckels, and Woodland, CA, restricted to a transportation service to be performed, under continuing contract or contracts, with Spreckels Sugar Division of Amstar Corp. Vendee is authorized to operate as a *common carrier* under certificate MC-112989, in the States of OR, WA, CA, ID, UT, MT, NV, NM, AZ, CO, KS, OK, ND, SD, TX, and WY. Application has not been filed for temporary authority under section 210a(b).

MC-F-13753F. Authority sought for the transfer to PALMER TRANSPORTATION, INC., Main and Cross Streets, Chester, NY 10918, of the operating rights of L. P. TRANSPORTATION, INC., Main and Cross Streets, Chester, NY 10918. Applicants' representatives: John L. Alfano and Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, NY 10528. Operating rights sought to be transferred: *common carrier,* over irregular routes, transporting, in bulk, in tank vehicles, *liquefied petroleum gas,* from Providence, RI, Everett, MA, and Newington, NH, to points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT; *liquefied petroleum gases,* between points in NY, NJ, and PA within 150 miles of Chester, NY; *liquefied propane gas,* from Newark, NJ, to points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, MD, DE, and DC; *liquefied petroleum gas,* from various pipeline outlets in PA and NY and Bath, Harford Mills, and Hudson Falls, NY, to points in CT, MA, NH, NJ, NY, PA, RI, VT, DE, MD, OH, VA, WV, and DC; *liquefied petroleum gases,* from Lyndonville, VT, to

Auburn and Brewer, ME, North Dartmouth, Sandwich, Somerville, South Deerfield, Taunton, and Topsfield, MA, and Gonic, Lakeport, Londenderry, and Wolfeboro, NH; *cement*, from Alsen, NY, to points in ME, NH, VT, CT, MA, RI, PA, and NJ; and *liquefied natural gas*, between points in CT, DE, MD, ME, MA, NH, NJ, NY, PA, RI, TN, VT, VA, and DC. Transferee is now authorized to operate as a *common carrier* of various syrups and blends, in bulk, in the States of CT, DE, ME, MD, MA, MI, NH, NJ, NY, OH, PA, VT, VA, RI, WV, and DC. (1) Common control by Andrew L. Palmer of the operating rights sought to be consolidated has been approved in Docket MC-F-8905; (2) No temporary authority is sought; (3) (Hearing site: New York, NY, or White Plains, NY).

MC-F-13755F. Authority sought for control by TRANSPORTATION CONSULTANTS, INC., P.O. Box 487, 5950 Fisher Road, East Syracuse, NY 13057, of operating authority of J. R. BUTLER, INC., P.O. Box 155, 1031 Reeves Street, Dunmore, PA 18512, through acquisition of the stock of J. R. BUTLER, INC. and control of such rights by Frederic J. Durkin and John C. Durkin, Jr., through the acquisition. Applicant's representatives: Martin Werner, Esq. and Michael R. Werner, Esq., P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Motor *contract carrier* operating rights sought to be controlled: Under MC-145298 (pending). Irregular routes, *Such commodities as are dealt in by mail order houses and retail chain department stores, and equipment, materials and supplies used in the conduct of such business (except commodities in bulk)*, between points in MD, NY, NJ, DE, and PA, under continuing contract(s) with Hess, Inc. of Allentown, PA. Transportation Consultants, Inc. holds no authority from this Commission. However, it is in control of the following contract carriers: Food Haul, Inc. is authorized to operate as a contract carrier in AK, FL, GA, IL, IN, KY, MD, MI, MO, NC, OH, PA, SC, TN, TX, VA, and WV; J. C. D. Transportation Corp. is authorized to operate as a contract carrier in CT, MA, NY, and PA; Fleetwood Transportation Corp. is authorized to operate as a contract carrier in PA, NY, NJ, MD, DE, DC, VA, WV, CT, MA, RI, MI, OH, KY, and IN; Fairfield Transportation Corp. is authorized to operate as a contract carrier in NY, CT, MA, NJ, and PA; Barr Transportation Corp. is authorized to operate as a contract carrier in MA, CT, NH, MD, PA, NY, RI, VT, NJ, DE, OH, WV, and DC. Application has not been filed for temporary authority under section 210a(b).

MC-F-13756F. Authority sought for purchase by SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE 68106, of a portion of the operating rights of RICHARD A. CRAWFORD, d.b.a. R. A. CRAWFORD TRUCKING SERVICE, P.O. Box 722, Adelphia, MD, 20783, and for acquisition by L. R. CIMINO, 680 North 57th Street, Omaha, NE 68132, of control of such rights through the transaction. Applicants' representative: Robert M. Cimino, Suite 325, 7000 West Center Road, Omaha, NE 68106. Operating rights sought to be transferred: (1) *Foodstuffs used in the preparation and serving of foods in restaurants and commissaries*, between DC on the one hand, and, on the other, points in MD, PA, DE, NJ, NY, VA, WV, NC, SC, GA, FL, OH, IN, MI, IL, WI, MN, IA, NE, MO, KS, LA, TX, TN, AL, MS, AR, and OK, restricted to operations to be performed under a continuing contract, or contracts, with Fairfield Farm Kitchens, Washington, DC; (2) *Foodstuffs, and equipment and supplies used in the preparation and serving of food*, between DC, on the one hand, and, on the other, points in CT, KY, ME, MA, NH, RI, and VT, restricted to operations to be performed under a continuing contract, or contracts, with Fairfield Farm Kitchens, Washington, DC; (3) *Food products, related advertising materials, and equipment and supplies used in the preparation and serving of foods in restaurants or commissaries*, between DC, on the one hand, and, on the other, points in MD, PA, DE, NJ, NY, VA, WV, NC, SC, GA, FL, OH, IN, MI, IL, WI, MN, IA, NE, MO, KS, LA, TX, TN, AL, MS, AR, and OK, restricted to operations performed under a continuing contract, or contracts, with Fairfield Farm Kitchens, Division of the Marriott Corp., Washington, DC. Vendee is authorized to operate as a common carrier in the States of NE, IA, CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, VT, VA, WV, and DC, and as a contract carrier in AL, AR, CT, DE, GA, IL, IN, KY, LA, MD, MA, MI, MS, MO, NJ, NY, NC, PA, RI, SC, TN, VA, WV, OH, WI, and NE. Application has been filed for temporary authority under section 210a(b).

MC-F-13757F. Authority sought for purchase by LOUIS J. KENNEDY TRUCKING CO., 342 Schuyler Avenue, Kearny, NJ 07032, of a portion of the operating rights of CALHOUN TRUCKING CORP., 319 Jacet Road, Kearny, NJ 07032, and for acquisition by Louis J. Kennedy, also of Kearny, NJ, of control of the right through the purchase. Applicant's attorney: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Operating rights sought to be purchased: *Wire mesh, over irregular routes*, from Kearny, NJ, to points in MA, RI, CT, NY, PA, DE, and MD, with no transportation for compensation on return except as otherwise authorized. From Baltimore, MD, to points in OH, RI, MA, NH, VT, ME, IN, MI, PA, NY, NJ, CT, VA, NC, WV, DE, MD, and KY, and DC, with no transportation for compensation on return except as otherwise authorized. From Atlanta, GA, to points in TN, AL, VA, GA, MD, KY, SC, and NC, and DC, with no transportation for compensation on return except as otherwise authorized. From Tampa, FL, to points in FL and GA, with no transportion for compensation on return except as otherwise authorized. *Wire*, from Jacksonville, FL, and Atlanta, GA, to Baltimore, MD, Atlanta and Savannah, GA, Tampa, FL, and Kearny, NJ, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with National Wire Products Corp., of Baltimore, MD. Vendee is authorized to operate as a contract carrier of general and specified commodities over irregular routes in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, OH, PA, RI, SC, TN, VT, VA, WV, and WI. Approval of the transaction will not result in (a) dual operation; (b) splitting of operating authority; or (c) duplicating authority. Application has been filed for temporary authority under section 210a(b).

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-28786 Filed 10-11-78; 8:45 am]

[7035-01-M]

[Notice No. 27]

SPECIAL PROPERTY BROKERS

October 6, 1978.

The following applicants seek to participate in the property broker special licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of property (except household goods), between all points in the United States including AK and HI. Any interested person shall file an original and (1) copy of a verified statement in opposition limited in scope to matters regarding applicant's fitness within 30 days after this notice. Statements must be mailed to:

Broker Entry Staff, Room 2379, Interstate Commerce Commission, Washington, D.C. 20423.

Opposing parties shall serve (1) copy of the statement in opposition concurrently upon applicant's representative,

or applicant if no representative is named.

If an applicant is not otherwise informed by the Commission, it may commence operation 45 days after this notice.

B-77-38, filed September 20, 1978. Applicant: FRED P. GASKELL CO., INC., 301 East Plume Street, Norfolk, VA 23514. Representative: W. J. Garris, II (same address as applicant).

B-78-95, filed August 14, 1978. Applicant: A. ARNOLD & SON TRANSFER & STORAGE CO., INC., 2600 West Broadway, Louisville, KY 40211. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036.

B-78-99, filed March 23, 1978. Applicant: STEVENS FORWARDERS, INC., 121 South Niagara Street, Saginaw, MI 48602. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036.

B-78-103, filed September 15, 1978. Applicant: GRADY MOVING & STORAGE, INC., 120 Brynn Marr Road, P.O. Box 1020, Jacksonville, NC 28540. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036.

B-78-104, filed September 23, 1978. Applicant: BAYSIDE MOVING & STORAGE, INC., 316 West 30th Street, National City, CA 92050. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036.

B-78-105, filed September 21, 1978. Applicant: GEO. S. BUSH & CO., INC., 259 Colman Building, Seattle, WA 98104. Representative: J. W. Hansford (same address as applicant).

B-78-106, filed September 26, 1978. Applicant: STARCK VAN LINES OF COLUMBUS, INC., 3747 Groveport Road, Columbus, OH 43207. Representative: Joseph F. Mullins, Jr., 1700 K Street NW., Washington, DC 20006.

B-78-107, filed September 26, 1978. Applicant: STARCK VAN LINES, INC., R.D. No. 1, Burgettstown, PA 15021. Representative: Joseph F. Mullins, Jr., 1700 K Street, NW., Washington, DC 20006.

B-78-108, filed September 26, 1978. Applicant: OCEAN-AIR INTERNATIONAL, INC., R.D. No. 1, Burgettstown, PA 15021. Representative: Joseph F. Mullins, Jr., 1700 K Street NW., Washington, DC 20006.

B-78-109, filed September 26, 1978. Applicant: W. G. PAUL, 1863 Union Street, San Francisco, CA 94123. Representative: W. G. Paul (same address as applicant).

B-78-1104, filed September 27, 1978. Applicant: J. A. R. FREIGHT FORWARDING, INC., 13837 Redskin Drive, Herndon, VA 22037. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036.

B-78-114, filed September 29, 1978. Applicant: GEO. W. NOFFS MOVING & STORAGE, INC., 1735 East Davis Street, Arlington Heights, IL 60005. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036.

B-78-116, filed September 11, 1978. Applicant: SPUD HAULERS, INC., 555 Main Street, Presque Isle, ME 04769. Representative: Stephen A. Canders, 520 Main Street, Presque Isle, ME 04769.

B-78-117, filed September 20, 1978. Applicant: M. E. DEY & CO., INC., 759 North Milwaukee Street, Milwaukee, WI 53202. Representative: Allen G. Lemke (same address as applicant).

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-28788 Filed 10-11-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 US.C. 552b(e)(3).

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[6320-01-M]

1

[M-168, Amdt. 4; Oct. 4, 1978]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the October 5, 1978, Agenda.

TIME AND DATE: 10 a.m., October 5, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Item 10. Dockets 31129 and 32910, Commuter Airlines' exemptions to operate large aircraft (Memo 8152-A, BPDA, OGC, BCP).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The Chairman has requested that item 10 be deleted from the October 5, 1978, agenda in order for the staff to do additional work. Accordingly, the following Members have voted that agency business requires the deletion of item 10 and that no earlier announcement of this deletion was possible.

Chairman, Alfred E. Kahn
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

All amendments to previously announced agendas are publicly posted at the Board's offices, sent to the Federal Register for publication, and mailed to parties to docketed cases affected by the change. We regret any inconvenience that may be caused by these changes or the delayed receipt of our notices.

[S-2053-78 Filed 10-10-78; 11:29 am]

[6320-01-M]

2

[M-168, Amdt. 5; Oct. 5, 1978]

CIVIL AERONAUTICS BOARD.

Notice of change of time and deletion of items from the October 5, 1978, agenda.

TIME AND DATE: 11 a.m., October 5, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

6a. Dockets 28366 and 32710, *Denver-Alaska Service Investigation, San Francisco-Reno-Albuquerque-Texas Service Investigation*—Orders on Reconsideration (Memo 8193, OGC).

13. Increased fares proposed by American. The carrier proposes to increase most fares in its U.S.-Caribbean/Bermuda markets 5 percent (Memo 8216, BPDA, DIA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Item 6a was deleted from the October 5, 1978, agenda in order to provide additional time for the staff to complete their work. Item 13 was not circulated to the Office of General Counsel prior to its circulation and calendaring. Upon OGC review it was concluded that further staff consultation is desirable before the Board acts on this matter. Accordingly, the following Members voted that agency business requires the deletion of items 6a and 13 and that no earlier announcement of these changes was possible:

Acting Chairman, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

All amendments to previously announced agendas are publicly posted at the Board's offices, sent to the FEDERAL REGISTER for publication, and mailed to parties to docketed cases affected by the change. We regret any inconvenience that may be caused by these changes or the delayed receipt of our notices.

[S-2054-78 Filed 10-10-78; 11:29 am]

[6712-01-M]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, October 10, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Emergency closed Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—The decision in *Central Florida Enterprises, Inc.* v. *FCC* (D.C. Circuit No. 76 1742).

Additional information concerning this meeting may be obtained from the FCC Public Information Office, telephone 202-632-7260.

Issued: October 10, 1978.

[S-2058-78 Filed 10-10-78; 3:23 pm]

[6712-01-M]

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, October 12, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Safety and Special Radio Service—1—The creation of a new Personal Radio Service.
Safety and Special Radio Service—2—Personal Use Radio Advisory Committee Final Report.

If additional information is required concerning this meeting it may be obtained from the FCC Public Information Office, telephone 202-632-7260.

Issued: October 10, 1978.

[S-2059-78 Filed 10-10-78; 3:23 pm]

[6714-01-M]

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

CHANGE IN SUBJECT MATTER OF AGENCY MEETING

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 3 p.m. on October 5, 1978, the Corporation's Board of Directors voted, on motion of Acting Chairman John G. Heimann, seconded by Director William M. Isaac (Appointive), to withdraw the following item from consideration.

Memorandum and resolution proposing the final adoption of amendments to part 335 of the Corporation's rules and regulations, entitled "Securities of Insured State Nonmember Banks," in order to bring that part into substantial similarity with comparable regulations of the Securities and Exchange Commission.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-2052-78 Filed 10-10-78; 11:29 am]

[6730-01-M]

6

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 46417, October 6, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., October 12, 1978.

CHANGES IN THE MEETING: Addition of the following item to the closed session:

2. Enforcement claim against certain carriers.

[S-2060-78 10-10-78; 3:23 pm]

[6735-01-M]

7

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., October 17, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C. 20006.

STATUS: This meeting will be open.

MATTERS TO BE CONSIDERED: The following cases will be considered and acted upon by the Commission. Motions for the withdrawal of pending appeals have been filed in these cases.

1. Docket No. IBMA 76-31, Eastern Associated Coal Corp.
2. Docket No. IBMA 76-62, Eastern Associated Coal Corp.
3. Docket No. IBMA 76-74, Eastern Associated Coal Corp.
4. Docket No. IBMA 76-75, Affinity Mining Co.
5. Docket No. IBMA 76-76, Sterling Smokeless Coal Co.
6. Docket No. IBMA 76-89, Eastern Associated Coal Corp.
7. Docket No. IBMA 76-100, Eastern Associated Coal Corp.
8. Docket No. IBMA 76-112, Affinity Mining Co. and Eastern Associated Coal Corp.
9. Docket No. IBMA 76-115, Eastern Associated Coal Corp.

The following case will be considered and acted upon by the Commission. The sole issue concerns the timeliness of filing of the petition for discretionary review.

10. Docket Nos. PITT 78-343 and PITT 78-344, Iselin Preparation Co.

The following proceedings will be considered and acted upon by the Commission:

11. Docket No. IBMA 76-57, Pittsburgh and Midway Coal Co.
12. Docket No. IBMA 77-66, Inland Steel Coal Co.
13. Docket No. IBMA 77-7, Christopher Coal Co.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Philip Paschall, 202-632-4770.

JEROME R. WALDIE,
Chairman, Federal Mine Safety and Health Review Commission.

[S-2062-78 Filed 10-10-78; 3:23 pm]

[6210-01-M]

8

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, October 18, 1978. The closed portion of the meeting will commence at the conclusion of the open discussion.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Part of the meeting will be open and part will be closed.

MATTERS TO BE CONSIDERED:

Open portion:

SUMMARY AGENDA

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Request by First Oklahoma Bancorporation, Inc., Oklahoma City, Okla., for a 6-month extension of time in which to comply with divestiture requirements imposed by a Board order.
2. Proposal to eliminate Bank Holding Company Registration Statement forms F.R. Y-5 and F.R. Y-5(a).
3. Proposed amendments to the Board's Rules of Procedure concerning handling (a) comments on applications and (b) requests for reconsideration of Board actions on applications.
4. Proposed amendment to Interpretation § 226.904 of Regulation Z (Truth in Lending) concerning disclosure of the right of rescission in connection with open end credit plans.

DISCUSSION AGENDA

1. Proposed guidelines for enforcement of Regulation Z (Truth in Lending). (Proposed earlier for public comment; Docket No. R-0122.)
2. Proposed policy statement regarding outside professional activities of Board employees.
3. Any agenda items carried forward from a previously announced meeting.

NOTE.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Closed portion:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Federal Reserve Bank senior officers salary procedures.
3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: October 10, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-2056-78 Filed 10-10-78; 12:59 pm]

[7590-01-M]

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of October 9, 1978.

PLACE: Commissioner's Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed (changes).

MATTERS TO BE CONSIDERED:

TUESDAY, OCTOBER 10; 3 P.M. (APPROXIMATE)

1. Discussion and vote on issues remaining for Commission consideration in the Midland Proceeding (approximately one-half hour, closed—exemption 10).

NOTE.—Replaces discussion of ALAB 399 and 487 which has been postponed.

FRIDAY, OCTOBER 13; 10:30 A.M.

1. Discussion of Risk Assessment Review Group Report (tentative, approximately 1 hour, public meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated: October 6, 1978.

ROGER M. TWEED,
Office of the Secretary.

[S-2055-78 Filed 10-10-78; 11:44 am]

[7600-01-M]

10

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 9:30 a.m., October 20, 1978.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson, 202-634-4015.

Dated: October 10, 1978.

[S-2057-78 Filed 10-10-78; 1:01 pm]

[8010-01-M]

11

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 46627, October 10, 1978.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

PREVIOUSLY ANNOUNCED DATE: Tuesday, October 10, 1978.

CHANGES IN THE MEETING: Deletion of item to be considered.

The following item will not be considered by the Commission at the closed meeting scheduled for Tuesday, October 10, 1978, at 10 a.m.:

Report of investigation.

Chairman Williams and Commissioners Loomis, Evans, and Pollack determined that Commission business required the above change and that no earlier notice thereof was possible.

OCTOBER 10, 1978.

[S-2061-78 Filed 10-10-78; 3:23 pm]

federal register

THURSDAY, OCTOBER 12, 1978
PART II



DEPARTMENT OF ENERGY

■

WATER HEATERS, HOME HEATING EQUIPMENT (NOT INCLUDING FURNACES), KITCHEN RANGES AND OVENS, CLOTHES WASHERS, AND FURNACES

Final Energy Efficiency Improvement Targets

[3128-01-M]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION[1]

PART 430—ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Energy Efficiency Improvement Targets for Five Types of Appliances

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This rule prescribes final energy efficiency improvement targets for water heaters, home heating equipment (not including furnaces), kitchen ranges and ovens, clothes washers, and furnaces. Energy efficiency improvement targets are one element of the consumer product efficiency program required by the Energy Policy and Conservation Act.

EFFECTIVE DATE: November 13, 1978.

FOR FURTHER INFORMATION CONTACT:

James A. Smith (Consumer Products Efficiency Branch), Department of Energy, 20 Masachusetts Avenue NW., Room 2248, Washington, D.C. 20545, 202-376-4815.

Jim Merna (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

William J. Dennison (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 7148, Washington, D.C. 20461, 202-566-9750.

SUPPLEMENTARY INFORMATION:

I. Background

On October 1, 1977, the Department of Energy (DOE) assumed the authority of the Federal Energy Administration (FEA) for the energy conservation program for appliances, pursuant to section 301 of the Department of Energy Organization Act (DOE Act) (Pub. L. 95-91). The energy conservation program for appliances was established by FEA pursuant to title III, part B of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163). Section 325 of the Act, as amended by section 161 of the Energy Conservation and Production Act (Pub. L. 94-385), requires that energy efficiency improvement targets be prescribed for certain types of covered appliances, specifically:

(1) Refrigerators and refrigerator-freezers.
(2) Freezers.
(3) Dishwashers.
(4) Clothes dryers.
(5) Water heaters.
(6) Room air-conditioners.
(7) Home heating equipment, not including furnaces.
(8) Television sets.
(9) Kitchen ranges and ovens.
(10) Clothes washers.
(11) Humidifiers and dehumidifiers.
(12) Central air-conditioners.
(13) Furnaces.

DOE hereby amends title 10, chapter II, Part 430, Code of Federal Regulations, to prescribe energy efficiency improvement targets for water heaters, home heating equipment (not including furnaces), kitchen ranges and ovens, clothes washers, and furnaces. A target for furnaces was proposed by FEA on September 23, 1977 (42 FR 52426, September 30, 1977), and a public hearing was held on November 8, 1977. Targets for the other four product types covered by today's rulemaking were proposed by FEA on July 8, 1977 (42 FR 36648, July 15, 1977), and public hearings were held August 16-19, 1977. Final efficiency targets for all other product types listed above were previously issued on April 5, 1978 (43 FR 15138, April 11, 1978).

The targets for product types (1) through (10) above are required by section 325 to be designed so that, if met, the aggregate energy efficiency of all such products which are manufactured in 1980 will exceed the aggregate energy efficiency of all such products manufactured in 1972 by the maximum percentage improvement which DOE determines to be economically and technologically feasible, but which in any case is not less than 20 percent. Targets for products (11) through (13) are required to be designed so as to achieve the maximum improvement in energy efficiency determined by DOE to be technologically and economically feasible by 1980.

Analysis leading to the establishment of the targets was accomplished in three stages. First, potential energy efficiency improvement design options for each product type were identified and then analyzed to determine whether they were technologically feasible. The energy savings of individual design options were combined to provide a single target for each product. In the second stage, the economic feasibility of the energy efficiency targets calculated in the first stage was evaluated. In the third stage the individual product type targets for products (1) through (10) were combined to determine the aggregate energy efficiency improvement of those product types manufactured in 1980 as compared with the aggregate energy efficiency of those product types manufactured in 1972.

As described earlier, section 325 requires that the aggregate energy efficiency improvement for product types (1) through (10) be at least 20 percent above the 1972 base year efficiency. Four of the targets prescribed today fall within this category. These four targets, when combined with the other six pertinent targets prescribed on April 5, 1978, amount to a 26.4-percent energy efficiency improvement for product types (1) through (10), so that the 20-percent aggregate requirement of section 325 is met.

As envisioned by the Act, the appliance program is responsible for encouraging manufacturers to produce, and consumers to purchase, significantly more efficient appliances by 1980. The Act sets forth two interrelated strategies for accomplishing this objective.

The first is to establish voluntary efficiency improvement targets representing aggregate industry-wide levels of efficiency improvement to be achieved by 1980. As an incentive for the industry to reach these targets, a reporting and monitoring system will be established to track industry progress. In the event that achievement of any target appears unlikely, this system will require DOE to initiate an administrative proceeding to prescribe a mandatory minimum efficiency standard for the product in question.

The second strategy entails development of a labeling program to require that manufacturers label each product with energy information to allow consumer comparisons. The Federal Trade Commission (FTC) is charged with responsibility for establishing labeling rules and administering the labeling program.

In conjunction with issuance of the labeling rules, a consumer education effort will enhance consumer awareness of the labels and create a better understanding of the information provided on the labels. This is intended to encourage comparison shopping and to enhance consumer demand for the more efficient products. As a consequence, it is anticipated that manufacturers will be influenced to expedite efficiency improvements for their various product lines to meet market demand.

In order to support these dual strategies, section 323 of the Act requires that DOE develop test procedures for each covered product for the determination of estimated annual energy costs and at least one other measure of energy consumption which will assist consumers in making purchasing decisions. The test procedures, when applied to individual manufacturers'

[1] Editorial Note.It is contemplated that ch. II will be renamed at a future date to reflect the fact that it contains regulations administered by the Department of Energy, including regulations of the appliance program and other regulations administered by the Office of Conservation and Solar Applications.

product lines, will provide comparable data on a variety of energy characteristics of all products covered by a given test procedure. The FTC has proposed that manufacturers apply the test procedures to provide test-related data for FTC product labels and for representations regarding energy consumption. Test procedure design must be flexible enough to allow for technological variation among different product lines, yet standardized enough to assure that each manufacturer's product line will be subject to the same measurement criteria.

An outline of the provisions of subparts A, B, and C of part 430 which have so far been established, including the provisions in today's rulemaking, is as follows:

Subpart A—General Provisions

Sec.
430.1 Purpose and scope.
430.2 Definitions.

Subpart B—Test Procedures

430.21 Purpose and scope.
430.22 Test procedures for measures of energy consumption.
(a) Refrigerators and refrigerator-freezers.
(b) Freezers.
(c) Dishwashers.
(d) Clothes dryers.
(e) Water heaters.
(f) Room air-conditioners.
(g) Unvented home heating equipment.
(h) Television sets.
(i) Kitchen ranges and ovens.
(j) Clothes washers.
(k) Humidifiers.
(l) Dehumidifiers.
(m) Central air-conditioners.
(n) Furnaces.
(o) Vented home heating equipment.
430.23 Units to be tested [Reserved].
430.24 Representations regarding measures of energy consumption.[2]
(a) Refrigerators and refrigerator-freezers.
(b) Freezers.
(c) Dishwashers.
(d) Clothes dryers.
(e) Water heaters.
(f) Room air-conditioners.
(g) Unvented home heating equipment.
(h) Television sets.
(i) Kitchen ranges and ovens.
(j) Clothes washers.
(k) Humidifiers.
(l) Dehumidifiers.
(m) Central air-conditioners.
(n) Furnaces.
(o) Vented home heating equipment.

APPENDICES TO SUBPART B

Appendix A1—Uniform test method for measuring the energy consumption of electric refrigerators and electric refrigerator-freezers.

* * * * *

Appendix B—Uniform test method for measuring the energy consumption of freezers.
Appendix C—Uniform test method for measuring the energy consumption of dishwashers.
Appendix D—Uniform test method for measuring the energy consumption of clothes dryers.
Appendix E—Uniform test method for measuring the energy consumption of water heaters.
Appendix F—Uniform test method for measuring the energy consumption of room air-conditioners.
Appendix G—Uniform test method for measuring the energy consumption of unvented home heating equipment.
Appendix H—Uniform test method for measuring the energy consumption of television sets.
Appendix I—Uniform test method for measuring the energy consumption of conventional ranges, conventional cooking tops, conventional ovens, microwave ovens, and microwave/convention ranges.
Appendix J—Uniform test method for measuring the energy consumption of clothes washers.
Appendix K1—Uniform test method for measuring the energy consumption of central system humidifiers.
Appendix K2—Uniform test method for measuring the energy consumption of room humidifiers.
Appendix L—Uniform test method for measuring the energy consumption of dehumidifiers.
Appendix M—Uniform test method for measuring the energy consumption of central air-conditioners.
Appendix N—Uniform test method for measuring the energy consumption of furnaces.
Appendix O—Uniform test method for measuring the energy consumption of vented home heating equipment.

Subpart C—Energy Efficiency Improvement Targets

430.31 Purpose and scope.
430.32 Energy efficiency improvement targets.
(a) Refrigerators and refrigerator-freezers.
(b) Freezers.
(c) Dishwashers.
(d) Clothes dryers.
(e) Water heaters.
(f) Room air conditioners.
(g) Home heating equipment (not including furnaces).
(h) Television sets.
(i) Kitchen ranges and ovens.
(j) Clothes washers.
(k) Humidifiers.
(l) Dehumidifiers.
(m) Central air-conditioners.
(n) Furnaces.

II. FINAL TARGET DETERMINATIONS AND DISCUSSION OF COMMENTS

After careful consideration of the oral and written comments received in response to the proposed targets, DOE is today prescribing the following targets (proposed targets which differed from the targets prescribed today are noted in parentheses):

[Figures in percent]

Water heaters	23	
Home heating equipment (not including furnaces)	11	(13)
Kitchen ranges and ovens	40	(64)
Clothes washers	35	(47)
Furnaces	20	(23)

Major comments received regarding these targets are summarized and discussed below. To avoid confusion in the discussion of comments, "DOE" is used throughout even though activities prior to October 1, 1977, regarding this rule were conducted by FEA. For a detailed explanation of the technological and economic methodologies used to arrive at the targets, refer to the FEDERAL REGISTERS of July 15, 1977 (42 FR 36648, July 15, 1977) for the first four product types listed above and September 30, 1977 (42 FR 52426, September 30, 1977) for furnaces. Revised economic and technical background papers as well as a microeconomic analysis for each product affected by today's action are available for inspection in the DOE Freedom of Information Office, Room 2107, 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.

A. WATER HEATERS

DOE has determined that the proposed efficiency improvement target of 23 percent for water heaters is the maximum improvement which is technologically and economically feasible. Table 1 summarizes the final efficiency improvement target and associated energy factors.

1. *On/off switches for electric water heaters.* A comment suggested that DOE should include, in its list of design options for electric water heaters, a switch which would allow the user to turn the water heater on or off at will. Also suggested was a variation of this design option which would allow the on/off switch to be located away from the electric water heater.

NBS has investigated the energy saving potential of an on/off switch, often referred to as a "vacation switch," for water heaters. The results of that investigation show that such a switch provides no significant energy savings unless the water heater is turned off for an extended period, such as several days or more. Because such long "off" periods are not typical of national water heater usage patterns, DOE is presently unable to estimate the potential energy savings, if any, of this design option, or to draw any conclusions regarding its usefulness and feasibility.

[2] DOE is currently proposing to delete § 430.24 and to establish a new § 430.23, in order to prescribe statistical sampling provisions applicable to any testing required under the Act relating to representations respecting the energy consumption of, or cost of energy consumed by appliances and relating to the labeling of appliances (43 FR 40192, Sept. 8, 1978).

TABLE 1.—*Water Heater Energy Efficiency Improvement Target*

	1972 energy consumption × 10^{12} Btu	Energy savings (percent)	Energy efficiency improvement target (percent)	1972 energy factor (percent)	1980 energy factor (percent)
Water heaters	176.9	1 9	23		
Electric	49.6	15	18	80	94
Gas	125.6	20	25	44	55
Oil	1.7	17	20	46	55

2. *Oil water heater exemption from targets.* Comments from oil water heater manufacturers requested that oil water heaters be exempted from the target program on the ground that a target would result in the deterioration of the oil water heater industry. Comments cited the small-business nature of the oil water heater industry and expressed concern about the industry's ability to undertake the necessary investment to improve efficiency.

DOE is aware that many oil water heater manufacturers are small businesses which lack extensive research and development facilities and resources. DOE is also aware that some individual manufacturers may have limited access to the investment capital necessary for the implementation of the energy-saving design options. However, based on currently available information, DOE has determined that certain of the design improvements applicable to oil water heaters can be implemented by 1980, and that the oil water heater industry is able to undertake the investment necessary to implement these design changes.

3. *Improved heat transfer for oil water heaters.* Some comments stated that, in order to improve heat transfer for oil water heaters, combustion chambers and flue-ways would have to be redesigned, requiring extensive engineering and testing programs. These comments stated that the leadtime for the implementation of this design option would be at least 5 years, rather than the 1 year estimated by DOE.

In the case of oil water heaters, DOE analysis indicated that only center-flue type oil water heaters offered a potential for saving energy through improved heat transfer. DOE determined that redesign of the flue baffling of this category of oil water heaters would yield a 3.8-percent energy savings for these water heaters alone. Since only 35 percent of the oil water heaters produced in 1972 were of the center-flue type, the production-weighted energy savings for all oil water heaters attributable to improved heat transfer is 1.3 percent.

DOE, after reviewing this matter, finds that the 1.3-percent energy savings associated with the improved heat transfer design option for oil water heaters can in fact be achieved by redesigning the flue baffling of center-flue type oil water heaters alone. Further, DOE finds that the specified energy savings can be achieved without redesigning the combustion chambers of any oil water heaters. Since no information was received which would substantiate a contrary conclusion, DOE believes that this design option may feasibly be implemented by 1980.

4. *Insulation improvements or additions.* Some comments stated that water heater manufacturers are currently receiving shipments of insulation from suppliers on a fixed allotment basis and that manufacturers are unable to procure additional insulation. Comments further stated that because of these constraints, manufacturers of water heaters will be unable to achieve the 8-percent energy savings which DOE attributed to this design option and, hence, would be unable to meet the 1980 energy efficiency target.

DOE has evaluated the availability of various types of insulation materials which may be used to insulate water heaters. While water heater manufacturers have operated under some form of allocation system with regard to the purchase of insulation materials, it appears that sufficient supplies of the appropriate kinds of insulation will be available so as not to jeopardize achievement of the target in 1980. A major producer of water heater insulation has indicated to DOE that the increased demand which could result from the implementation of this design option can and will be met by insulation manufacturers. Recent analyses conducted by independent industry experts support this view. DOE concludes that sufficient supplies of the appropriate kinds of insulation materials will be available to water heater manufacturers and that no change in the energy savings associated with this design option is warranted.

One comment suggested that the increased or improved insulation design option would require a redesign of oil water heater insulation jackets. This comment stated that the implementation of this design option would constitute a major change in production, requiring a leadtime of 5 years rather than the 2 years estimated by DOE.

DOE finds that some oil water heater manufacturers would have to redesign the jackets of oil water heaters to accommodate additional insulation material if they choose to increase the amount of insulation rather than to use an improved quality of insulation to achieve the 8-percent energy savings associated with the increased or improved insulation design option. DOE does not, however, have any basis for modifying this design option for oil water heaters, especially in view of the fact that the same design option can be implemented by 1980 for gas and electric water heaters.

An additional comment expressed concern about the possible fire hazard posed by the use of foam insulation in water heaters, and about foam insulation shrinkage over time. The 8-percent energy savings which DOE associated with the increased or improved insulation design option for water heaters was not predicated on the use of foam insulation. DOE finds that this energy savings can be achieved by increasing the thickness of the insulation presently used in some water heaters or through the use of an insulation material other than foam which has a lower thermal conductivity per unit thickness than that currently used on oil water heaters. DOE does not find the possible unsuitability of foam insulation for water heater applications to be grounds for modifying this design option.

5. *Heat traps for oil water heaters.* Commenters generally agreed with DOE's estimate that the heat trap design option could yield a 1-percent production-weighted energy savings, but stated that the leadtime associated with this design option would be 5 years in order that appropriate field design evaluations could be made. DOE has determined that the adoption of the heat trap design option involves only a change in the configuration of the inlet and outlet water supply piping of oil water heaters. It does not necessitate the redesign of any aspect of oil water heaters because heat traps can be readily attached to the inlet and outlet water supply pipe connections of present models. Therefore, DOE finds that it is feasible to implement the heat trap

feature into the design of oil water heaters by 1980.

6. *Ignition system improvement for oil water heaters.* Comments questioned DOE's estimate that 2.0 percent of the total energy consumed by an oil water heater could be saved by improving the ignition system. Upon reexamination of its technical analysis for this design option, DOE finds that a mathematical error led DOE to overestimate the energy savings associated with the design option. DOE now finds that although the design option can achieve a 38-percent savings in electrical energy consumption, it will result in only a 0.3-percent reduction in the total energy consumption of an oil water heater. The lifetime cost savings associated with this energy savings is estimated to be $9 in current dollars. The estimated increase in the retail cost of oil water heaters with this design option is zero, since the cost of the new ignition system is estimated to be the same as that of the ignition system it would replace. No new tooling costs or increases in labor costs are projected. Therefore, while DOE's claim of a 2-percent energy savings for this design option was erroneous and has been corrected to 0.3 percent, the design option will save energy and is cost-effective.

Table 1 reflects the reduction in the aggregate energy savings for oil water heaters (from 19 percent to 17 percent) attributable to reducing the energy savings associated with the ignition system improvement design option from 2.0 percent to 0.3 percent. The individual oil water heater energy efficiency improvement percentage and 1980 energy factor values which are presented in table 1 were reduced from their proposed values for the same reason; from 23 percent to 20 percent in the case of efficiency improvement, and from 56.6 percent to 55 percent in the case of the 1980 energy factor. These changes had a negligible effect on the aggregate energy savings and the final energy efficiency improvement target for water heaters because oil water heaters account for a very small share of the water heater market.

Further comments concerning this design option stated that a new ignition system would require extensive testing to insure that it would not pose a reliability problem. After analysis, DOE has determined that there is no reason to presume at this time that the improved ignition systems currently being developed for oil-fueled appliances cannot be adequately tested for reliability prior to incorporation into production units by 1980.

7. *Pilot elimination.* One commenter objected to any energy efficiency improvement design option for water heaters which would call for the elimination of the pilot in LP-gas water heaters. DOE did not identify the elimination of pilots in either LP or natural gas water heaters as an energy efficiency improvement design option, and the target for water heaters does not include the elimination of the pilot.

8. *Cost increases.* One commenter stated that the price increase associated with producing more energy-efficient gas water heaters, excluding the heat trap design, would be $25 to $35 per unit. DOE believes that a figure of $9 to $10.15 per unit is most likely. Even at the commenter's highest estimated price increase of $35 excluding the heat trap design option, the implementation of all design options for gas water heaters would be economically feasible because of the significant amount of energy savings attributable to the more efficient design options.

B. HOME HEATING EQUIPMENT, NOT INCLUDING FURNACES

DOE has determined that for home heating equipment (not including furnaces) an efficiency improvement target of 11 percent is the maximum improvement which is technologically and economically feasible. Analysis of the comments and information received in response to the proposal resulted in an increase of the possible energy savings for gas-fueled vented heaters from the proposed 12 percent to 14 percent, and thus increased the efficiency improvement percentage for all vented heaters from the proposed 13 percent to 15 percent. There were no changes made to the proposed energy savings for oil-fueled vented heaters. Unvented home heating equipment is considered 100 percent efficient at the point of use, and the maximum feasible efficiency improvement for unvented heaters is therefore 0 percent. Unvented heaters were mistakenly excluded from the calculation of the target for home heating equipment (not including furnaces) in the proposal. Recalculation of the target to include unvented heaters has resulted in a reduction of the target from 15 percent to 11 percent. Table 2 summarizes the final efficiency improvement target and the associated energy factors for home heating equipment (not including furnaces).

TABLE 2.—*Home Heating Equipment (Not Including Furnaces) Energy Efficiency Improvement Target*

	1972 energy consumption $\times 10^{12}$ Btu	Energy savings (percent)	Energy efficiency improvement target (percent)	1972 energy factor (percent)	1980 energy factor (percent)
Home heating equipment (aggregate)	38.67	10	11		
Vented home heating equipment (aggregate).	30.63	13	15		
Gas heater	22.40	14	16	53	61.3
Oil heater	8.23	11	12	41	45.8
Unvented home heating equipment	8.04	0	0	100	100

1. *Electric ignition and reduced pilot.* One comment stated that only a small number of gas-fueled vented heaters would ever be sold with electric ignition because most heaters in this category are not amenable to connection with an electrical supply. The proposal anticipated that half of the forced air gas-fueled vented heaters, or 11 percent of all gas vented heaters, could be equipped with electric ignition.

Based on data submitted by the commenter, DOE has reduced the number of gas-fueled vented heaters to be equipped with electric ignition from 11 percent to 9 percent. This represents a decrease in the estimate of the population of forced air gas-fueled vented heaters from 22 percent to 18 percent of all gas-fueled vented heaters.

This commenter also stated that the retail price increase of $45 for electric ignition cited in the proposal was too low. A $100 to $125 price increase was suggested, but no substantiation of this estimate was provided. After careful review of the retail price increase estimate and after consideration of the fact that furnaces are currently being sold with a similar electric ignition for a premium of $60, DOE has revised its retail price estimate upward to $60. A price increase of $60, which translates to a production-weighted price increase of $5.40, has been determined by DOE to be economically feasible. The payback period to the consumer for purchasing a unit with electric ignition is estimated to be 6½ years.

As an alternative to electric ignition, manufacturers might also reduce pilot input in order to eliminate some of the energy waste associated with the continuously burning pilot. Preliminary data submitted by NBS have shown energy savings from reduced pilot input to be about 5 percent for all gas-fueled vented heaters, compared to 1 percent for electric ignition in those products which are amenable to electric ignition. Data regarding this option are presently insufficient, however, to determine its feasibility for purposes of the target program.

2. *Improved heat transfer.* One commenter stated that the improved heat transfer design option is not feasible for gravity gas-fueled wall heaters. The reason given for this view was that forced convection, implicit in this design option, is not economically feasible in light of the cost of fitting such units for connection with an electrical supply. DOE agrees with this point and has also determined that improving heat transfer by derating the burner and rebaffling the heat exchanger also does not appear to be feasible since gravity circulation must be maintained in these units. Therefore, DOE has eliminated gravity gas-fueled wall heaters from the production-weighted energy saving for this design option. As a result, the production-weighted energy savings for improved heat transfer in all gas-fueled vented heaters has been reduced from the proposed 7.6 percent to 4.9 percent.

3. *Stack damper.* In the proposal DOE estimated that 18 percent of gas-fueled vented heaters and 15 percent of oil-fueled vented heaters would incorporate electric stack dampers in 1980 production. Comments objected to the inclusion of the stack damper design option in the target because they doubted the economic feasibility of equipping relatively inexpensive home heating equipment with costly electric stack dampers.

The final target is based on the application of less expensive thermal stack dampers for gas-fueled vented heaters. These thermal dampers, with their relatively low cost and independence from electrical supply requirements, are considered by DOE to be applicable to all gas-fueled vented heaters except those with direct vent systems. At the time of the proposal there was doubt as to the feasibility of incorporating thermal dampers in 1980 production because little work had been done on a national safety standard for thermal dampers. Since the time of the proposed rulemaking substantial progress has been made on a national standard for thermal dampers and DOE anticipates that this design option can be implemented in the 1980 production.

Because thermal dampers are typically loose fitting, compared to electric dampers, DOE's technical analysis has led to a reduction in the estimated energy savings attributed to a stack damper from the proposed 13 percent for the tighter fitting electric damper to the final 9 percent for the thermal damper. However, the final production-weighted energy savings is now 7.7 percent for gas-fueled vented heaters, rather than the proposed 3.5 percent, because it is technologically and economically feasible to apply the thermal damper to all gas-fueled vented heaters except those with direct vent systems.

NBS believes the applicability of thermal dampers to oil-fueled heaters is questionable since carbon deposits may render the damper inoperable. Therefore, the electric stack damper option remains as proposed for oil-fueled vented heaters.

4. *Baseline data.* One commenter stated that the annual usage estimates relied upon by DOE were "merely guesstimates" and that more data should be accumulated in order to refine these estimates. However, the annual usage data submitted by this same commenter is in close agreement with the NBS estimates relied upon by DOE. For this reason, DOE continues to accept the NBS figures.

5. *Low-income groups.* One commenter stated that low-income groups would not be able to purchase the more efficient but more expensive home heating appliances contemplated by the proposed target.

DOE accounted for the possible negative impact on low-income purchasers in the proposed target for home heating equipment by production-weighting the individual design options included in 1980 shipments, and believes that the production-weighting insures that low-income purchasers, who account for 42 percent of the market, will have available for purchase more efficient home heating equipment at minimal increases in price. In researching the issue of low-income consumers DOE assumed that low-income persons purchasing appliances were homeowners rather than renters, and DOE therefore used the 1976 annual housing survey, published by the Bureau of Census and the Department of Housing and Urban Development, to determine the portion of the home heating equipment market that falls into the low-income category. The 1976 Bureau of Census definition for the annual poverty level income of a family of four is $5,815. In determining low-income homeowners DOE included families who earned up to $7,000. This has been done to account for those homeowners who earn more than the poverty level income, but might still encounter financial difficulties when faced with a substantial increase in the price of an essential appliance.

6. *1980 shipment estimates.* One commenter questioned the accuracy of DOE's estimates of 1980 shipments of gas-fueled vented home heating equipment. After review of past industry shipments, both before and after 1972, DOE believes that the base year of 1972 was an unusually strong year for the home heating industry. The historical trend indicates that replacement demand in 1980 will be closer to 500,000 units, rather than the 700,000 units previously forecast by DOE. The lower shipment forecast of 500,000 units in 1980 does not affect the economic feasibility of the target for gas-fueled vented home heaters because the attendant costs and benefits were reduced commensurately as a result of this revision. The revised forecast also has a minimal effect on the negative impacts described in stage IV of the economic analysis section of the proposed target notice (42 FR 35657, July 15, 1977).

C. KITCHEN RANGES AND OVENS

DOE has determined that an efficiency improvement target of 40 percent for kitchen ranges and ovens is the maximum improvement which is technologically and economically feasible. Analysis of the comments received indicates that in the proposal DOE overestimated the energy savings of several of the design options. As a result of this analysis, the estimated aggregate energy savings has been adjusted from 39 percent to 29 percent, and the efficiency improvement target has been adjusted from the proposed 64 percent to 40 percent. Table 3 summarizes the final efficiency target and associated energy factors.

1. *Baseline data for 1972.* Several comments questioned the accuracy of the 1972 energy consumption baseline data used in arriving at the proposed target. The initial NBS target recommendations used the best available data and estimates for the 1972 base period. In February 1978, the Association of Home Appliance Manufacturers (AHAM) furnished DOE with revised 1972 base year energy consumption and efficiency data for conventional electric ovens, cooking tops, and ranges. These new data generally confirmed the estimates in the proposal. Since these data reflect the final DOE test procedure calculations, however, this new material has been used to adjust the 1972 base year energy consumption.

TABLE 3.—*Kitchen Ranges and Ovens Energy Efficiency Improvement Target*

	1972 energy consumption $\times 10^{12}$ Btu	Energy savings (percent)	Energy efficiency improvement target (percent)	1972 energy factor (percent)	1980 energy factor (percent)
Kitchens ranges and ovens	32.24	29	40		
Electric ranges/ovens	8.43	3	3		
Ranges	7.37	3	3	43.57	44.69
Cooking tops	.54	0	0	74.84	74.84
Ovens	.52	4	4	12.99	13.53
Gas ranges/ovens	23.71	38	62		
Ranges	22.01	38	62	12.43	20.12
Cooking tops	.83	42	72	21.40	36.80
Ovens	.87	35	53	3.58	5.48
Microwave ovens	.10	5	5	38.00	39.90

For gas-fueled conventional ovens, cooking tops, and ranges, the 1972 base year energy consumption and cooking efficiency data have been revised based on NBS's analysis of American Gas Association Research Report No. 1510 and additional data furnished in January 1978 by the Gas Appliance Manufacturer's Association. No change in the final target for kitchen ranges and ovens was required as a result of the baseline revisions.

2. *Energy factor.* The method of calculating the energy factor for kitchen ranges and ovens was modified in the final test procedures for kitchen ranges and ovens, 10 CFR 430.22(i)(4) (43 FR 20108, May 10, 1978). Although the target prescribed today is not affected by this modification, both the 1972 and 1980 energy factors listed in table 3 have been adjusted to reflect the changes in the final test procedures. The modifications to the energy factor, as noted above, are discussed in detail in the technical background paper for kitchen ranges and ovens available in the DOE Freedom of Information Office.

3. *Elimination of standing pilots.* One manufacturer suggested that the elimination of standing pilot lights from gas ranges would save 33 to 40 percent of the total energy consumed by these appliances, rather than the 47-percent savings estimated by DOE. Based upon its own measurements of the pilot energy consumption of typical gas ranges, and evaluation of data from the American Gas Association laboratories and other sources, NBS has determined that the previous estimate was too high, but that a 40-percent energy savings is attainable. DOE accepts this determination.

Several comments requested that the target be adjusted to permit pilot lights for those products which are fueled by propane. These comments suggested that electric ignition devices are unsafe for such products because propane, being heavier than air, will tend to collect in low places, with a risk of explosion. It was also suggested that the use of matches to light burners on those occasions in which the electric ignition is not operational, presents a safety problem.

The American Gas Association tests gas-fueled kitchen ranges and ovens, including those having electrical ignition systems, and certifies that such products comply with national safety standards as specified in the American National Standard (ANS-Z21.1-1974 and its amendment ANS-Z21.1a-1974, section 2.7). This standard makes no distinction between the safety requirements of ignition systems designed for use with propane and those designed for use with natural gas. Kitchen ranges and ovens are currently manufactured which are convertible between natural gas and propane and which also have electric ignition devices.

Several comments called attention to the possibility that elimination of the standing pilot in those ovens and ranges purchased by low-income consumers would be unduly burdensome. It was claimed that lower income groups tend to purchase lower priced ranges which require no electrical power for operation. In some cases, low-income households either have no electrical service or are located in remote areas with undependable electrical service. It was also noted that the use of electric ignition could require additional wiring in some homes to provide an electrical outlet for the range at a cost of about $150.

After review of the comments and analysis of existing market data, DOE has determined that the design option for electric ignition in natural gas and LP-gas ranges which require no electrical power for operation is not economically feasible for low-income consumers. Based on DOE estimates of the number of low-Income households, households without properly located electrical outlets, and the number of households with poor or no electrical service, DOE has found it necessary to reduce the production-weighting of the design option for the elimination of standing pilot on gas ranges and ovens by 10 percent, from 100 percent to 90 percent. This in turn, reduces the production-weighted energy saving from 40 percent to 36 percent for this design option.

4. *Reduction of excess flue gas losses.* Several comments addressed the design option to reduce excess flue gas losses. In the proposal DOE estimated that 100 percent of 1980 shipments could incorporate this design option. One manufacturer commented that it could not achieve the projected energy savings because excess flue gas losses had already been reduced on its products prior to 1972. DOE now finds that excess flue losses had already been sufficiently reduced for 16 percent of all gas ranges manufactured in 1972. As a consequence, the 1972 production-weighting for this design option has been increased from 0 to 16 percent, and thus, the production-weighted energy savings is correspondingly lower.

Comments from manufacturers also stated that this design option, which DOE estimated would result in an energy savings of 4 percent, is technologically infeasible for ovens smaller than standard size ovens and for ovens which incorporate a broiler in the main oven cavity (referred to as "dual cavity-type ovens" in the hearing comments). Manufacturers further claimed that the inclusion of "dual cavity-type ovens" as part of this target could cause their elimination from the marketplace. DOE reiterates that the efficiency improvement target for kitchen ranges and ovens is applicable not to particular units but to the aggregate energy efficiency of all units, and no adjustment to the target has been made as a result of this comment. It should be noted, however, that even if the design option had been determined to be technologically infeasible for the products in question, no change would result in the final target for kitchen ranges and ovens because these products occupy such a small percentage of the market.

In the proposal the energy savings for reducing excess flue gas losses was based on the carbon dioxide (CO_2) levels measured in the flue gases during maintenance of oven temperature. During the review and analysis process, NBS discovered this method of measurement to be in error. NBS has reexamined the conditions under which the CO_2 should be measured, and has determined that the average CO_2 content should be measured during heatup, when the burner is on continuously, rather than during temperature maintenance, when the burner is on only intermittently. This change in the method of measurement has reduced the energy savings for reduction of excess flue gas losses for gas ranges from 4 percent to 2 percent.

One commenter, the Gas Appliance Manufacturers Association, questioned DOE's initial estimate of the investment requirements needed to implement this same design option, suggesting that the true figure would be

$200,000 per manufacturer rather than zero, as suggested by DOE. DOE accepts the GAMA estimate of capital investment, which translates to a retail price increase of $3 per unit. This level of investment remains economically feasible in light of the investment capability of the industry, and the negligible demand impact of a $3 price increase.

5. *Improved insulation.* One consumer questioned the availability of additional insulation material in 1980. DOE has investigated this matter and has concluded that in 1980 the fiberglass industry will be able to meet all foreseeable needs of appliance manufacturers.

In the proposal, DOE estimated that insulation could be improved in 100 percent of the non-self-cleaning ovens by increasing either the quantity or the quality of insulation material. Comments indicated, and DOE now agrees, that replacement of fiberglass insulation with higher quality insulation would not be technologically feasible by 1980.

Several comments further stated that in certain instances manufacturers would be unable, without retooling, to increase the quantity of insulation in their products. NBS has reviewed these comments, as well as additional available information, and concludes that 30 percent of the non-self-cleaning ovens are amenable to greater insulation without retooling.

Comments further indicated that in certain instances where retooling was necessary, the capital investment would be economically prohibitive. According to NBS estimates, 70 percent of non-self-cleaning ovens would require retooling in order to improve insulation substantially. After reviewing the industry structure, DOE has determined that it would be economically feasible for manufacturers having 10 percent or more of the market share to retool in order to increase insulation. Firms of this size account for approximately 70 percent of the market for kitchen ranges and ovens. This 70-percent market share for large manufacturers, multiplied by the 70 percent of non-self-cleaning ovens for which retooling would be necessary in the first place, yields approximately 49 percent of non-self-cleaning ovens which could feasibly be improved if retooling were undertaken. Added to the 30 percent of non-self-cleaning ovens which can be improved without retooling, this design option is economically feasible for approximately 79 percent of the non-self-cleaning ovens manufactured in 1980, compared to the 100 percent previously proposed by DOE. The production-weighted energy savings for this design option is proportionately reduced from 6 percent to 5 percent.

6. *Adjustment of energy savings due to safety regulations.* In the proposed targets the estimated percentage of energy savings for electric kitchen ranges and ovens included a 1-percent adjustment because of design changes made by manufacturers since 1972 to meet various new safety requirements. One commenter requested that a similar adjustment be made for gas kitchen ranges and ovens. No information was provided relating to the impact of new safety requirements upon the efficiency of gas ranges and ovens since 1972, and information available to DOE indicates that the impact of new safety requirements for gas ranges and ovens is negligible in terms of the final target.

7. *Ranges and ovens in mobile homes and recreational vehicles.* One comment requested that recreational vehicle ranges and ovens be excluded from the target program, because they are not used in residences, and are subject to entirely different consumer usage patterns. The comment also requested that ranges in mobile homes be excluded because such units are subject to regulations promulgated by the Department of Housing and Urban Development (HUD).

Ranges and ovens used in recreational behicles and in mobile homes fall within the definition of "Kitchen Ranges and Ovens" in 10 CFR 430.2 (43 FR 20108, May 10, 1978) and are therefore included in the target program. Further, DOE, in prescribing an energy efficiency improvement target, does not consider it relevant that the products are regulated for purposes other than energy efficiency by another Federal agency.

D. CLOTHES WASHERS

DOE has determined that an efficiency improvement target of 35 percent for clothes washers is the maximum improvement which is technologically and economically feasible. Analysis of the comments resulted in lowering the estimate of the energy savings for one design option related to reducing the water temperature of the wash cycle. Consequently, total energy savings have been reduced from 32 percent to 26 percent, and the efficiency improvement target has been reduced from 47 percent to 35 percent. Table 4 summarizes the final energy efficiency improvement target and associated energy factors.

TABLE 4.—Clothes Washer Energy Efficiency Improvement Target

Energy efficiency improvement target (percent)	35
1972 energy factor (cubic feet/kilowatt-hour)	0.65
1980 energy factor (cubic feet/kilowatt-hour)	0.88

1. *Resubmission of baseline data.* A comment by the Association of Home Appliance Manufacturers (AHAM) stated the need to recalculate the 1972 base year energy consumption, because DOE's final test procedures for clothes washers are different from the test procedures used to establish the 1972 base year data cited by DOE. AHAM offered to supply new data to reestablish the base year energy consumption according to the final test procedures for clothes washers. The clothes washer target is based on this new data. Changes between the proposed and final test procedures also required reestablishing the 1972 base year energy factor in terms of cubic feet per kilowatt-hour, but this energy factor revision did not affect the energy efficiency improvement target.

Another industry comment suggested that the baseline energy consumption data should reflect a 100-percent efficiency for water heating. This has been the method used by DOE to calculate the baseline consumption. Details of the baseline calculation are provided in the technical background paper for clothes washers available in the DOE Freedom of Information Office.

2. *Eliminate warm rinse.* One comment stated that more motor torque would be required to agitate clothes in cold water, suggesting the need for the development of higher torque motors at increased costs, but no supporting evidence was provided to support this claim. Testing by NBS has revealed no evidence of any measurable variation of motor torque as the temperature of the rinse water is changed from warm to cold. Therefore, no revision to the energy efficiency improvement target has been made as a result of this comment.

One comment stated that some customers who are accustomed to warm water rinsing may not accept clothes washers without this feature. However, most of the comments agreed that DOE's estimate of the energy savings resulting from elimination of the warm rinse option is reasonable and achievable. There were no major concerns over any significant reduction in performance as a result of using all cold water rinses, and laboratory test data confirms that there are no significant performance differences between warm and cold rinses. Further, DOE believes that government and industry consumer education efforts will mitigate any potential negative consumer reaction to this design option.

3. *Reduce warm water wash temperature setting.* One energy saving option proposed by DOE for clothes washers was a 40/60 water mixing valve which would provide warm water by combining 40 percent hot water with 60 percent cold water. Industry

representatives expressed concern that the reduced wash/water temperature would produce unsatisfactory washability performance and would reduce bacterial elimination, which is important in winter months in regions with colder climates. In addition, comments suggested that consumers might utilize a hot water wash cycle more often, because the new warm mix might appear cool to the touch.

Subsequent analysis by DOE indicated that due to the variability of cold water inlet temperatures, the 40/60 valve could produce unacceptable performance in the colder regions of the country. Therefore, DOE recommends a warm water mixture of 50 percent hot water and 50 percent cold water. DOE believes that this will provide acceptable year-round performance, and that consumer usage patterns will not be altered significantly as a result of this design option. Currently available information indicates that the inclusion of a 50/50 valve will not significantly affect a washer's ability to remove bacteria.

The energy savings attributed to this design option has been recalculated to reflect a hot/cold water mix ratio of 50 percent hot and 50 percent cold. The revised production-weighted energy savings has been reduced from 8.0 percent in the proposal to 2.3 percent for this design option. The energy savings reduction in this case is very large because many of the products produced in 1972 incorporated a 50/50 valve and there will be no savings attributable to this design option for these products in 1980.

E. FURNACES

DOE has determined that an efficiency improvement target of 20 percent for furnaces is the maximum improvement which is technologically and economically feasible. Analysis of the comments received showed that practical limitations of the implementation of the design option calling for improved heat transfer of cast iron boilers reduced the aggregate energy savings for gas and oil boilers from 5 to 1.0 percent. Further, the aggregate energy savings for the improved heat transfer and electric ignition design options was reduced by 15 percent from 9.3 to 7.9 percent to account for potential negative impacts on low-income consumers resulting from retail price increases. Consequently, the efficiency improvement target for furnaces has been reduced from the proposed 23 percent to 20 percent. Table 5 summarizes the final efficiency improvement target and the associated annual fuel utilization efficiencies.

TABLE 5.—*Furnace and Boiler Efficiency Improvement Target*

	1975 energy consumption $\times 10^{12}$ Btu	Energy savings (percent)	Energy efficiency improvement target (percent)	1975 annual fuel utilization efficiency (percent)	1980 annual fuel utilization efficiency (percent)
Furnaces and boilers	147.3	17	20		
Gas boilers and furnaces	122.7	18.0	22	61.5	75.0
Oil boilers and furnaces	24.6	9	10	74	81.4

1. *Improved heat transfer.* Some comments questioned the feasibility of improving the heat transfer characteristics of furnaces and boilers by 1980. These comments stated that such improvements might require the relocation of fan and safety controls, as well as a complete redesign of the heat exchanger. DOE agrees that a major redesign of the heat exchanger section would not be feasible by 1980. However, in the proposal DOE intended that improvement in the heat transfer of furnaces be achieved in 1980 without such redesign, by derating the burner input and baffling airflow through the heat exchanger section. DOE believes that this design option remains both technologically and economically feasible for all furnaces and boilers, except as noted in paragraph 6 below.

2. *Power burner.* In the proposal DOE estimated that 40 percent of gas furnaces could incorporate power burners in 1980 production and that the remaining production could incorporate stack dampers. Both of these design options are effective for minimizing off-cycle losses. Several commenters stated that inclusion of the power burner design option in 1980 products was not feasible. One commenter believed that power burners could be incorporated in some furnace designs by 1980 but that large-scale implementation of power burners was not practicable.

After review of the comments and further analysis of the issue, DOE has modified the production-weighting for power burners and stack dampers and now estimates that 20 percent of gas-fired furnaces could have power 80 percent could incorporate stack burners by 1980 while the remaining dampers. It should be emphasized that the exact mix of these two design options is not important because different mixes of these two design options in 1980 production will also result in achievement of the target.

3. *Stack damper.* Some comments indicated that the estimated energy savings for stack dampers contained in the proposed target was not consistent with values obtained by using the DOE furnace test procedures. DOE has evaluated industry test data developed in accordance with the DOE test procedures for furnaces and boilers, however, and has found close agreement between the industry data and the values of energy savings cited by DOE in the proposed energy efficiency improvement target.

The proposed target was based on incorporation of the electrical-type stack damper in 1980 production. Additional studies conducted by NBS conclude that thermal and mechanical stack dampers will also be available as design options for furnaces manufactured in 1980. Therefore, DOE has included in the final efficiency target a production-weighted mix of 60 percent electrical or mechanical stack dampers and 20 percent thermal stack dampers. This modification does not affect the final target for gas furnaces.

Another comment stated that the energy savings for a stack damper would vary depending on furnace location inside or outside the structure being heated. The basic premise for determining the energy savings of stack dampers for indoor furnaces is that both the heat trapped in the furnace heat exchanger, and the reduced air infiltration through the furnace/chimney system, contribute to reducing the heat load on the furnace system. If a furnace is an outdoor unit or one intended for installation in an unheated area, 'such as an attic or crawlspace, there is no incentive for manufacturers to install stack dampers because the DOE furnace test procedure does not credit energy savings for a stack damper installed on such a furnace. Therefore, the final target reflects application of stack dampers on indoor furnaces only.

4. *Electric ignition.* One commenter stated that the energy savings of electric ignition devices, as calculated by the proposed DOE furnace test procedures, did not agree with the estimates of such energy savings in the proposed target. Calculations of energy savings for electric ignition using the final DOE furnace test procedures published on May 10, 1978 (43 FR 20147) yield energy savings of about 6 percent, which is also the basis for the energy savings for electric ignition in today's final efficiency target.

5. *Base year data.* Some comments criticized the fact that the 1975 baseline annual fuel utilization efficiencies for furnaces and boilers published in the proposed energy efficiency improvement target for furnaces were only estimates, and were not based on test data. Since the publication of the proposed target, new base year data have been obtained which are based on test data using final DOE test procedures for furnaces and boilers. These data were used to revise the baseline annual fuel utilization efficiencies of furnaces and boilers. The 1975 base year figures are given in Table 5—Furnace Energy Efficiency Improvement Target. These values have been used to derive the target for 1980 annual fuel utilization efficiencies.

6. *Investment.* In the proposal DOE estimated that the investment necessary to meet the target was between $120,000 and $137,000 per manufacturer. Several comments indicated that the magnitude of the investment was much larger and would be economically prohibitive. Of major concern to manufacturers were DOE's investment estimates for improved heat transfer and power burners.

After review of the comments and analysis of additional information DOE now estimates that total investment is $157,000 for each furnace and steel boiler manufacturer and $72,000 for each cast iron boiler manufacturer. The major portion of total investment consists of the two design options mentioned above: Improved heat transfer and power burners. As noted in paragraph 1 above, DOE has made no change regarding the energy savings to be derived from improving heat transfer for furnaces and steel boilers, and the investment associated with this design option remains at $85,000 per firm. For cast iron boilers, improving heat transfer would have required an investment of between $1 million and $1.6 million per manufacturer. This level of investment has been determined to be economically infeasible for cast iron boiler manufacturers, and the production-weighting of the heat transfer design option has been lowered to reflect this determination. This change in production-weighting reduces the energy savings of the design option for gas and oil boilers from 5 to 1 percent, and contributes to the reduction in the final efficiency improvement target summarized in table 5.

In the proposal, the design option for power burners was assumed to require no new investment. After reevaluating this question, DOE now estimates that new investment of approximately $20,000 per manufacturer is likely to be necessary.

Although total investment for all design options supporting the furnace target has been revised to $157,000 per firm ($72,000 for cast iron boiler manufacturers), direct investment undertaken by furnace manufacturers could be as low as $105,000 ($20,000 for cast iron boiler manufacturers), because in many cases a portion of the investment would be incurred by manufacturers' suppliers. This level of investment for furnace manufacturers remains economically feasible.

7. *Retail price.* One comment indicated that the target for furnaces would increase prices to a level that would be burdensome for low- to moderate-income consumers. In reviewing the possible retail price increase that would result from the implementation of the design options, DOE has found that considerable burden could be placed on low-income groups. The average price increase for lower priced gas and oil furnaces could exceed 69 percent and 56 percent, respectively. DOE has found it necessary to reduce by 15 percent the production weights for the improved heat transfer design option for gas and oil furnaces, and the electric ignition design option for gas furnaces, in order to minimize the potential negative impacts on low-income consumers. The change in production weights reduces the aggregate energy savings for these two design options from 9.3 to 7.9 percent and contributes to the reduction in the final efficiency improvement target summarized in table 5.

8. *Elasticity.* One comment questioned DOE's estimate of possible 1980 demand changes resulting from more costly but more efficient boilers. Based on new information supplied by the boiler industry, DOE has revised downward the previous forecast of a demand increase resulting from achievement of the energy improvement target. The possibility of shifts in demand for boilers is constrained by the predominantly replacement-oriented market for these products, the essential nature of heating equipment, and the limited substitutability of other forms of central heating. DOE now estimates that projected demand for boilers will remain relatively constant, and that this steady demand supports the economic feasibility of the target.

9. *LP-gas furnaces.* One comment recommended that the design option for electric ignition be eliminated from the target for furnaces fueled by LP-gas. Several reasons were given for this recommendation. Some areas are not served by electricity, and in some areas where electric service does exist there are often periods of extended interruption. Under these conditions the inability of the electric ignition to function properly results in health and safety hazards. The pilot acts as a safety factor in LP-gas furnaces because, unlike gas ranges, furnaces cycle on and off by thermostatic control, and failure of the electric ignition might not be readily discoverable. This does not present a problem in natural gas furnaces because natural gas is less likely to collect around the furnace and is less energy intensive.

DOE has modified the production weights for the electric ignition design option to exclude LP-gas furnaces. Due to the very small market for these products, however, there is no resulting change in the overall energy savings for the electric ignition design option or the target for furnaces.

This rulemaking complies with DOE's interim prodecures for implementing Executive Order 12044, entitled "Improving Government Regulations."

An economic impact statement including the five targets prescribed today was prepared and is available in the DOE Freedom of Information Office.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, part 430 of chapter II of title 10, Code of Federal Regulations, is amended as set forth below to establish efficiency improvement targets for five appliance types, effective November 13, 1978.

Issued in Washington, D.C., October 5, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

§ 430.32 [Amended]

1. Section 430.32 is amended by adding paragraphs (e), (g), (i), (j), and (n), to read as follows:

* * * * *

(e) The energy efficiency improvement target for water heaters shall be a 23-percent increase in the energy efficiency of the total number of water heaters manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of water heaters manufactured by all manufacturers in calendar year 1972.

* * * * *

(g) The energy efficiency improvement target for home heating equipment (not including furnaces) shall be an 11-percent increase in the energy efficiency of the total number of home heating equipment units (not including furnaces) manufactured by all manufacturers in calendar year 1980 when compared with the energy effi-

ciency of the total number of home heating equipment units (not including furnaces) manufactured by all manufacturers in calendar year 1972.

* * * * *

(i) The energy efficiency improvement target for kitchen ranges and ovens shall be a 40-percent increase in the energy efficiency of the total number of kitchen ranges and ovens manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of kitchen ranges and ovens manufactured by all manufacturers in calendar year 1972.

(j) The energy efficiency improvement target for clothes washers shall be a 35-percent increase in the energy efficiency of the total number of clothes washers manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of clothes washers manufactured by all manufacturers in calendar year 1972.

* * * * *

(n) The energy efficiency improvement target for furnaces shall be a 20-percent increase in the energy efficiency of the total number of furnaces manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of furnaces manufactured by all manufacturers in calendar year 1975.

[FR Doc. 78-28688 Filed 10-11-78; 8:45 am]

federal register

THURSDAY, OCTOBER 12, 1978
PART III



ENVIRONMENTAL PROTECTION AGENCY

■

GRANTS FOR STATE UNDERGROUND WATER SOURCE PROTECTION PROGRAMS

Final Rules

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS

[FRL 966-8]

PART 35—STATE AND LOCAL ASSISTANTS

Grants for State Underground Water Source Protection Programs

AGENCY: Environmental Protection Agency.

ACTION: Rule.

SUMMARY: The Safe Drinking Water Act provides for the regulation of underground injection practices which may endanger underground drinking water sources. Congress intends that primary enforcement be the responsibility of the States. To assist States in carrying out this responsibility, the Act authorizes the Environmental Protection Agency (EPA) to make grants for developing and administering a State program to protect underground drinking water sources.

The Administrator of the EPA is issuing final regulations governing grants to States which will help them to implement a program to protect underground drinking water sources. An underground water source protection program means a program for adopting and enforcing an underground injection control program.

These regulations specify the eligibility requirements for the grants. In addition, the regulations specify the applicable grant procedures; they describe the method of allocating available grant funds; they identify appropriate program elements; and they specify the criteria for evaluation of program objectives and performance.

EFFECTIVE DATE: October 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Thomas Belk, Chief, Ground Water Protection Branch, Office of Drinking Water (WH-550), 401 M Street SW., Washington, D.C. 20460, telephone 202-426-3934.

SUPPLEMENTARY INFORMATION: EPA is authorized to make these grants by sections 1443(b) and 1450 of the Safe Drinking Water Act. A tentative allotment of grant funds among all States will be made on the basis of geographical area, population, and injection practices. Grant funds will be awarded only to those States determined by the Administrator to be eligible under § 35.659. The Administrator shall list States determined to be eligible in the FEDERAL REGISTER. One of the conditions of grant award to an eligible State is that the State shall implement a program which meets the requirements of section 1421 of the Act and 40 CFR part 129.

In accordance with the allotment formula described in § 35.655, the Administrator will make an initial allotment of grant funds to all States. However, actual grant awards will be made only to those States which the Administrator lists as requiring an underground injection control program. Grant funds allotted to eligible States which do not apply for grants or which will not assume primacy may be used in part, or in whole, by the Administrator, subject to the limitations contained in the Appropriations Acts, to implement a program in those States. Grant funds which had been tentatively allotted to States which are not awarded or used by the Administrator shall be reallotted to eligible States. As soon as practicable, but no later than April 1 of each year, the Administrator shall reallot all unobligated funds to eligible States.

To complement State fiscal planning, we are using "forward funding" for this program. Forward funding means using the funds appropriated in the present fiscal year for grant awards beginning the next fiscal year. For example, we will use fiscal year 1978 grant funds to fund fiscal year 1979 programs. Each year we will notify the States of the actual funds available for each State for the next fiscal year. We shall provide this information to them early in their planning cycle so that they can prepare their legislative budgets and programs.

The Administrator shall publish a notice in the FEDERAL REGISTER outlining the deadline date and procedures for States to request to be added to the list of eligible States. Those States which the Administrator adds to the list in fiscal year 1980 will be eligible to receive grants for the fiscal year 1981 program year.

For the fiscal year 1979 grant awards, a letter from the Chief Executive of the State assuring the State's intent to assume primary enforcement responsibility within 2 years from the date of the initial grant award must be submitted to EPA no later than 6 months from the date of the initial grant award. For initial grant applications submitted in subsequent years, this letter from the Chief Executive of the State must be submitted to EPA as part of the grant application. All grant applications must include the State's program plan as defined in § 35.670-4. In determining the adequacy of the public participation program element, the Regional Administrator shall be guided by 40 CFR part 105 until 40 CFR part 25 is promulgated.

In these and other regulations currently under review and revision, EPA is including the concept of a State/EPA agreement. This agreement will provide a way for EPA Regional Administrators and States to coordinate and, to the maximum extent feasible, to integrate programs under the Clean Water Act, the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and, possibly, other laws which EPA administers. Since this subpart governs only that part of the State/EPA agreement relating to underground water source protection grants, other programs included in the State/EPA agreement will be governed by the applicable provisions found elsewhere in this chapter. Beginning in fiscal year 1980, State programs funded under the Act will be part of the State/EPA agreement and the State/EPA agreement must be completed before grant award. EPA will issue guidelines on the development and content of the State/EPA agreement.

These regulations were propposed on August 31, 1976 (41 FR 36726). We received 34 comments on the proposed regulations. We have revised the dates and schedules in the regulations to reflect the delays in promulgating these regulations. In addition, we have modified several other items in response to the comments. The major revision to the proposed regulations relates to § 35.655, "Determination of Allotments."

The majority of commentors addressed the proposed grant allocation formula and offered suggestions for improvement. The commentors wanted to include a "need" factor which would take into account a State's fiscal capability or a State's need for a program based upon the extent of the State's ground water contamination potential. Some commentors recommended that we take into account personal income and a State's revenue effort to determine a State's fiscal capability. Personal income, however, is not a determinant of a State's fiscal capability. Similarly, State revenue is not a determinant of the actual overall tax effort made by a State. We believe that including a State's fiscal capacity would detract from the primary purpose of the program which is to prevent the contamination of underground water supplies.

A few commentors noted that the grant allocation formula in the proposed regulations did not include a factor which addressed a State's need for an underground injection control program based upon the extent of the potential ground water contamination problem in the State. The contamination of a sole source of water supply is acknowledged to pose a far more significant problem than the contamina-

tion of one of several sources. People in States which are relatively less dependent upon ground water supplies are not as affected by contaminated supplies as those in States with a relatively high dependency upon such sources. We believe the hardship inflicted by contaminated water affects each citizen similarly and that the absolute number potentially affected, rather than the percentage, is more relevant as an indicator of the potential need for the program. Therefore, we determined that equity in the formula would not be improved by including factors relating to ground water withdrawals and the State population relying on ground water.

Other commentors raised a concern that we did not include a factor for the volume of fluids injected. The reason for this omission is that data on the volume of fluids injected in each State in proportion to the total volume injected in all States is not available. However, this concern has been taken into consideration because the current weighting system accords greater importance to higher volume injected. The formula for fiscal years 1979 and 1980 provides a weight of 10 percent on area, 10 percent on population, and 80 percent on injection practices. These injection practices are included in the criteria used by EPA to designate States which, in the Administrator's judgment, require an underground injection control program. The injection practices incorporated are the number of industrial and municipal waste disposal wells, brine disposal and recovery wells, number of mining sites, number of gas storage reservoirs, and manufacturing and service establishments. For fiscal year 1981 and subsequent years, the formula may change as information becomes available.

Some commentors indicated that the grant formula was not related to the criteria used to designate States. This new formula relates the grant program to the list of States requiring an underground injection control program under section 1421.

These regulations contain reference to the underground injection control regulations to be reproposed in 40 CFR Part 129 (originally proposed as 40 CFR Part 146 in the FEDERAL REGISTER on August 31, 1976). Because of major issues raised during the comment period, EPA will repropose these regulations. We expect to repropose the program regulations within 2 months and promulgate final regulations within 8 months. We are aware that many States are anxious to receive grant awards for the underground injection control program. EPA is promulgating the grant regulations so that grants can be awarded. There are a number of activities the States will be required to undertake under the program regulations that can be initiated now. States could utilize grant funds for such activities as: Gathering data necessary to begin identifying aquifers to be protected as existing or potential sources of drinking water, initiating inventories of the practices and facilities covered by the program regulations, and initiating an assessment of shallow injection wells in the States. States wishing to make immediate application for grant awards should contact the Regional Office for guidance in developing its program and preparing an application.

Section 1443(b) of the Act states that no grant shall be made to an eligible State for any period beginning 2 years after the award of the State's initial grant, unless the State has assumed and is maintaining primary enforcement responsibility within the State. This 2-year period begins from the State's initial grant award even though the program regulations have not been promulgated.

ECONOMIC ASSESSMENTS.—The economic assessments of the underground injection control program and the grant program regulations will be discussed in the preamble to the underground injection control program regulations.

Dated: October 4, 1978.

DOUGLAS M. COSTLE,
Administrator.

40 CFR part 35 is amended as follows:

1. By adding new §§ 35.650 through 35.680 to read as follows:

STATE UNDERGROUND WATER SOURCE PROTECTION PROGRAM GRANTS

Sec.
35.650 Scope and purpose.
35.653 Definitions.
35.655 Determination of allotments.
35.655-1 Allotments for fiscal years 1979 and 1980.
35.655-2 Allotments for fiscal year 1981 and subsequent fiscal years. [Reserved]
35.656 Determination of reallotments.
35.657 Rate of Federal assistance.
35.659 Eligibility for grant award.
35.659-1 Fiscal years 1979 and 1980.
35.659-2 Fiscal year 1981.
35.659-3 Fiscal year 1982 and subsequent fiscal years. [Reserved]
35.660 Limitation on grant award.
35.661 A-95 clearinghouse review.
35.662 Allowable costs.
35.664 Budget period.
35.666 Reduction of grant amount.
35.670 Annual State program grant plan.
35.670-1 General.
35.670-2 State program grant preparation.
35.670-3 State program grant submission.
35.670-4 Major program elements and outputs.
35.670-5 Regional Administrator's action on grant application.
35.675 Assignment of personnel.
35.680 Program evaluation and reports.
35.680-1 Program evaluation.
35.680-2 Reports.

AUTHORITY: Secs. 1443, 1450 of Pub. L. 93-523, as amended by Pub. L. 95-190, 88 Stat. 1660 (42 U.S.C. 300j-2, 300j-9).

STATE UNDERGROUND WATER SOURCE PROTECTION PROGRAM GRANTS

§ 35.650 Scope and purpose.

Sections 35.650 through 35.680 of this subpart establish regulations and procedures for providing program grant funds to eligible States for the development and administration of underground water source protection programs as authorized by section 1443(b) of the Safe Drinking Water Act as amended. This subpart supplements EPA general grant regulations and procedures set forth in part 30 of this chapter.

§ 35.653 Definitions.

Other terms used herein shall have the same meaning as prescribed in the definition of terms contained in part 129 of this chapter. As used in this subpart, except as otherwise specifically provided:

(a) "Act" means the Public Health Service Act as amended by the Safe Drinking Water Act as amended (42 U.S.C. 300f et seq.).

(b) "Allotment" means the sum reserved for each State from funds appropriated by Congress. An allotment is not an absolute entitlement of funds for any State; rather, it represents the amount for which an eligible State may apply.

(c) "State" means one of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Northern Marianas.

(d) "Eligible State" means: (1) A State listed by the Administrator under section 1422(a) as requiring an underground injection control program or (2) a State that (i) requests to be included on the list within the time specified by the Administrator, (ii) declares its intent to implement a program in accordance with section 1421 of the Act, and (iii) is subsequently listed by the Administrator as requiring an underground injection control program.

(e) "Underground water source protection program" means a program for: (1) Adopting and enforcing a program which meets the requirements of section 1421 of the Act and regulations in part 129 of this chapter and (2) keeping records and making reports required by section 1422(b)(A)(ii) of the Act.

§ 35.655 Determination of allotments.

§ 35.655-1 Allotments for fiscal years 1979 and 1980.

(a) An allotment of funds among the States for fiscal years 1979 and 1980 shall be made on the basis of the following factors and weights:

(1) The population of each State in proportion to the total population of all States (weight factor: 10 percent). Population statistics are drawn from table 10 of the Statistical Abstract of the United States, 1977.

(2) The geographical area of each State in proportion to the total geographical area of all States (weight factor: 10 percent). Geographical area statistics are drawn from table 327 of the Statistical Abstract of the United States, 1977.

(3) The number of injection practices in the State in proportion to the total number of injection practices in all States (weight factor: 80 percent). Injection practices included are: Industrial and municipal waste disposal wells, brine disposal and injection for recovery, mining sites, gas storage reservoirs, and manufacturing and service establishments. Statistics on these practices may be obtained from:

(i) National Environmental Reserch Center Report, "Review and Assessment of Deep Well Injection of Hazardous Waste," 1975.

(ii) Interstate Oil Compact Commission, "Water Problems Associated With Oil Production in the United States," Oklahoma City, Okla.

(iii) U.S. Department of the Interior, Bureau of Mines, "Mineral Industry Services, Director of Company Producing Salts in U.S.," 1976.

(iv) American Gas Association 25th Annual Report, "the Underground Storage of Gas in the United States and Canada," December 31, 1975.

(v) U.S. Department of Commerce, Bureau of Census, "Statistical Abstract of the United States," 1977.

(vi) EPA staff documents, "Development of the Methodology for Listing States" (with supporting data).

(b) The allotted amounts will be rounded to the nearest $100.

§ 35.655-2 Allotments for fiscal year 1981 and subsequent fiscal years. [Reserved]

§ 35.656 Determination of reallotments.

(a) Funds allotted to eligible States shall not be available for reallotment unless so determined by the Administrator. Subject to the limitations contained in the Appropriations Act, allotments and any subsequent reallotments for any eligible State which has not applied for or which indicates it will not assume primary enforcement responsibility for the underground injection conrol program may be used in part, or in whole, by the Administrator to implement underground injection control programs in those States.

(b) As soon as possible after determination of State eligibility under § 35.659, but in no event later than April 1, the Administrator will reallot remaining unobligated funds to eligible States except as provided in § 35.656(a). The reallotment will include sums allotted to States which do not meet the eligibility criteria in § 35.659 and other funds made available by reduction of grant amounts under § 35.666. The funds will be reallotted on the basis of the factors and weights set forth in § 35.655-1(a).

(c) From the funds reallotted, the Administrator will issue advices of allowance to the Regional Administrators for reallotments to eligible States.

(d) Any funds remaining unobligated at the end of a fiscal year will be included in the reallotments for the next fiscal year.

§ 35.657 Rate of Federal assistance.

(a) The rate of Federal assistance furnished to a grantee shall not exceed 75 percent of the allowable costs of the EPA approved State's underground water source protection program as described in § 35.670, annual State program grant plan.

(b) The actual amount of each eligible State's grant shall be determined of the grant award by the Regional Administrator, but the actual amount received in any fiscal year shall not exceed the total of the State's allotment and any reallotments.

§ 35.659 Eligibility for grant award.

§ 35.659-1 Fiscal years 1979 and 1980.

For fiscal years 1979 and 1980, only States which are listed by the Administrator as requiring underground injection control programs within a specified time will be eligible for grants.

§ 35.659-2 Fiscal year 1981.

For fiscal year 1981, only those States that are listed by the Administrator during fiscal year 1980 will be eligible for grants.

§ 35.659-3 Fiscal year 1982 and subsequent fiscal years. [Reserved]

§ 35.660 Limitation on grant award.

(a) Notwithstanding any other provision of this part, the Regional Administrator may not approve an application of an eligible State for its initial grant to carry out an underground water source protection program unless the Regional Administrator determines that the eligible State: (1) Has established, or will establish, within 2 years from the date of the grant award, an underground water source protection program as defined in section 1421 of the Act, and (2) will assume within that 2-year period and maintain primary enforcement responsibility for underground water source protection within the State in accordance with part 129 of this chapter.

(b) Notwithstanding any other provision of this chapter, no grant shall be made to an eligible State for any period beginning 2 years after the award of the eligible State's initial grant, unless the eligible State has assumed and is maintaining primary enforcement responsibility within the State in accordance with part 129 of this chapter.

(c) No grant will be awarded if the Regional Administrator determines that Federal grant funds will supplant rather than supplement non-Federal funding committed to underground water source protection efforts by the eligible State.

(d) Beginning in fiscal year 1980, State programs funded under the Act will be part of the State/EPA agreement and the State/EPA agreement must be completed before grant award.

§ 35.661 A-95 clearinghouse review.

All States applying for program grants shall comply with all applicable requirements of the Office of Management and Budget (OMB) Circular A-95 in accordance with § 30.305 of this chapter.

§ 35.662 Allowable costs.

Allowable costs shall be determined in accordance with § 30.705 of this chapter by showing that the costs are reasonable and proper for carrying out an approved grant program. No funds shall be used (a) to routinely study and monitor aquifers, (b) to assist States in undertaking broad geological studies, (c) to conduct geological studies in support of sole source aquifer petitions, or (d) to support State data management activities other than those required under § 35.670-2(h).

§ 35.664 Budget period.

The budget period for the grant shall be the Federal fiscal year, except that the budget period for the fiscal year 1979 grant may be for a period less than the Federal fiscal year.

§ 35.666 Reduction of grant amount.

(a) If the Regional Administrator's annual performance evaluation reveals that the grantee will fail, or has failed, to achieve the expected outputs or to perform the activities described in the grantee's approved program, the grant amount may be reduced by the approved estimated program cost to produce such outputs under § 35.670. These funds will be available for allotment or reallotment in accordance with §§ 35.655 and 35.656.

(b) A State shall be notified prior to any reduction in the amount of Federal support. This notification shall include the reasons for reduction and, if appropriate, what steps the State must take to regain funding.

§ 35.670 Annual State program grant plan.

§ 35.670-1 General.

(a) Any State applying for a grant shall prepare and submit to the Regional Administrator for approval a program plan pursuant to § 35.670. The program plan shall address the requirements of these regulations and the narrative requirements of part IV of the grant application.

(b) The application for an initial grant shall include a letter from the Chief Executive of the State stating that the State (1) has established or intends to establish an underground water source protection program within 2 years from the award of the initial grant, and (2) has or intends to assume within such 2-year period primary enforcement responsibility in accordance with the requirements of part 129 of this chapter. For fiscal year 1979, the letter may be submitted within 6 months of the initial grant award. For subsequent fiscal years, the letter shall be included with the initial application.

(c) The Chief Executive shall designate a State agency to administer the grant and coordinate the State program with EPA. However, an eligible State may allocate funds among State agencies as it deems appropriate, as long as such allocations are generally proportional to their respective share of the approved plan for conducting the State underground water source protection program.

§ 35.670-2 State program grant preparation.

Each State applying for a grant shall prepare, in consultation with the Regional Administrator, an annual program plan as follows:

(a) The State plan shall identify and describe the underground injection control problem in the State.

(b) The State plan shall relate the utilization of available resources—both Federal and non-Federal—to the achievement of expected outputs and shall include:

(1) A summary of the current year's work program and resources.

(2) A description by program element (see § 35.670-4) of the State's proposed work program for the coming year, including:

(i) A description within each program element of the work to be performed and outputs to be achieved (with identification of estimated related costs and work years to be expended) and the relationship to the State plan;

(ii) An identification of all funds, both Federal and non-Federal, which the State anticipates receiving during the fiscal year for the work program; and

(iii) The proposed distribution of funds and output achievement responsibilities among State and sub-State entities.

(c) A plan must be included for the detailed identification and designation of aquifers or their portions as underground sources of drinking water.

(d) The initial State submission for the first grant must include a brief description of the State's existing program with associated resources.

(e) The program plan shall describe how the planned accomplishments address the underground injection problem in the State and are consistent with the objectives of the Act and EPA's annual program guidance.

(f) The State permit plan required under part 129 of this chapter.

(g) A plan for regulating any other practices which may be regulated by either rule or permit as specified in part 129 of this chapter.

(h) A plan for the completion of inventories and assessment of underground injection facilities.

§ 35.670-3 State program grant submission.

Each State applying for a grant shall submit an annual program as follows:

(a) For fiscal year 1979, each eligible State must submit an application which includes the annual State program plan as required by § 35.670 of this subpart to the Regional Administrator no later than March 1, 1979.

(b) For fiscal year 1980 and subsequent fiscal years, an eligible State must submit a draft State program plan in accordance with § 35.670 to the Regional Administrator no later than June 1.

(c) For fiscal year 1980 and subsequent fiscal years, an eligible State must submit a final application, which includes the annual State program plan submission, to the Regional Administrator no later than August 1.

§ 35.670-4 Major program elements and outputs.

(a) The following program elements are appropriate for carrying out underground water source protection programs. Other program elements may be included in the State program plan if the State can demonstrate that such other program element is appropriate for the conduct of its underground water source protection program. For an eligible State with primary enforcement responsibility, the State must include program elements satisfying the requirements of part 129 of this chapter. Information on each major program element shall be presented in summary form and shall include:

(1) *Inventories and assessment of underground injection facilities.* Plan and schedule of activities for the completion of inventories and assessment of underground injection facilities within the timeframe set forth in part 129 of this chapter. Subsequent to the initial grant, an updated summary inventory of underground injection facilities of the preceding calendar year must be provided to EPA prior to December 1 of each fiscal year.

(2) *Administration and program development.* Planning, development, and coordination of program activities for the management of an underground water source protection program including general program direction and supervision; development of staffing and budget needs; and development and evaluation of basic underground water source protection legislation, regulations, policies, and public information.

(3) *Technical assistance.* Surveys of underground injection operations on an established schedule with written survey reports to the well injection operators; technical assistance to well injection operators, water suppliers, and others regarding the plan, design, operation, maintenance, treatment, quality control, and assessment of underground injection operations.

(4) *Plan review and approval.* A plan review and approval activity for new or proposed underground injection operations, and modifications or additions to existing underground injection operations.

(5) *Permit approval.* An activity for the issuance and review of underground injection control permits and for the inspection or monitoring of permits issued.

(6) *Training.* An activity for the training of State personnel.

(7) *Enforcement.* An activity for the establishment and implementation of procedures for the administrative and judicial enforcement of State underground water source protection responsibilities.

(8) *Data management.* A data management activity for input into the centralized EPA system to maintain essential records needed to conduct the underground water source protection program and for its submission to EPA, including the maintenance of an inventory for all underground injection operations.

(9) *Surveillance and investigation.* The maintenance of a coordinated activity with State and local agencies to detect, investigate, and report suspected ground water contamination cases.

(b) *Public participation and information.* Each State program plan shall include a program element for public participation. This element shall include a public education and information program to encourage informed public involvement in the planning and operation of the federally assisted State underground water source protection program, provision for consultation with the public in significant decisions in program plan implementation, and a system for handling citizen complaints. The State shall prepare a summary of its responses to public comment following significant decisions in the course of program plan implementation and shall make these available to the public. The State's public participation activities shall be summarized in the State's annual report. In determining the adequacy of the public participation program element proposed by the State, the Regional Administrator shall be guided by the requirements of part 25 of this chapter.

§ 35.670-5 Regional Administrator's action on grant application.

(a) Each eligible State's final grant application shall be approved or disapproved by the Regional Administrator within 45 days of receipt.

(b) Should the Regional Administrator's review of the final grant application reveal that the planned accomplishments are not consistent with the level of funding requested, the Regional Administrator shall negotiate with the eligible State. Funds released by this procedure will be available for use in accordance with § 35.656.

§ 35.675 Assignment of personnel.

Upon written request of a State agency, the Regional Administrator may assign EPA personnel to such State agency, under section 1450(c) of the Act upon such terms and conditions as the Administrator may establish.

§ 35.680 Program evaluation and reports.

§ 35.680-1 Program evaluation.

Program evaluation is primarily a grantee responsibility and should be continuous throughout the budget period. It is EPA policy to limit EPA evaluation to that which is necessary for responsible management of regional and national efforts to control underground injecton. The Regional Administrator shall conduct at least annually a State performance evaluation which shall include a review and assessment of the State's effectiveness in meeting objectives and outputs in carrying out related activities as set forth in the grantee's approved program. An exit interview will be conducted following the program evaluation to inform the grantee of any preliminary EPA findings and recommendations.

§ 35.680-2 Reports.

The Regional Administrator shall prepare a summary of evaluation findings. The report prepared by the Regional Administrator should outline deficiencies in program performance through the time of the evaluation. When appropriate, the report shall contain recommendations for upgrading current State operations as well as provide guidance for the development of the upcoming grant application. The grantee shall be allowed 15 working days from the date of receipt to concur with or comment on the findings and recommendations.

2. By revising §§ 35.400 through 35.425 to read as follows:

Subpart B—Program Grants

Sec.

35.400 Purpose.
35.400-1 Air pollution control agency grant awards.
35.400-2 Water pollution control program grant awards.
35.400-3 Public water system supervision program grant awards.
35.400-4 Solid and hazardous waste management program support grant awards.
35.400-5 [Reserved]
35.400-6 Underground water source protection program grant awards.
35.403 Authority.
35.404 Annual guidance.
35.405 Criteria for evaluation of program objectives.
35.410 Evaluation of agency performance.
35.415 Financial status report.
35.420 Payment.
35.425 Federal and grantee program support.

AUTHORITY: Secs. 105, 301(b), Clean Air Act, as amended (42 U.S.C. 1857(c) and 1857(g)); secs. 106, 501, Federal Water Pollution Control Amendments of 1972 (33 U.S.C. 1256 and 1361); secs. 1443, 1450 of the Safe Drinking Water Act (42 U.S.C. 300j-2 and 300j-9); secs. 3011, 4007, 4008, 4009, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6931, 6947, 6948, and 6949).

Subpart B—Program Grants

§ 35.400 Purpose.

This subpart establishes and codifies policy and procedures for air pollution, water pollution, public water system supervision, solid and hazardous waste management support, and underground water source protection program grants, and supplements the EPA general grant regulations and procedures (part 30 of this chapter). These grants are intended to aid programs for air pollution control, water pollution control, public water system supervision, solid and hazardous waste management, and underground water source protection at the State, interstate, or local level.

§ 35.400-1 Air pollution control agency grant awards.

Grants may be awarded to air pollution control agencies for the planning, development, establishment, improvement, and maintenance of programs for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards in accordance with the applicable implementation plan.

§ 35.400-2 Water pollution control program grant awards.

Grants may be awarded to State and interstate water pollution control agencies to assist them in developing or administering programs for the prevention, reduction, and elimination of water pollution, including enforcement directly or through appropriate State law enforcement officers or agencies.

§ 35.400-3 Public water system supervision program grant awards.

Grants may be awarded to State agencies to assist them in developing or administering public water system supervision programs.

§ 35.400-4 Solid and hazardous waste management program support grant awards.

Grants may be awarded to agencies having responsibility for solid and hazardous waste management to assist them in developing and implementing solid and hazardous waste management work programs.

§ 35.400-5 [Reserved]

§ 35.400-6 Underground water source protection program grant awards.

Grants may be awarded to eligible States to assist them in developing and administering programs to protect underground sources of drinking water by adoption and enforcement of a program which meets the requirements of sections 1421 and 1422(b)(1)(A)(ii) of the Safe Drinking Water Act and regulations promulgated under these sections.

§ 35.403 Authority.

This subpart is issued under sections 105 and 301(b) of the Clean Air Act, as amended (42 U.S.C. 1857(c) and 1857(g)); sections 106 and 501 of the Federal Water Pollution Control Amendments of 1972 (33 U.S.C. 1256 and 1361); section 1443 and 1450 of the Safe Drinking Water Act (42 U.S.C. 300j-2 and 300j-9); sections 3011, 4007, 4008, and 4009 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of

1976 (42 U.S.C. 6931, 6947, 6948, and 6949).

§ 35.404 Annual guidance.

The Environmental Protection Agency will develop and disseminate annual guidance to be used by the grantee to structure air pollution, water pollution, public water system supervision, solid and hazardous waste management, and underground water source protection programs for the coming Federal fiscal year. The guidance will contain a statement of the national strategy, including national objectives and national priorities for the year, together with planning figures for Federal program grant assistance based on the EPA budget approved by the President. The annual guidance will be disseminated each year as soon as practicable during the month of February.

§ 35.405 Criteria for evaluation of program objectives.

(a) Programs set out in the application and submitted in accordance with these regulations shall be evaluated in writing by the Regional Administrator to determine:

(1) Consistency and compatibility of objectives and expected results with EPA national and regional priorities in implementing purposes and policies of the Clean Air Act, the Federal Water Pollution Control Act, the Safe Drinking Water Act, or the Resource Conservation and Recovery Act.

(2) Feasibility of achieving objectives and expected results in relation to existing problems, past performance, program authority, organization, resources, and procedures.

(b) Approval of the program developed under § 35.526 (air) or § 35.565 (water pollution) or § 35.626 (public water system supervision) or § 35.718 (solid and hazardous waste management) or § 35.650 (underground water source protection) shall be based on the extent to which the applicant's program satisfies the above criteria.

§ 35.410 Evaluation of agency performance.

(a) A performance evaluation shall be conducted at least annually by the Regional Administrator and the grantee to provide a basis for measuring progress toward achievement of the approved objectives and outputs described in the work program. The evaluation shall be consistent with the requirements of § 35.538 for air pollution control agencies, § 35.570 for water pollution control agencies, § 35.626(d) for public water system supervision agencies, § 35.744 for solid and hazardous waste management agencies, and § 35.680 for underground water source protection agencies.

(b) The Regional Administrator shall prepare a written report of the annual evaluation. The grantee shall be allowed 15 working days from the date of receipt to concur with or comment on the findings.

§ 35.415 Financial status report.

Within 90 days after the end of each budget period, the grantee must submit to the Regional Administrator an annual report of all expenditures (Federal and non-Federal) which accrued during the budget period. Beginning in the second quarter of any succeeding budget period, grant payments may be withheld under § 30.615-3 of this chapter until this report is received.

§ 35.420 Payment.

Grant payments will be made in accordance with § 30.615 of this chapter. Notwithstanding the provisions of § 30.345 of this chapter, the first grant payment subsequent to grant award may include reimbursement of all allowable costs incurred from the beginning of the approved budget period: *Provided*, That monthly costs incurred from the beginning of the budget period to the date of grant award do not exceed the level of costs incurred in the last month of the prior budget period.

§ 35.425 Federal and grantee program support.

(a) For purposes of establishing the amount of resources which will be committed by the agency to particular budget categories or program elements under § 35.527 (air), § 35.561(a) (water), § 35.626-1 (public water system supervision), or § 35.670-2 (underground water source protection), Federal and grantee financial contributions shall be considered as combined sums, and shall not be separately identified for each budget category or program element. For purposes of this subpart, and under § 30.700(a) of this chapter, all project expenditures by the grantee shall be deemed to include the Federal share.

(b) A grantee may not unilaterally reduce the non-Federal share of project costs. In the event of a significant proposed or actual reduction in the non-Federal contribution, the Regional Administrator must consider a reduction in the Federal share or an increase to the Federal percentage.

[FR Doc. 78-28689 Filed 10-11-78; 8:45 am]

Federal Register

THURSDAY, OCTOBER 12, 1978
PART IV



DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

■

TRAFFIC SAFETY IN HIGHWAY AND STREET WORK ZONES

Preconstruction Procedures

[4910-22-M]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 630—PRECONSTRUCTION PROCEDURES

Traffic Safety in Highway and Street Work Zones

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule

SUMMARY: The Federal Highway Administration (FHWA) is issuing this document in order to provide guidance and establish procedures to assure that adequate consideration is given to motorists, pedestrians, and construction workers on all Federal-aid construction projects.

EFFECTIVE DATE: October 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. James Daves, 202-426-4847, Office of Highway Operations; or Mrs. Kathleen S. Markman, 202-426-0790, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are Monday to Friday from 7:45 a.m. to 4:15 p.m. e.t.

SUPPLEMENTARY INFORMATION: On September 20, 1976, the FHWA issued an advance notice of proposed rulemaking requesting suggestions for increasing safety in construction zones on Federal-aid Highways, 49 FR 41712 (September 23, 1976). Comments on this advance notice were received and evaluated. On August 22, 1977, the FHWA issued a notice of proposed rulemaking which proposed to require States to prepare process management plans (PMP) assuring that adequate consideration is given to the safety of motorists, construction workers, and pedestrians in construction zones on Federal-aid highway projects, 42 FR 42877 (August 25, 1977), FHWA docket No. 76-14. Comments on this proposal were received from 35 States and State highway departments, 12 organizations and associations including the Center for Auto Safety, 3 counties, 7 cities, 6 individuals, 1 supplier, and 2 contractors. While in several instances different persons within the same State or organization replied to the notice, the consolidated comments of the State or organization were counted only once in the above summary. The principal subjects of the comments are discussed below.

Process Management Plan

FHWA proposed to require a process management plan (PMP), a developed action plan which when put into effect would detail the procedures that a State highway agency utilizes to assure that adequate provisions are made for the safety of motorists, pedestrians, and workmen on Federal-aid highway construction projects. Thirty-six comments specifically addressed this topic. Twenty-eight replies opposed the PMP approach due to the facts that it would cause a further proliferation of redtape, increase the cost of their operations and impose additional workloads as well as the fact that these entities already have in effect sufficient construction zone procedures, standards, manuals, processes, etc., already addressing this matter. Two other commenters stated that the PMP guidelines were too rigid. Two other commenters stated that the PMP guidelines need to be spelled out, or that model guidelines need to be developed. Two commenters indicated that review and approval of the PMP should be by the FHWA Division Administrator only; while two other commenters felt that review and approval of the PMP should extend to locals, including city and county representatives. The FHWA has considered these comments and has concluded that the PMP requirement may very well result in additional redtape and unnecessary paperwork (in violation of the provisions of 23 U.S.C. 101(e)) which will impede rather than further the objective of improved highway safety. However, beneficial elements of the PMP, including the traffic control plan have been retained.

Traffic Control Plan

FHWA proposed to require a traffic control plan (TCP), a detailed plan for handling traffic through a specific highway or street work zone or project. Fifty-seven comments specifically addressed this proposal. Sixteen replies were opposed to the requirement of a TCP for the various reasons that it did not provide for flexibility, would increase costs, did not provide for subcontractor involvement and would increase redtape. Nine replies supported the TCP requirement. Six replies indicate that the TCP requirement is not really needed and that current manuals suffice. Eleven commenters indicated that the TCP should be prepared by the contractor. One commenter indicated that the section stating, in part, that a "TCP should be developed" should be stricken. Five replies indicated that the TCP requirements should be decided by the States. One commenter indicated that the requirments for TCP were too restrictive. Two commenters indicated that the TCP should not be required in the plans, specifications, and estimates (P.S. & E.). Four replies suggested that a State-prepared TCP would transfer tort liability from the contractor to the State. The FHWA does not consider that there is any provision of the regulation which will inherently alter the current relationship between the States and their contractors in this regard. Furthermore, the issue of tort liability is one of local law to be determined by the courts at the State level. To the extent it can be addressed at the national level, FHWA notice 5080.76 entitled Traffic Safety in Highway and Street Work Zones,[1] published concurrently with this rule, does deal with the issue of tort liability. Two commenters indicated that the TCP requirements were too vague or not specific enough. In response to there comments, FHWA has modified the TCP requirement to indicate that the TCP is mandatory for all projects, that it be included in the P.S. & E., and that it be consistent with part VI of the manual on uniform traffic control devices (MUTCD). The final rule further provides that the TCP may range in scope from a very detailed TCP designed solely for a specific project to a reference to standard plans, a section of the MUTCD, or a standard highway agency manual. The final rule further indicates that under certain conditions the contractors may develop and use their own TCP's "if the highway agency and FHWA find that these plans are as good or better than those provided in the P.S. & E." One commenter suggested, in part, that the TCP should contain a standard list of important elements of consideration for traffic planning for each construction zone. Most of the suggested elements are those included in part VI of the MUTCD. Additional guidance has been and will continue to be provided to FHWA field offices by the Office of Highway Operations. This commenter further suggested that the FHWA "provide a synthesis of guiding principles required by the States for use in their formulation of TCP's." In this regard, FHWA intends to develop a handbook which would contain guidance on how and when to use traffic control devices in construction zones and to issue it separately in a combined package with the part of the MUTCD pertaining to construction zone safety by approximately January 1979.

Responsible Person

FHWA proposed to require the contracting agency to designate a person

[1] The FHWA notice 5080.76 entitled Traffic Safety in Highway and Street Work Zones is available for inspection and copying as prescribed in 49 CFR Part 7, App. D.

at the project level who would have the primary responsibility and sufficient authority for assuring that the TCP and other safety aspects of the contract were effectively administered. Forty-seven comments specifically addressed this proposal. Seven replies opposed the requirement that a person be specifically assigned to administer the TCP. Most of those opposed to the responsible person (RP) requirement indicated that the project engineer should be the RP. One reply opposed the concept of one-person-only responsibility. Six commenters suggested that the project engineer, and no one else, is the logical person to be the RP. Six commenters were opposed to notifying the FHWA division administrator who the RP would be. Ten commenters supported the RP concept. Five commenters suggested that the TCP section be modified so that the RP is not liable for the acts of the contractor. One reply indicated that the duties of the RP should be detailed. One reply indicated that the training qualifications of the RP should be outlined. Six commenters indicated that the FHWA division administrator should be notified of the identity of the RP prior to the beginning of construction rather than at the time when "concurrence in award" is requested. One commenter suggested that the notification of the identity of the RP should be mandatory rather than permissive. Some of those commenters supporting and some opposing the requirement of a RP indicated that the RP should be named by title only. One commenter suggested that the RP be the contractor's employee. Two indicated that the RP should be specified.

In response to the above comments, the section dealing with the RP has been slightly revised. The final rule requires that designation of a qualified person and provides that while the project engineer or resident engineer may have this responsibility, another person should be assigned at the project level to handle traffic control on a full-time basis on large complex projects. The training of RP is covered in 23 CFR 630.1010(d) of the final rule. The final rule indicates in 23 CFR 630.1010(b) that the RP will have "the primary responsibility and sufficient authority for assuring that the TCP and other safety aspects of the contract are effectively administered."

Pay Items

FHWA's proposal indicated that the P.S. & E. should include unit pay items for providing, installing, moving, replacing, maintaining, and cleaning traffic control devices required by the TCP and that the lump-sum method of payment should be used only to cover very small projects, projects of short duration, contingency, and general items. Thirty-seven comments specifically addressed this proposal. Six replies supported the requirement of unit pay items. Ten replies opposed the unit pay item provision. Those opposed to this provision indicated that it would be impossible or difficult to document, would create additional work, and would require additional people in order to comply. One commenter supported a system of unit price per day as the pay item. One commenter suggested that the unit price item provision should only be used for special devices. Eight commenters supported the lump-sum pay method. Seven commenters indicated that the pay method should be left to the discretion of the State. Two commenters opposed the entire pay item section. Two commenters opposed the lump-sum pay procedures. One of these commenters suggested, in part, that "FHWA's failure to require P.S. & E. inclusion of separable pay items for traffic control will therefore reinforce the tendency of contractors to treat traffic control as incidental to their 'real' contract work." In response to these comments, the final rule indicates that the P.S. & E. should indicate unit pay items. It also indicates that suitable force account procedures may be utilized for traffic control items. The lump-sum method of payment should be used only to cover very small projects, projects of short duration, contingency, and general items. Payment for traffic control items as incidental to other items of work is discouraged.

Training

FHWA's proposal indicated, in essence, that the State highway agency should train persons responsible for traffic control. Twenty comments specifically addressed this proposal. Fourteen replies supported the training provision. One reply indicated that the State should have this responsibility while two other replies indicated that the State should not have this responsibility. One commenter suggested that the requirement for training be mandatory rather than permissive. One commenter suggested that the training section be omitted altogether. One commenter suggested that FHWA require the States to certify to FHWA that every person whose actions affect construction zone safety has received adequate training. In response to these comments, the final rule makes mandatory the requirement that all persons "responsible for the development, design, implementation, and inspection of traffic control" be adequately trained.

Emergency Plans

FHWA's proposal indicated that each "State should develop contingency plans for each project which could be implemented in the event of emergencies, major backups, or disasters." Seventeen comments specifically addressed this proposal. Four replies indicated that standard techniques and procedures are adequate so that emergency plans are unnecessary. Eight replies opposed this provision. One commenter supported this provision for some projects only. One commenter indicated that the provision was good but that more detail was needed. One commenter indicated that this could be handled in a general manner rather than for each project. Two commenters indicated that the contractor should be involved in the emergency plan development. In response to these comments, the specific provision for the emergency plan has been omitted from the final rule. It is FHWA's view that emergency plans should be included as an element of the TCP on appropriate projects, and that a separate requirement is not necessary in this regard.

Process and Review Evaluation

FHWA's proposal indicated, in part, that "a review team consisting of State central office design and construction personnel should review randomly selected active projects throughout the State for the purpose of assessing the effectiveness of the PMP," and that accident data should be utilized to promote highway safety. Nineteen comments specifically addressed this proposal. Three replies supported the provision, while three replies opposed the provision. Three commenters supported the recommendation that a State central office member be included on the review team. One commenter suggested that a planning member also be included on the review team. One commenter suggested that the provision for random reviews be mandatory rather than permissive. Two commenters supported the utilization of accident data. Two commenters supported the concept of accident data utilization for major projects only. Three commenters opposed the accident data provision. One commenter suggested that the accident data provision should be mandatory rather than permissive. One of the above commenters suggested, in essence, that required inspection and surveillance techniques be part of every TCP. In response to the above comments, FHWA has revised this provision to make mandatory the review of randomly selected projects and the analysis and use of construction zone accident data to correct deficiencies on individual projects and to improve the content of future traffic control plans.

FHWA also received 11 miscellaneous comments regarding the proposal primarily addressing the guidance already provided by the MUTCD, the major and minor revision requirements as well as FHWA supervision. The various revisions indicated in the final rule respond to most of these comments. A General Accounting Office (GAO) report entitled, "Highway Construction Zone Safety—Not Yet Achieved," B-164497(3), dated December 23, 1977, indicated that GAO's review of construction zone safety in seven States revealed widely varying safety deficiencies at the 26 sites visited. From this and other information obtained during the review, GAO concluded that project-level officials of the State highway agencies and FHWA field offices have not been devoting enough attention to safety. The GAO believes that this has happened because these officials did not always know how to make the worksites safe, did not fully appreciate the need for safety in construction zones or placed higher priority on other matters. The GAO then recommended that the Secretary of Transportation require the Federal Highway Administrator to:

1. Revise the manual on uniform traffic control devices (MUTCD) to include specific guidance on how and when to use traffic control devices in construction zones.

2. Require training to help insure that Federal and State officials are made aware of the importance of construction zone safety and have the capability to plan, implement, and inspect these safety measures.

3. Establish field office inspection procedures to identify hazardous conditions and insure that they are corrected.

FHWA's specific comments on the GAO recommendations are as follows:

1. Because of the type and amount of guidance needed on how and when to use traffic control devices in construction zones, FHWA believes it would be inappropriate to include such detailed specifics in the MUTCD. Rather, FHWA proposes to develop a handbook that would contain such guidance and to issue it separately in a combined package with the part of the MUTCD that pertains to construction zone safety. Recognizing the lengthy process involved in developing such a handbook, issuance is not expected until January 1979.

2. FHWA has developed a number of training packages and has presented them to numerous State and Federal employees. However, it acknowledges that all personnel responsible for safety in highway work zones have not received enough of such training. Accordingly, FHWA intends to require, by the following rule, that persons responsible for development, design, implementation (particularly those persons responsible for traffic control at the project level), shall be properly trained to carry out these responsibilities. FHWA will also assure that all of its affected personnel are properly trained.

3. FHWA prefers not to mandate uniform inspection procedures for nationwide application because conditions vary so widely among the States and because FHWA considers its field offices fully capable of recognizing unique conditions and reacting to them appropriately or taking positive action on them, as necessary. It does, however, propose to take two actions on this recommendation: (a) Put still greater emphasis on safety in highway work zones by increasing the personal involvement of its top management, and (b) expand its headquarters oversight of regional office procedures for review of divisional inspection procedures.

In consideration of the foregoing, the Federal Highway Administration hereby adds a new subpart J to part 630, chapter I of title 23, Code of Federal Regulations as set forth below.

Issued on October 5, 1978.

KARL S. BOWERS,
Federal Highway Administrator.

Subpart J—Traffic Safety in Highway and Street Work Zones

Sec.
630.1002 Purpose.
630.1004 Background.
630.1006 Policy.
630.1008 Implementation.
630.1010 Contents of the agency procedures.

AUTHORITY: 23 U.S.C. 109(b), 109(d), 315, and 402(a); 23 CFR 1.48(b).

Subpart J—Traffic Safety in Highway and Street Work Zones

§ 630.1002 Purpose.

The purpose of this regulation is to provide guidance and establish procedures to assure that adequate consideration is given to motorists, pedestrians, and construction workers on all Federal-aid construction projects.

§ 630.1004 Background.

Part VI of the manual on uniform traffic control devices (MUTCD)[1] sets forth basic priniciples and prescribes standards for the design, application, installation, and maintenance of the various types of traffic control devices for highway and street construction, maintenance operation, and utility work. The manual cannot address in depth the variety of situations that occur in providing traffic control in work zones. Although agencies responsible for traffic control and work area protection have attempted to develop some guidelines, a coordinated and comprehensive effort to develop greater uniformity is desirable. National reviews have shown that more attention is needed to insure that the MUTCD is properly implemented on all highway projects.

[1] The MUTCD is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. It is incorporated by reference at 23 CFR 625.3.

§ 630.1006 Policy.

It is the policy of the Federal Highway Administration that each highway agency shall develop and implement procedures consonant with the requirements of this regulation that will assure the safety of motorists, pedestrians, and construction workers on Federal-aid highway construction projects. The procedures shall be consistent with the provisions of the MUTCD. Highway agencies should be encouraged to implement these procedures for non-Federal-aid projects and maintenance operations as well.

§ 630.1008 Implementation.

The FHWA Division Administrator shall review and approve the highway agency's implementation of its procedures at appropriate intervals. The FHWA shall take appropriate action to assure that the highway agency's procedures are being followed and achieve the results intended. Major revisions in established procedures shall be submitted to the FHWA Division Administrator for information.

§ 630.1010 Contents of the agency procedures.

The agency's procedures shall include, but not necessarily be limited to the following:

(a) *Traffic control plan (TCP).* (1) A traffic control plan is a plan for handling traffic through a specific highway or street work zone or project. These plans may range in scope from a very detailed TCP designed solely for a specific project, to a reference to standard plans, a section of the MUTCD, or a standard highway agency manual. The degree of detail in the TCP will depend on the project complexity and traffic interference with construction activity.

(2) Traffic control plans shall be developed for all projects and be included in plans, specifications, and estimates (P.S. & E.'s) and shall be consistent with part VI of the MUTCD.

(3) The scope of the TCP should be determined during planning and design phases of a project.

(4) Provisions may be made to permit contractors to develop their own TCP's and use them if the highway agency and FHWA find that these plans are as good as or better than those provided in the P.S. & E.

(b) *Responsible person.* The highway agency shall designate a qualified person at the project level who will have the primary responsibility and sufficient authority for assuring that the TCP and other safety aspects of the contract are effectively administered. While the project or resident engineer may have this responsibility, on large complex projects another person should be assigned at the project level to handle traffic control on a full-time basis.

(c) *Pay items.* The P.S. & E. should include unit pay items for providing, installing, moving, replacing, maintaining, and cleaning traffic control devices required by the TCP. Suitable force account procedures may be utilized for traffic control items. Lumpsum method of payment should be used only to cover very small projects, projects of short duration, contingency, and general items. Payment for traffic control items as incidental to other items of work should be discouraged.

(d) *Training.* All persons responsible for the development, design, implementation, and inspection of traffic control shall be adequately trained.

(e) *Process review and evaluation.* (1) A review team consisting of appropriate highway agency personnel shall annually review randomly selected projects throughout its jurisdiction for the purpose of assessing the effectiveness of its procedures. The agency may elect to include an FHWA representative as a member of the team. The results of this review are to be forwarded to the FHWA Division Administrator for his review and approval of the highway agency's annual traffic safety effort.

(2) Construction zone accidents and accident data shall be analyzed and used to continually correct deficiencies which are found to exist on individual projects, and to improve the content of future traffic control plans.

[FR Doc. 78-28729 Filed 10-11-78; 8:45 am]

federal register

THURSDAY, OCTOBER 12, 1978
PART V



DEPARTMENT OF THE TREASURY

Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

FEDERAL HOME LOAN BANK BOARD

■

Community Reinvestment Act of 1977; Implementation

[6720-01-M]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 25—COMMUNITY REINVESTMENT ACT REGULATIONS

CHAPTER II—FEDERAL RESERVE SYSTEM

PART 228—COMMUNITY REINVESTMENT

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 345—COMMUNITY REINVESTMENT

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

PART 563e—COMMUNITY REINVESTMENT

Community Reinvestment Act of 1977; Implementation

AGENCIES: Board of Governors of the Federal Reserve System, Comptroller of the Currency, Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board.

ACTION: Final regulations.

SUMMARY: These regulations implement the Community Reinvestment Act of 1977, and are intended to encourage regulated financial institutions to fulfill their continuing and affirmative obligation to help meet the credit needs of their communities, including low- and moderate-income neighborhoods, consistent with safe and sound operation of such institutions. The regulations provide that the Agencies will assess institutions' records in doing so, and take those records into account when evaluating certain applications by those institutions.

EFFECTIVE DATE: November 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Jerauld Kluckman, Board of Governors of the Federal Reserve system: 202-452-3401; Alan Herlands, Comptroller of the Currency: 202-447-1177; Roger Hood, Federal Deposit Insurance Corporation: 202-389-4628; Nancy Feldman, Federal Home Loan Bank Board: 202-377-6443.

SUPPLEMENTARY INFORMATION: On page 29918 of the FEDERAL REGISTER of July 11, 1978, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board (collectively referred to as "the Agencies") proposed regulations to implement the Community Reinvestment Act of 1977 ("the CRA"). It is the purpose of the CRA, which was enacted as Title VIII of the Housing and Community Development Act of 1977 (Pub. L. 95-128), to require that, in connection with their examination of institutions under their jurisdiction, the Agencies encourage each institution to help meet the credit needs of its local community. The CRA further requires the Agencies to assess each institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of the institution, and to take that record into account in its evaluation of any application by the institution for a charter, deposit insurance, branch or other deposit facility, office relocation, merger, or acquisition of bank or savings institution shares or assets. The Agencies have received numerous comments regarding the proposed regulations and have revised the regulations after considering the concerns of the commenters.

The Agencies' final regulations, which are presented together for convenience, are identical in their substantive provisions, but contain technical and procedural variations. An explanation of the comments regarding each provision of the regulation, and of changes in those provisions, is set forth below.

PURPOSE: Commenters suggested that the proposed language, that a purpose of the regulation is to "require institutions to demonstrate that their offices serve the convenience and needs of their communities," was not within the scope of the CRA. While this language is contained in the findings of the CRA, this section has been revised to reflect more closely the operating language of the statute.

DELINEATION OF COMMUNITY

Most of the comments received on the delineation of entire community section indicated that the proposed section did not make the responsibilities of institutions clear. In particular, there was confusion about the relationship between an institution's "entire" community and its "local" community or communities. Both terms are used in the statute. The section has been revised to clarify the delineation process. Each institution's entire community will consist of one or more local communities, and guidelines are given on how to define the local community or communities. As suggested by commenters, the revised regulation requires, instead of encourages, the use of maps to delineate local communities to insure a clear and understandable delineation.

The regulation contains two suggested bases for delineating local communities: One takes boundaries from existing areas such as counties, and the other defines an area known as the effective lending territory. Both types of areas are subject to certain adjustments.

In general, a local community based on existing boundaries should be no larger than an SMSA or non-SMSA county, which are areas that the Agencies have used to approximate relevant markets for the purpose of evaluating the competitive effects of mergers and holding company acquisitions. If an institution has offices in more than one such area, it will have more than one local community. When an institution has an office near the boundary of an SMSA or county, it should include those portions of adjacent counties that it serves. In rural areas, a local community may encompass more than one county, but, generally, institutions should not use States or regions of States to delineate local communities. A small institution that serves an area smaller than an SMSA or county may define its community to be a part of the SMSA or county.

A local community based on the effective lending territory of an institution with one office will be a roughly circular area around that office which includes the area in which the institution makes a substantial portion of its loans. Where an institution has several offices serving the same local area, the local community should be drawn to include the areas where each office makes a substantial portion of its loans and all other areas equally close to any of the offices. Use of existing boundaries is still encouraged where practicable.

Communities defined on either basis can be adjusted for other factors such as significant geographic barriers. In addition, subsection (b)(3) permits the use of any other local area to serve as a basis for delineating a local community.

Several comments suggested that low- and moderate-income neighborhoods should be defined. The Agencies are undertaking a program, using the Department of Housing and Urban Development definition of low- and moderate-income, to assist their examiners in identifying areas that may be low- and moderate-income neighborhoods. Further guidance will be contained in the Agencies' examination procedures which will be publicly available on or about November 6, 1978. Institutions are expected to be generally aware of low- and moderate-

income neighborhoods within their community, without undertaking extensive research.

The Agencies received a variety of comments regarding the inclusion of off-premises electronic depository facilities in the term "office." In general, the Agencies believe that unshared facilities should be included for purposes of delineating an institution's community. However, the revised regulation provides that an electronic deposit facility, the use of which is shared with another financial institution, need not be taken into account in delineating local communities unless the Agency determines otherwise.

Community Reinvestment Act Statement

Many commenters found the requirements of the proposed Community Reinvestment act Statement ("CRA Statement") section unclear. To clarify what is required of institutions, that section has been divided into three: one provides for the adoption and availability of CRA Statements; another sets forth requirements for public files; and a third requires a public notes of the availability of the CRA Statement and files.

Revised subsection (a) of the CRA Statement section now requires that a CRA Statement be prepared for each local community which an institution serves. The same CRA Statement is to be used for every office within one local community.

Several commenters felt that the list which now appears in subsection (b)(2) of the statement section indicated an Agency preference for types of credit which were not covered by the purposes of the CRA. This list is intended by the Agencies only as an example of the degree of specificity that an institution should use to describe the types of credit which it is prepared to extend within its local community.

Subsection (c) describes the additional material the Agencies encourage each institution to include as part of its CRA Statement. A new provision encouraging each institution to describe its efforts to ascertain community credit needs, including communication with community members, has been added. New subsections (e) and (f) clarify the manner in which an institution must make its CRA Statement available to the public.

Files of Public Comments and Recent CRA Statements

This new section clarifies requirements formerly contained in section (f) of the CRA Statement section in the proposed regulation. Some commenters recommended that the comment file not be made public, but the Agencies believe that it may contribute to more effective community comment. In response to other comments received by the Agencies with regard to the file requirement, the new section now provides that only signed, written comments that specifically relate to any CRA Statement or to an institution's performance in helping to meet the credit needs of its community must be retained. Materials should not be included that are harmful to any person's good name or reputation (including employees of the financial institution or its supervisory agency), or relate only to the particulars of any person's credit application. This provision does not permit the institution to exclude materials from the file merely because they are critical of the institution's CRA Statement or performance. An institution may include its own responses to public comments in the file. New subsection (c) indicates where the files must be maintained by the institution.

Public Notice

This new section combines in one place the materials required to be included in a public notice. To simplify preparation of the notice, this section now prescribes a standard public notice to be used by all institutions. An institution may reprint this notice as a poster or flyer to be place in its lobby. The notice requirement may also be satisfied by making the CRA Statement, which includes the notice, available as a brochure in the lobby.

The final two paragraphs of the notice embody one outcome of the Agencies' decision to review their procedures for giving notice of applications to the public. They will inform members of the public that they may request to be informed of applications covered by the CRA made by the institution or its holding company.

A major purpose of the sections on the CRA Statement, files and notice is to promote a dialogue between the institutions and their communities regarding community credit needs. Obtaining community members' views would not, as some commenters suggested, alter management's role in arriving at credit decisions.

Many commenters thought that the requirements of these sections would place an undue burden on institutions, and in response to the Agencies' request for specific comments many commenters recommended that institutions with assets of less than $10 million, or less than $25 million, or institutions in rural areas, be exempted from the CRA Statement requirements. However, the Agencies concluded that these requirements are essential to effective implementation of the CRA and are not unduly burdensome.

Assessing the Record of Performance

Several commenters felt that the assessment would only be made in connection with an application. This section states that the Agencies will assess an institution's record of performance "in connection with its examination of" the institution. Although the examination may be divided into several parts, which may be conducted at different times and cover different areas of an institution's operations, the Agencies examine institutions on a regular schedule.

The proposed regulations indicated that the Agency would review an institution's "marketing and lending policies and practices to determine whether they are designed to help meet those needs and assess its record of performance." Commenters felt that this implied a recordkeeping requirement or a broad policy of interference with an instutition's business decisions. Neither was intended, and the phrase has been deleted to avoid confusion. The assessment will focus on the factors enumerated in this section and will be based on the institution's existing records in addition to the CRA Statement and files.

Some commenters believed that institutions attempting to comply with the CRA would be forced to make imprudent credit decisions. However, the Agencies will always conduct their assessments giving consideration to the safety and soundness of the institution.

Several comments suggested that the factors should be made more specific or given specific weights or developed into an explicit scoring system. The factors have been revised slightly to clarify them, but the Agencies believe that specific weights or scoring systems would not adequately address the diversity of institutions and communities amd would prevent rather than encourage thoughtful response to community needs. No weighting scheme is intended by the order in which factors are presented.

Factors (a) through (c) related to an institution's record of communication with its community and its efforts to gear its policies to community needs. Subsection (a) combines (a) and (b) from the proposed regulation. The revision makes it clear that while communication about credit services is encouraged, the institution is responsible for the establishment of its policies. An institution may find it helpful to communicate with local goverment officials, housing and community development agencies, and representatives of business groups and community organizations. Subsection (b) (former (c)) includes not only advertising but communication with real estate brokers and activities such as mortgage

counselling. Subsection (c) (former (e)) deals with board participation in its institution's consideration of the CRA. Commenters suggested that the regulation not specify the role of the board. The Agencies believe, however, that the CRA presents issues at a level of importance that warrant the board's attention.

Subsections (d) through (f) and, in part, (g) deal with evidence of practicies which are or may be in conflict with the purpose of the CRA. Subsection (d) has been revised to read "practices intended to discourage applications" to make clear that the Agencies wish the list of credit in the CRA Statement to be made in good faith. An institution will not be adversely assessed if general credit conditions make it temporarily impossible for the institution to offer listed credits.

Subsection (e) (former (f)) involves an assessment of an institution's lending patterns to see if the institution discriminates between geographic areas or excludes qualified borrowers from low- and moderate-income neighborhoods. It will be based on records required under Federal Reserve Board Regulations B and C and other existing data, and, in appropriate cases, Agency research. Proposed subsection (1), which addressed the issue of displacement, has been eliminated as commenters found it confusing. However, in connection with their assessments, the agencies will look favorably upon efforts by institutions to assist existing residents in neighborhoods undergoing a process of reinvestment and change.

Subsection (f) (former (j)) refers chiefly to violations of the Equal Credit Opportunity Act and the Fair Housing Act. Some commenters felt that "violations" could be determined only by a court. However, the Agencies believe evidence of violations found by examiners would be a material consideration in evaluating applications covered by the CRA. Subsection (g) (former (k)) refers in part to closing offices, and the failure to provide usual services—such as not accepting mortgage applications—at certain branches, where the effects are contrary to the purposes of the CRA.

Subsection (g), in part, and subsections (h) through (j) refer to efforts by an institution to meet the credit needs of its community. Subsection (g) refers in part to opening offices in low- and moderate-income neighborhoods and providing services, such as bilingual staff, in response to the needs of particular neighborhoods. Subsection (h) (former (g)) includes institution participation in the HUD Community Development Block Grant program and other efforts sponsored by Federal or State agencies, as well as development programs of local governments and private groups.

Subsection (i) (former (h)) lists the types of loans which the Agencies believe are most directly related to the purposes of the CRA. A record of providing these types of credit to all segments of its community consistent with safe and sound operation will be viewed favorably by the Agencies.

Several commenters were opposed to subsection (j) (former (i)). However, their comments were aimed chiefly at discriminatory policies of certain institutions in granting conventional versus Government insured mortgages. Several commenters were in favor of (j) and the Agencies believe that the programs can be used to meet the credit needs of many communities. Subsection (k) (former (m)) makes it clear that an institution's service to its community will be assessed with consideration given to its size and financial condition; legal restrictions on permissible activities, interest rates, and branches; and other factors which affect its ability to help meet community credit needs.

Several commenters suggested possible additional factors for agency consideration. Subsection (l) (former (n)) indicates that the list of factors is not exhaustive. The Agencies wish to encourage innovative responses to community needs and will be ready to consider favorably any efforts to meet community credit needs.

Several commenters suggested that State and municipal bond purchases should be included as a factor. Implementation of the CRA is not intended to discourage the purchase of these bonds, or secondary mortgage market securities, or to impair or disrupt capital flows from surplus to deficit regions, or to impose any other general priority in the use of an institution's available funds. Therefore, the Agencies will not give special consideration to the purchase of State and municipal bonds unless they further special purposes in the community, such as the construction or rehabilitation of low- and moderate-income housing or other neighborhood or community development, or are issued by municipalities or other local public financing units which do not have access to the capital markets.

Effect on Applications

This section is somewhat different from Agency to Agency to allow for procedural variations. However, each of the Agencies has added a statement that an institution's record of performance may be the basis for denying an application. When that record has been considered to be a material factor in evaluating an application, the Agencies will discuss the institution's record of performance in its statement announcing its decision.

Several commenters felt that the Agencies should make their examination of institutions' records public on a regular basis. However, the Agencies believe that this would impair the objective appraisal of an institution's performance required in the examination process.

Related Regulations

Elsewhere in this issue of the Federal Register each Agency is publishing separately revised regulations regarding notice of applications to the public and other procedural matters. These are in addition to the provisions of the final paragraph of the required Public Notice.

The Federal Reserve Board, Comptroller of the Currency and the Federal Deposit Insurance Corporation have also published in this issue of the Federal Register an interpretation of the regulation which exempts institutions which conduct only correspondent banking, trust company, or clearing agency business. Further, the FDIC has published an interpretation which clarifies the regulation with respect to insured branches of foreign banks.

The Agencies find that publication of the amendments for the full 30-day period specified in 5 U.S.C. 553(d) would not be in the public interest because the regulations are required by statute to take effect on November 6, 1978.

Accordingly, the Agencies hereby amend 12 CFR parts 25, 228, 345, 563e to read as set forth below.

[4810-33-M]

PART 25—COMMUNITY REINVESTMENT ACT REGULATIONS

Regulations

Sec.
25.1 Authority.
25.2 Purposes.
25.3 Delineation of community.
25.4 Community Reinvestment Act statement.
25.5 Files of public comments and recent CRA statements.
25.6 Public notice.
25.7 Assessing the record of performance.
25.8 Effect on applications.

Interpretations

25.101 National banks performing limited services.

Authority: Community Reinvestment Act of 1977 (Title VIII, Pub. L. 95-128, 91 Stat. 1147 (12 U.S.C. 2901 et seq.)); 12 U.S.C. 21, 22, 26, 27, 30, 36, 161, 215, 215a, 481, 1814, 1816, 1828(c).

§ 25.1 Authority.

The Comptroller of the Currency ("Comptroller") issues this part under

the authority of the Community Reinvestment Act of 1977 (title VIII of Pub. L. 95-128), and under provisions of title 12 of the United States Code authorizing the Comptroller to charter national banks (secs. 21, 22, 26, and 27), to issue certificates to national banks to commence or resume the business of banking (secs. 1814, 1816), to consider applications from national banks to relocate a main office (sec. 30) or to establish or relocate a branch office (sec. 36), to consider applications for a merger, consolidation, acquisition of assets, or assumption of liabilities where the acquiring, assuming, or resulting bank is a national bank (secs. 215, 215a, 1828(c)), to require reports of condition (sec. 161), and to conduct examinations of national banks (sec. 481).

§ 25.2 Purposes.

The purposes of this regulation are to encourage national banks to help meet the credit needs of their local community or communities; to provide guidance to national banks as to how the Comptroller will assess the records of national banks in satisfying their continuing and affirmative obligations to help meet the credit needs of their local communities, including low- and moderate-in come neighborhoods, consistent with the safe and sound operation of those banks; and to provide for taking into account those records in connection with certain applications.

§ 25.3 Delineation of community.

(a) Each national bank shall prepare, and at least annually review a delineation of the local community or communities that comprise its entire community, without excluding low- and moderate-income neighborhoods. Maps shall be used to portray community delineations. The reasonableness of the delineations will be reviewed by national bank examiners.

(b) A local community consists of the contiguous areas surrounding each office or group of offices, including any low- and moderate-income neighborhoods in those areas. More than one office of a national bank may be included in the same local community. Unless the Comptroller determines otherwise, a community delineation need not take account of an off-premises electronic facility that receives deposits for more than one depository institution. In preparing its delineation, a national bank may use any one of the three bases set forth below.

(1) Existing boundaries such as those of standard metropolitan statistical areas (SMSA's) or counties in which the bank's office or offices are located may be used to delineate a local community. Where appropriate, portions of adjacent areas should be included. The bank may make adjustments in the case of areas divided by State borders or significant geographic barriers, or areas that are extremely large or of unusual configuration. In addition, a small bank may delineate those portions of SMSA's or counties it reasonably may be expected to serve.

(2) A national bank may use its effective lending territory, which is defined as that local area or areas around each office or group of offices where it makes a substantial portion of its loans and all other areas equidistant from its offices as those areas. Adjustments such as those indicated in paragraph (b)(1) of this section may be made.

(3) A national bank may use any other reasonably delineated local area that meets the purposes of the Community Reinvestment Act (CRA) and does not exclude low- and moderate-income neighborhoods.

§ 25.4 Community Reinvestment Act statement.

(a) Within 90 days after the effective date of this part, the board of directors of each national bank shall adopt a Community Reinvestment Act (CRA) statement for each delineated community.

(b) Each CRA statement shall include at least the following:

(1) The delineation of the local community;

(2) A list of specific types of credit within certain categories, such as residential loans for one to four dwelling units, residential loans for five dwelling units and over, housing rehabilitation loans, home improvement loans, small business loans, farm loans, community development loans, commercial loans, and consumer loans, that the bank is prepared to extend within the local community; and

(3) A copy of the Community Reinvestment Act notice provided for in § 25.6.

(c) Each national bank is encouraged to include the following in each CRA statement:

(1) A description of how its current efforts, including special credit-related programs, help to meet community credit needs;

(2) A periodic report regarding its record of helping to meet community credit needs; and

(3) A description of its efforts to ascertain the credit needs of its community, including efforts to communicate with members of its community regarding credit services.

(d) Each national bank's board of directors shall review each CRA statement at least annually and shall act upon any material change made in the interim at its first regular meeting after the change. Such actions shall be noted in its minutes.

(e) Each current CRA statement shall be readily available for public inspection:

(1) At the head office of the bank; and

(2) At each office of the bank in the local community delineated in the statement, except off-premises electronic deposit facilities.

(f) Copies of each current CRA statement shall be provided to the public upon request. A national bank may charge a fee not to exceed the cost of reproduction.

§ 25.5 Files of public comments and recent CRA statements.

(a) Each national bank shall maintain files that are readily available for public inspection consisting of:

(1) Any signed, written comments received from the public within the past 2 years that specifically relate to any CRA statement or to the bank's performance in helping to meet the credit needs of its community or communities;

(2) Any responses to the comments that the bank wishes to make; and

(3) Any CRA statements in effect during the past 2 years.

(b) These files shall not contain any comments or responses that reflect adversely upon the good name or reputation of any person other than the bank or publication of which would violate specific provisions of law.

(c) These files shall be maintained by each national bank as follows:

(1) All materials at the head office; and

(2) Those materials relating to each local community at a designated office in that community.

§ 25.6 Public notice.

Within 90 days after the effective date of this part, each national bank shall provide, in the public lobby of each of its offices other than off-premises electronic deposit facilities, the public notice set forth below. Bracketed material shall be used only by banks having more than one local community. The last item shall be included only if the bank is a subsidiary of a holding company that is not prevented by statute from acquiring additional banks.

COMMUNITY REINVESTMENT ACT NOTICE

The Federal Community Reinvestment Act (CRA) requires the Comptroller of the Currency to evaluate our performance in helping to meet the credit needs of this community, and to take this evaluation into account when the Comptroller decides on certain applications submitted by us. Your involvement is encouraged.

You should know that:

● You may obtain our current CRA statement for this community in this office.

[Current CRA statements for other communities served by us are available at our head office, located at ————.]

● You may send signed, written comments about our CRA statement[s] or our performance in helping to meet community credit needs to (title and address of bank official) and to the Regional Administrator of National Banks (address). Your letter, together with any response by us, may be made public.

● You may look at a file of all signed, written comments received by us within the past 2 years, any responses we have made to the comments, and all CRA statements in effect during the past 2 years at our office located at (address). [You also may look at the file about this community at (name and address of designated office).]

● You may ask to look at any comments received by the Regional Administrator of National Banks.

● You also may request from the Regional Administrator of National Banks an announcement of applications covered by the CRA filed with the Comptroller.

● We are a subsidiary of (name of holding company), a bank holding company. You may request from the Federal Reserve Bank of (city, address) an announcement of applications covered by the CRA filed by bank holding companies.

§ 25.7 Assessing the record of performance.

In connection with its examination of a national bank, the Comptroller shall assess the record of performance of the bank in helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with safe and sound operation of the bank. The Comptroller will review the bank's CRA statement(s) and any signed, written comments retained by the bank or the Comptroller. In addition, the Comptroller will consider the following factors in assessing a bank's record of performance:

(a) Activities conducted by the bank to ascertain the credit needs of its community, including the extent of the bank's efforts to communicate with members of its community regarding the credit services being provided by the bank;

(b) The extent of the bank's marketing and special credit-related programs to make members of the community aware of the credit services offered by the bank;

(c) The extent of participation by the bank's board of directors in formulating the bank's policies and reviewing its performance with respect to the purposes of the Community Reinvestment Act;

(d) Any practices intended to discourage applications for types of credit set forth in the bank's CRA statement(s);

(e) The geographic distribution of the bank's credit extensions, credit applications, and credit denials;

(f) Evidence of prohibited discriminatory or other illegal credit practices;

(g) The bank's record of opening and closing offices and providing services at offices;

(h) The bank's participation, including investments, in local community development and redevelopment projects or programs;

(i) The bank's origination of residential mortgage loans, housing rehabilitation loans, home improvement loans, and small business or small farm loans within its community, or the purchase of such loans originated in its community;

(j) The bank's participation in governmentally insured, guaranteed, or subsidized loan programs for housing, small businesses, or small farms;

(k) The bank's ability to meet various community credit needs based on its financial condition and size, and legal impediments, local economic conditions, and other factors; and

(l) Other factors that, in the Comptroller's judgment reasonably bear upon the extent to which a national bank is helping to meet the credit needs of its entire community.

§ 25.8 Effect on applications.

(a) In considering an application for: (1) The establishment of a domestic branch or other facility with the ability to accept deposits; (2) the relocation of the main office or a branch office; or (3) a merger or consolidation with or the acquisition of assets or assumption of liabilities of a federally insured bank, the Comptroller will take into account, among other factors, the applicant's record of performance.

(b) In considering an application for conversion from a State bank charter to a national bank charter, the Comptroller will assess the applicant's record of performance, and will take into account, among other factors, that record.

(c) Applicants for a national bank charter other than a State bank shall submit a proposed CRA statement when the application is made. In considering the application, the Comptroller will take into account, among other factors, the proposed CRA statement.

(d) In considering an application described in paragraph (a), (b), or (c) of this section, the Comptroller will take into account, among other factors, any views expressed by State or other Federal supervisors of depository institutions or other interested parties, which are submitted in accordance with the Comptroller's procedures set forth in 12 CFR part 5.

(e) A bank's record of performance may be the basis for the denial of an application described in paragraph (a) or (b) of this section. The proposed CRA statement of an applicant for a national bank charter may be the basis for the denial of the application.

INTERPRETATIONS

§ 25.101 National banks performing limited services.

In response to its proposed regulation, 12 CFR 25, to implement the Community Reinvestment Act ("CRA"), the Comptroller of the Currency received several inquiries from institutions that, although they are chartered as banks, do not perform commercial or retail banking services. These institutions serve solely as correspondent banks, or as trust companies, or as clearing agents, and they do not extend credit to the public for their own account. The Comptroller concludes that the CRA is not intended to cover these institutions. It is the purpose of the CRA to require the Comptroller to encourage national banks to meet the credit needs of their local communities. To this end, the Comptroller must assess banks' records of performance and take those records into account in acting on certain applications affecting the banks. The Comptroller believes that these provisions were intended to cover all banks that are in the business of extending credit to the public, including both "wholesale" and "retail" banks. The lending activities of these banks affect the economic health of the communities in which they are chartered. However, the Comptroller believes it would be pointless to encourage or to assess the credit granting record of institutions that are not organized to grant credit to the public in the ordinary course of business, other than as an incident to their specialized operations. Accordingly the term "national bank" as used in the Comptroller's regulation, part 25 (12 CFR Part 25), does not include banks that engage solely in correspondent banking business, trust company business, or acting as a clearing agent.

Dated: October 5, 1978.

JOHN G. HEIMANN,
Comptroller of the Currency.

[6210-01-M]

[Docket No. R-0139; R-0181; Regulation BB]

PART 228—COMMUNITY REINVESTMENT

Sec.

228.1 Authority.
228.2 Purposes.
228.3 Delineation of community.
228.4 Community Reinvestment Act statement.
228.5 Files of public comments and recent CRA statements.
228.6 Public notice.
228.7 Assessing the record of performance.
228.8 Effect on applications.

Sec.
228.100 Applicability of the Community Reinvestment Act to certain special purpose banks.

AUTHORITY: Community Reinvestment Act of 1977 (title VIII, Pub. L. 95-128, 91 Stat. 1147 (12 U.S.C. 2901 et seq.)); 12 U.S.C. 321, 325, 1814, 1816, 1828, 1842.

§ 228.1 Authority.

The Board of Governors of the Federal Reserve System issues this part to implement the Community Reinvestment Act (12 U.S.C. 2901 et seq.). The regulations comprising this part are issued under the authority of the Community Reinvestment Act and under the provisions of the United States Code authorizing the Board to conduct examinations of State-chartered banks that are members of the Federal Reserve System (12 U.S.C. 325), to conduct examinations of bank holding companies and their subsidiaries (12 U.S.C. 1844), and to consider applications for domestic branches by State member banks (12 U.S.C. 321), for Federal deposit insurance in connection with applications for membership in the Federal Reserve System by State banks (12 U.S.C. 321, 1814, 1816), for merger in which the resulting bank would be a State member bank (12 U.S.C. 1828), and for formation of, acquisitions of banks by, and mergers of, bank holding companies (12 U.S.C. 1842).

§ 228.2 Purposes.

The purposes of this regulation are to encourage State member banks to help meet the credit needs of their local community or communities; to provide guidance to State member banks as to how the Board will assess the records of State member banks in satisfying their continuing and affirmative obligations to help meet the credit needs of their local communities, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of those banks; and to provide for taking into account those records in connection with certain applications.

§ 228.3 Delineation of community.

(a) Each State member bank shall prepare, and at least annually review, a delineation of the local community or communities that comprise its entire community, without excluding low- and moderate-income neighborhoods. Maps shall be used to portray community delineations. The reasonableness of the delineations will be reviewed by Federal Reserve System examiners.

(b) A local community consists of the contiguous areas surrounding each office or group of offices, including any low- and moderate-income neighborhoods in those areas. More than one office of a State member bank may be included in the same local community. Unless the Board determines otherwise, a community delineation need not take account of an off-premises electronic facility that receives deposits for more than one depository institution. In preparing its delineation, a bank may use any one of the three bases set forth below.

(1) Existing boundaries such as those of standard metropolitan statistical areas (SMSA's) or counties in which the bank's office or offices are located may be used to delineate a local community. Where appropriate, portions of adjacent areas should be included. The bank may make adjustments in the case of areas divided by State borders or significant geographic barriers, or areas that are extremely large or of unusual configuration. In addition, a small bank may delineate those portions of SMSA's or counties it reasonably may be expected to serve.

(2) A bank may use its effective lending territory, which is defined as that local area or areas around each office or group of offices where it makes a substantial portion of its loans and all other areas equidistant from its offices as those areas. Adjustments such as those indicated in paragraph (b)(1) of this section may be made.

(3) A bank may use any other reasonably delineated local area that meets the purposes of the Community Reinvestment Act (CRA) and does not exclude low- and moderate-income neighborhoods.

§ 228.4 Community Reinvestment Act statement.

(a) Within 90 days after the effective date of this subpart, the board of directors of each State member bank shall adopt a Community Reinvestment Act (CRA) statement for each delineated local community.

(b) Each CRA statement shall include at least the following:

(1) The delineation of the local community;

(2) A list of specific types of credit within certain categories, such as residential loans for 1- to 4-dwelling units, residential loans for 5 dwelling units and over, housing rehabilitation loans, home improvement loans, small business loans, farm loans, community development loans, commerical loans, and consumer loans, that the bank is prepared to extend within the local community; and

(3) A copy of the Community Reinvestment Act notice provided for in § 228.6.

(c) Each State member bank is encouraged to include the following in each CRA statement:

(1) A description of how its current efforts, including special credit-related programs, help to meet community credit needs;

(2) A periodic report regarding its record of helping to meet community credit needs; and

(3) A description of its efforts to ascertain the credit needs of its community, including efforts to communicate with members of its community regarding credit services.

(d) Each State member bank's board of directors shall review each CRA statement at least annually and shall act upon any material change made in the interim at its first regular meeting after the change. Such actions shall be noted in its minutes.

(e) Each current CRA statement shall be readily available for public inspection:

(1) At the head office of the bank; and

(2) At each office of the bank in the local community delineated in the statement, except off-premises electronic deposit facilities.

(f) Copies of each current CRA statement shall be provided to the public upon request. A State member bank may charge a fee not to exceed the cost of reproduction.

§ 228.5 Files of public comments and recent CRA statements.

(a) Each State member bank shall maintain files that are readily available for public inspection consisting of:

(1) Any signed, written comments received from the public within the past 2 years that specifically relate to any CRA statement or to the bank's performance in helping to meet the credit needs of its community or communities;

(2) Any responses to the comments that the bank wishes to make; and

(3) Any CRA statements in effect during the past 2 years.

(b) These files shall not contain any comments or responses that reflect adversely upon the good name or reputation of any person other than the bank, or publication of which would violate specific provisions of law.

(c) These files shall be maintained by each State member bank as follows:

(1) All materials at the head office; and

(2) Materials relating to each local community, at a designated office in that community.

§ 228.6 Public notice.

Within 90 days after the effective date of this part, each State member bank shall provide, in the public lobby of each if its offices other than off-premises electronic deposit facilities, the public notice set forth below. Bracketed material shall be used only by banks having more than one local community. The last item in this notice shall be included only if the

bank is a subsidiary of a holding company that is not prevented by statute from acquiring additional banks.

COMMUNITY REINVESTMENT ACT NOTICE

The Federal Community Reinvestment Act (CRA) requires the Federal Reserve Board to evaluate our performance in helping to meet the credit needs of this community, and to take this evaluation into account when the Board decides on certain applications submitted by us. Your involvement is encouraged.

● You should know that:

● You may obtain our current CRA statement for this community in this office. [Current CRA statements for other communities served by us are available at our head office, located at (address).]

You may send signed, written comments about our CRA statement[s] or our performance in helping to meet community credit needs to (title and address of State member bank official) and to Community Reinvestment Officer, Federal Reserve Bank of ———— (address). Your letter, together with any response by us, may be made public.

● You may look at a file of all signed, written comments received by us within the past 2 years, any responses we have made to the comments, and all CRA statements in effect during the past 2 years at our office located at (address). [You also may look at the file about this community at (name and address of designated office).]

● You may ask to look at any comments received by the Federal Reserve Bank of ————.

● You also may request from the Federal Reserve Bank of ———— an announcement of applications covered by the CRA filed with the Federal Reserve System.

● We are a subsidiary of (name of holding company), a bank holding company. Applications filed by bank holding companies that are covered by the CRA are included in the Federal Reserve announcement of applications referred to in the previous paragraph.

§ 228.7 Assessing the record of performance.

In connection with its examination of a State member bank, the Board shall assess the record of performance of the bank in helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with safe and sound operation of the bank. The Board will review the bank's CRA statement(s) and any signed, written comments retained by the State member bank or the Federal Reserve Bank. In addition, the Board will consider the following factors in assessing a bank's record of performance:

(a) Activities conducted by the State member bank to ascertain the credit needs of its community, including the extent of the bank's efforts to communicate with members of its community regarding the credit services being provided by the bank;

(b) The extent of the State member bank's marketing and special credit-related programs to make members of the community aware of the credit services offered by the bank;

(c) The extent of participation by the State member bank's board of directors in formulating the bank's policies and reviewing its performance with respect to the purposes of the Community Reinvestment Act;

(d) Any practices intended to discourage applications for types of credit set forth in the State member bank's CRA statement(s);

(e) The geographic distribution of the State member bank's credit extensions, credit applications, and credit denials;

(f) Evidence of prohibited discriminatory or other illegal credit practices;

(g) The State member bank's record of opening and closing offices and providing services at offices;

(h) The State member bank's participation, including investments, in local community development and redevelopment projects or programs;

(i) The State member bank's origination of residential mortgage loans, housing rehabilitation loans, home improvement loans, and small business or small farm loans within its community, or the purchase of such loans originated in its community;

(j) The State member bank's participation in governmentally-insured, guaranteed, or subsidized loan programs for housing, small businesses or small farms;

(k) The State member bank's ability to meet various community credit needs based on its financial condition and size, and legal impediments, local economic conditions and other factors; and

(l) Other factors that, in the Board's judgment, reasonably bear upon the extent to which a State member bank is helping to meet the credit needs of its entire community.

§ 228.8 Effect on Applications.

(a) In considering any application

(1) For membership in the Federal Reserve System where membership would confer Federal deposit insurance on a bank,

(2) By a State member bank for the establishment of a domestic branch or other facility that would be authorized to receive deposits,

(3) By a State member bank for the relocation of a domestic branch,

(4) For merger, consolidation, acquisition of assets or assumption of liabilities if the acquiring, assuming, or resulting bank is to a State member bank,

(5) To become a bank holding company, and

(6) By a bank holding company to acquire ownership or control of shares or assets of a bank, or to merge or consolidate with any other bank holding company,

the Board will take into account, among other factors it considers, the record of performance in meeting the credit needs of its entire community of each applicant bank, each subsidiary bank of an applicant bank holding company, and each proposed subsidiary bank of an applicant under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) that has an officer, director, employee, or significant stockholder associated with the applicant. Those records of performance may be the basis for denying the application.

(b) In the case of each application for membership that would confer Federal deposit insurance, each application by a State member bank, and each application by a bank holding company with a State bank subsidiary, the Board will consider any views expressed by the respective State bank supervisors as to whether the State-chartered banks involved have been helping to meet the credit needs of their entire communities, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of those banks.

(c) At the request of an applicant, the Board will include in its consideration of an application the record of performance of nonbanking subsidiaries of bank holding companies in helping to meet the credit needs of the communities served by affiliated applicant banks or by subsidiary and proposed subsidiary banks of applicants under section 3 of the Bank Holding Company Act (12 U.S.C. 1842).

(d) At the time an application for membership that would confer Federal deposit insurance is made, the proposed State member bank shall submit to the Board a proposed CRA statement conforming to the requirements of § 228.4.

§ 228.100 Applicability of the Community Reinvestment Act to certain special purpose banks.

In response to its proposed regulation BB to implement the Community Reinvestment Act ("CRA") (12 U.S.C. 2901-05) the Board received several inquiries from institutions that, although they are chartered as banks, do not perform commercial or retail banking services. These institutions serve solely as correspondent banks, or as trust companies, or as clearing agents, and they do not extend credit to the public for their own account. The Board concludes that the CRA is not intended to cover these institutions. It is the purpose of the CRA to require the Board to encourage banks to meet the credit needs of their local communities. To this end, the Board must assess banks' records of performance and take those records into account in acting on certain applications affecting the banks. The Board be-

lieves that these provisions were intended to cover all banks that are in the business of extending credit to the public including both "wholesale" and "retail" banks. The lending activities of these banks affect the economic health of the communities in which they are chartered. However, the Board believes it would be pointless to encourage or to assess the credit-granting record of institutions that are not organized to grant credit to the public in the ordinary course of business, other than as an incident to their specialized operations. Accordingly the term "State member bank" as used in the Board's Regulation BB (12 CFR 228) does not include banks that engage solely in correspondent banking business, trust company business, or acting as a clearing agent.

By order of the Board of Governors, effective November 6, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[6714-01-M]

PART 345—COMMUNITY REINVESTMENT

REGULATIONS

Sec.
345.1 Authority.
345.2 Purposes.
345.3 Delineation of community.
345.4 Community Reinvestment Act Statement.
345.5 Files of public comments and recent CRA statements.
345.6 Public notice.
345.7 Assessing the record of performance.
345.8 Effect on applications.

INTERPRETATIONS

345.101 Special purpose banks and trust companies not engaged in lending.
345.102 Insured branches of foreign banks.

AUTHORITY: Community Reinvestment Act of 1977 (title VIII of the Housing and Community Development Act of 1977, Pub. L. 95-128; 91 Stat. 1147, et seq. (12 U.S.C. 2901 note)).

§ 345.1 Authority.

The provisions of this part 345 issued under the Community Reinvestment Act of 1977 (title VIII of the Housing and Community Development Act of 1977, Pub. L. No. 95-128; 91 Stat. 1147, et seq.).

§ 345.2 Purposes.

The purposes of this regulation are to encourage insured State nonmember banks to help meet the credit needs of their local community or communities; to provide guidance to banks as to how the FDIC will assess the records of insured State nonmember banks in satisfying their continuing and affirmative obligations to help meet the credit needs of the local communities, including low- and moderate-income neighborhoods, consistent with safe and sound operation of those banks; and to provide for taking into account those records in connection with certain applications.

§ 345.3 Delineation of community.

(a) Each insured State nonmember bank shall prepare, and at least annually review, a delineation of the local community or communities that comprise its entire community, without excluding low- and moderate-income neighborhoods. Maps shall be used to portray community delineations. The reasonableness of the delineations will be reviewed by FDIC examiners.

(b) A local community consists of the contiguous areas surrounding each office or group of offices, including any low- and moderate-income neighborhoods in those areas. More than one office of a bank may be included in the same local community. Unless the FDIC determines otherwise, a community delineation need not take account of an off-premises electronic facility that receives deposits for more than one depository institution. In preparing its delineation, a bank may use any one of the three bases set forth below:

(1) Existing boundaries such as those of standard metropolitan statistical areas (SMSA's) or counties in which the bank's office or offices are located may be used to delineate a local community. Where appropriate, portions of adjacent areas should be included. The bank may make adjustments in the case of areas divided by State borders or significant geographic barriers, or areas that are extremely large or of unusual configuration. In addition, a small bank may delineate those portions of SMSA's or counties it reasonably may be expected to serve.

(2) A bank may use its effective lending territory, which is defined as that local area or areas around each office or group of offices where it makes a substantial portion of its loans and all other areas equidistant from its offices as those areas. Adjustments such as those indicated in paragraph (b)(1) of this section may be made.

(3) A bank may use any other reasonably delineated local area that meets the purposes of the Community Reinvestment Act (CRA) and does not exclude low- and moderate-income neighborhoods.

§ 345.4 Community Reinvestment Act statement.

(a) Within 90 days after the effective date of this part, the board of directors of each insured State nonmember bank shall adopt a Community Reinvestment Act (CRA) statement for each delineated local community.

(b) Each CRA Statement shall include at least the following:

(1) The delineation of the local community;

(2) A list of specific types of credit within certain categories, such as residential loans for one to four dwelling units, residential loans for 5 dwelling units and over, housing rehabilitation loans, home improvement loans, small business loans, farm loans, community development loans, commercial loans, and consumer loans, that the bank is prepared to extend within the local community; and

(3) A copy of the Community Reinvestment Act notice provided for in § 345.6 below.

(c) Each bank is encouraged to include the following in each CRA statement:

(1) A description of how its current efforts, including special credit-related programs, help to meet community credit needs;

(2) A periodic report regarding its record of helping to meet community credit needs; and

(3) A description of its efforts to ascertain the credit needs of its community, including efforts to communicate with members of its community regarding credit services.

(d) Each bank's board of directors shall review each CRA statement at least annually and shall act upon any material change made in the interim at its first regular meeting after the change. Such actions shall be noted in its minutes.

(e) Each current CRA statement shall be readily available for public inspection:

(1) At the home office of the bank; and

(2) At each office of the bank in the local community delineated in the statement, except off-premises electronic deposit facilities.

(f) Copies of each current CRA statement shall be provided to the public upon request. A bank may charge a fee not to exceed the cost of reproduction.

§ 345.5 Files of public comments and recent CRA statements.

(a) Each insured State nonmember bank shall maintain files that are readily available for public inspection consisting of:

(1) Any signed, written comments received from the public within the past 2 years that specifically relate to any CRA statement or to the bank's performance in helping to meet the credit needs of its community or communities;

(2) Any responses to the comments that the bank wishes to make;

(3) Any CRA statements in effect during the past 2 years.

(b) These files shall not contain any comments or responses that reflect adversely upon the good name or reputa-

tion of any person other than the bank, or publication of which would violate specific provisions of law.

(c) These files shall be maintained by each bank as follows:

(1) All materials at the home office; and

(2) Materials relating to each local community, at a designated office in that community.

§ 345.6 Public notice.

Within 90 days after the effective date of this part, each insured State nonmember bank shall provide, in the public lobby of each of its offices other than off-premises electronic deposit facilities, the public notice set forth below. Bracketed material shall be used only by banks having more than one local community. The last item in this notice shall be included only if the bank is a subsidiary of a holding company that is not prevented by statute from acquiring additional banks.

COMMUNITY REINVESTMENT ACT NOTICE

The Federal Community Reinvestment Act (CRA) requires the FDIC to evaluate our performance in helping to meet the credit needs of this community, and to take this evaluation into account when the FDIC decides on certain applications submitted by us. Your involvement is encouraged.

You should know that:

- You may obtain our current CRA statements for this community in this office. [Current CRA statements for other communities served by us are available at our head office, located at ————.]
- You may send signed, written comments about our CRA statements[s] or our performance in helping to meet community credit needs to (title and address of bank official) and to (title and address of the FDIC's regional office). Your letter, together with any responses by us, may be made public.
- You may look at a file of all signed, written comments received by us within the past 2 years, any responses we have made to the comments, and all CRA statements in effect during the past 2 years at our office located at (address). [You also may look at the file about this community at (name and address of designated office).]
- You may ask to look at any comments received by (the FDIC's regional office) at (address).
- You also may request from the Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, an announcement of applications covered by the CRA filed with the FDIC.
- We are a subsidiary of (name of holding company), a bank holding company. You may request from the Federal Reserve bank of ———— (address) an announcement of applications covered by the CRA filed by bank holding companies.

§ 345.7 Assessing the record of performance.

In connection with its examination of a bank, the FDIC shall assess the record of performance of the bank in helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with safe and sound operation of the bank. The FDIC will review the bank's CRA statement(s) and any signed, written comments retained by the bank or the FDIC. In addition, the FDIC will consider the following factors in assessing a bank's record of performance:

(a) Activities conducted by the bank to ascertain the credit needs of its community, including the extent of the bank's efforts to communicate with members of its community regarding the credit services being provided by the bank;

(b) The extent of the bank's marketing and special credit-related programs to make members of the community aware of the credit services offered by the bank;

(c) The extent of participation by the bank's board of directors in formulating the bank's policies and reviewing its performance with respect to the purposes of the Community Reinvestment Act;

(d) Any practices intended to discourage applications for types of credit set forth in the bank's CRA statement(s);

(e) The geographic distribution of the bank's credit extensions, credit applications, and credit denials;

(f) Evidence of prohibited discriminatory or other illegal credit practices;

(g) The bank's record of opening and closing offices and providing services at offices;

(h) The bank's participation, including investments, in local community development and redevelopment projects or programs;

(i) The bank's origination of residential mortgage loans, housing rehabilitation loans, home improvement loans, and small business or small farm loans within its community, or the purchase of such loans originated in its community;

(j) The bank's participation in governmentally-insured, guarantee, or subsidized loan programs for housing, small businesses, or small farms;

(k) The bank's ability to meet various community credit needs based on its financial condition and size, and legal impediments, local economic conditions and other factors; and

(l) Other factors that, in the FDIC's judgment, reasonably bear upon the extent to which a bank is helping to meet the credit needs of its entire community.

§ 345.8 Effect on applications.

(a) The assessment of the record of performance under § 345.7 shall be taken into account in connection with applications to the FDIC for: (1) Deposit insurance in connection with a newly chartered bank; (2) approval of an establishment of a domestic branch or other facility with the ability to accept deposits for which an application is required; (3) approval of a relocation of the main office or a branch office; and (4) approval of a merger, consolidation, acquisition of assets, or assumption of liabilities.

(b) The assessment of a bank's record of performance in helping to meet the credit needs of its community may be the basis for denial of an application cited in paragraph (a).

(c) Specific applications.

(1) In considering an application where a State member or national bank will convert into, merge or consolidate with, or have its assets acquired or liabilities assumed by a State nonmember bank, the FDIC will take into account any views expressed by State member or national bank's present State and Federal supervisors.

(2) In considering an application for deposit insurance, the FDIC will take into account the bank's CRA statement.

INTERPRETATIONS

§ 345.101 Special purpose banks and trust companies not engaged in lending.

In response to its proposed regulation part 345 to implement the Community Reinvestment Act ("CRA") (12 U.S.C. 2910-05), the Corporation received several inquiries from institutions that, although they are chartered as banks, do not perform commercial or retail banking services. These institutions serve solely as correspondent banks, or as trust companies, or as clearing agents, and they do not extend credit to the public for their own account. The Corporation conlcudes that the CRA is not intended to cover these institutions. It is the purpose of the CRA to require the Corporation to encourage banks to meet the credit needs of their local communities. To this end, the Corporation must assess banks' records of performance and take those records into account in acting on certain applications affecting the banks. The Corporation believes that these provisions were intended to cover all banks that are in the business of extending credit to the public including both "wholesale" and "retail" banks. The lending activities of these banks affect the economic health of the communities in which they are chartered. However, the Corporation believes it would be pointless to encourage or to assess the credit granting record of institutions that are not organized to grant credit to the public in the ordinary course of business, other than as an incident to their specialized operations. Accordingly the term "insured State nonmember bank" as used in the Corporation's regulation part 345 (12 CFR part 345) does not include banks that

engage solely in correspondent banking business, trust company business, or acting as a clearing agent.

§ 345.102 Insured branches of foreign banks.

The Community Reinvestment Act, by its terms, applies to all "insured banks" as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813). The recently enacted International Banking Act, among other things, amends section 3 of the Federal Deposit Insurance Act to include within the definition of the term "insured bank" any foreign bank having a branch, any deposits in which are insured by the Federal Deposit Insurance Corporation. Accordingly, the Community Reinvestment Act requires the Corporation, in the case of an insured State branch of a foreign bank, to assess the bank's record of meeting the credit needs of its entire community, and to take that record into account in acting upon certain applications that may be filed by any such foreign bank. In light of the purposes of the Community Reinvestment Act, it would appear that the record of the foreign bank branches in the United States should be the record that should be assessed by the Corporation and taken into account in the case of applications, rather than the record of the foreign bank as a whole in meeting the credit needs of its communities abroad. In recognition of the anomaly of assessing and taking into account a foreign bank's foreign operations in meeting the needs of its foreign community, the Corporation will consider only the foreign bank's U.S. operations. Accordingly, the Corporation's regulation part 345, in the case of foreign banks that are "insured banks" within the meaning of section 3 of the Federal Deposit Insurance Act, should be construed as applying only to the insured branches of the foreign banks in the United States. Thus, where § 345.3(a) requires each insured State nonmember bank to prepare and at least annually review a delineation of its local community, in the case of a foreign bank that is an "insured bank", the community or communities delineated should relate to the insured branch or branches within the United States. Similarly, the phrase "office of group of offices" in § 345.3(b) refers to insured branches located within the United States and the phrase "effective lending territory" refers to areas or to an area geographically within the United States. Indeed, the phrase "community" as it appears throughout the regulation is intended to refer to a local geographical area within the boundaries of the United States. In the case of foreign banks that are "insured banks", the requirement in § 345.4 that a bank's board of directors adopt a CRA statement would apply to any officer or local managing board which directs the operations of the insured branch or branches rather than the board of directors itself. Similarly, the requirement in § 345.4(d) for board of directors review of CRA statements and approval of changes may, in the case of foreign banks that are "insured banks" may be satisfied by any officer or local managing board rather than the board of directors itself. In the case of a foreign bank, copies of CRA statements, signed written comments from the public, in response thereto, need not be retained in the head office of the foreign bank, nor would the public notice required by § 345.6 be provided at any office outside of the United States.

By order of the Board of Directors, October 5, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,

ALAN R. MILLER,
Executive Secretary.

[6720-01-M]

PART 563e—COMMUNITY REINVESTMENT

Sec.
563e.1 Authority.
563e.2 Purposes.
563e.3 Delineation of community.
563e.4 Community Reinvestment Act statement.
563e.5 Files of public comments and recent CRA statements.
563e.6 Public notice.
563e.7 Assessing the record of performance.
563e.8 Effect on applications.

AUTHORITY: Community Reinvestment Act of 1977 (title VIII of the Housing and Community Development Act of 1977, Pub. L. 95-128; 91 Stat. 1147, et seq. 12 U.S.C. 2901 et seq.); sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); secs. 402, 403, 407, and 408, 48 Stat. 1256, 1257, 1260, and 1260a as amended (12 U.S.C. 1725, 1726, 1730, 1730a); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 (Comp. 1071).

§ 563e.1 Authority.

The provisions of this part 563e are issued under the Community Reinvestment Act of 1977 (title VIII of the Housing and Community Development Act of 1977, Pub. L. 95-128, 91 Stat. 1147, et seq.); and under sections 17, 47 Stat. 736, as amended (12 U.S.C. 1437); secs. 402, 403, 407, and 408, 48 Stat. 1256, 1257, 1260, and 1260a as amended (12 U.S.C. 1725, 1726, 1730, 1730a); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Com. 1071).

§ 563e.2 Purposes.

The purposes of this regulation are to encourage insured institutions to help meet the credit needs of their local community or communities; to provide guidance to institutions as to how the Board will assess the records of institutions in satisfying their continuing and affirmative obligations to help meet the credit needs of their local communities, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of those institutions; and to provide for taking into account those records in connection with certain applications.

§ 563e.3 Delineation of community.

(a) Each insured institution shall prepare, and at least annually review, a delineation of the local community or communities that comprise its entire community, without excluding low- and moderate-income neighborhoods. Maps shall be used to portray community delineations. The reasonableness of the delineations will be reviewed by the Board's examiners.

(b) A local community consists of the contiguous areas surrounding each office or group of offices, including any low- and moderate-income neighborhoods in those areas. More than one office of an institution may be included in the same local community. Unless the Board determines otherwise, a community delineation need not take account of an off-premises electronic facility that receives deposits for more than one depository institution. In preparing its delineation, an institution may use any one of the three bases set forth below.

(1) Existing boundaries such as those of standard metropolitan statistical areas (SMSA's) or counties in which the institution's office or offices are located may be used to delineate a local community. Where appropriate, portions of adjacent areas should be included. The institution may make adjustments in the case of areas divided by State borders or significant geographic barriers, or areas that are extremely large or of unusual configuration. In addition, a small institution may delineate those portions of SMSA's or counties it reasonably may be expected to serve.

(2) An institution may use its effective lending territory, which is defined as that local area or areas around each office or group of offices where it makes a substantial portion of its loans and all other areas equidistant from its offices as those areas. Adjustments such as those indicated in paragraph (b)(1) of this section may be made.

(3) An institution may use any other reasonably delineated local area that meets the purposes of the Community Reinvestment Act (CRA) and does not exclude low- and moderate-income neighborhoods.

§ 563e.4 Community Reinvestment Act statement.

(a) Within 90 days after the effective date of this part, the board of directors of each institution shall adopt a Community Reinvestment Act (CRA) statement for each delineated local community.

(b) Each CRA statement shall include at least the following:

(1) The delineation of the local community;

(2) A list of specific types of credit within certain categories, such as residential loans for 1- to 4-family dwelling units, residential loans for 5 dwelling units and over, housing rehabilitation loans, home improvement loans, small business loans, farm loans, community development loans, commercial loans, and consumer loans, that the institution is prepared to extend within the local community; and

(3) A copy of the Community Reinvestment Act notice provided for in § 563e.6.

(c) Each institution is encouraged to include the following in each CRA statement:

(1) A description of how its current efforts, including special credit-related programs, help to meet community credit needs;

(2) A periodic report regarding its record of helping to meet community credit needs; and

(3) A description of its efforts to ascertain the credit needs of its community, including efforts to communicate with members of its community regarding credit services.

(d) Each institution's board of directors shall review each CRA statement at least annually and shall act upon any material change made in the interim at its first regular meeting after the change. Such actions shall be noted in its minutes.

(e) Each current CRA statement shall be readily available for public inspection:

(1) At the home office of the institution; and

(2) At each office of the institution in the local community delineated in the statement, except off-premises electronic deposit facilities.

(f) Copies of each current CRA statement shall be provided to the public upon request. An institution may charge a fee not to exceed the cost of reproduction.

§ 563e.5 Files of public comments and recent CRA statements.

(a) Each institution shall maintain files that are readily available for public inspection consisting of:

(1) Any signed, written comments received from the public within the past 2 years that specifically relate to any CRA statement or to the institution's performance in helping to meet the credit needs of its community or communities;

(2) Any response to the comments that the institution wishes to make; and

(3) Any CRA statements in effect during the past 2 years.

(b) These files shall not contain any comments or responses that reflect adversely upon the good name or reputation of any persons other than the institution, or publication of which would violate specific provisions of law.

(c) These files shall be maintained by each institution as follows:

(1) All materials at the home office; and

(2) Those materials relating to each local community at a designated office in that community.

§ 563e.6 Public notice.

Within 90 days after the effective date of this part, each institution shall provide, in the public lobby of each of its offices other than off-premises electronic deposit facilities, the public notice set forth below. Bracketed material shall be used only by institutions having more than one local community.

COMMUNITY REINVESTMENT ACT NOTICE

The Federal Community Reinvestment Act (CRA) requires the Federal Home Loan Bank Board to evaluate our performance in helping to meet the credit needs of this community, and to take this evaluation into account when deciding on certain applications submitted by us. Your involvement is encouraged.

You may obtain our current CRA statement for this community in this office. [Current CRA statements for other communities served by us are available at our home office, located at ————————.]

You may send signed, written comments about our CRA statement[s] or our performance in helping to meet community credit needs to (title and address of institution official) and to (title of officer), Federal Home Loan Bank of ———— (address). Your letter, together with any response by us, may be made public.

You may look at a file of all signed, written comments received by us within the past 2 years, any responses we have made to the comments, and all CRA statements in effect during the past 2 years at our office located at (address). [You also may look at the file about this community at (name and address of designated office).]

You may ask to look at any comments received by the Federal Home Loan Bank of ————.

You also may request from the Federal Home Loan Bank of ———— an announcement of applications covered by the CRA filed with the Federal Home Loan Bank Board.

§ 563e.7 Assessing the record of performance.

In connection with its examination of an institution, the Board shall assess the record of performance of the institution in helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with safe and sound operation of the institution. The Board will review the institution's CRA statement(s) and any signed, written comments retained by the institution or the agency. In addition, the Board will consider the following factors in assessing an institution's record of performance:

(a) Activities conducted by the institution to ascertain the credit needs of its community, including the extent of the institution's efforts to communicate with members of its community regarding the credit services being provided by the institution;

(b) The extent of the institution's marketing and special credit-related programs to make members of the community aware of the credit services offered by the institution;

(c) The extent of participation by the institution's board of directors in formulating the institution's policies and reviewing its performance with respect to the purposes of the Community Reinvestment Act;

(d) Any practices intended to discourage applications for types of credit set forth in the institution's CRA statement(s);

(e) The geographic distribution of the institution's credit extensions, credit applications and credit denials;

(f) Evidence of prohibited discriminatory or other illegal credit practices;

(g) The institution's record of opening and closing offices and providing services at offices;

(h) The institution's participation, including investments, in local community development and redevelopment projects or programs;

(i) The institution's origination of residential mortgage loans, housing rehabilitation loans, home improvement loans, and small business or small farm loans within its community, or the purchase of such loans originated in its community;

(j) The institution's participation in governmentally insured, guaranteed, or subsidized loan programs for housing, small businesses or small farms;

(k) The institution's ability to meet various community credit needs based on its financial condition and size, and legal impediments, local economic conditions and other factors; and

(l) Other factors that, in the Board's judgment, reasonably bear upon the extent to which an institution is helping to meet the credit needs of its entire community.

§ 563e.8 Effect on applications.

(a) Assessments under this part shall be taken into account in determining whether to grant charters, deposit insurance, branches and other deposit

facilities, relocations, mergers, consolidations, acquisitions of assets or assumptions of liabilities, and savings and loan holding company acquisitions. Assessment of an institution's record of performance may be the basis for denying an application.

(b) The Board will take into account any views expressed by State-chartered applicants' State supervisory authorities with regard to whether applicants are helping to meet the credit needs of their communities.

(c) The Board may consider the credit-granting record of any financial subsidiaries of savings and loan holding companies when such holding companies submit to the Board applications listed under paragraph (a) of this section.

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

OCTOBER 3, 1978.

[FR Doc. 78-28852 Filed 10-10-78; 10:55 am]

[4810-33-M]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 5—SUPPLEMENTAL APPLICATION PROCEDURES FOR CHARTERS, DOMESTIC BRANCHES, MERGERS, RELOCATIONS, CONVERSIONS, DOMESTIC OPERATING SUBSIDIARIES, FIDUCIARY POWERS AND TITLE CHANGES

AGENCY: Comptroller of the Currency.

ACTION: Final rule.

SUMMARY: This rule revises procedures of the Office of the Comptroller of the Currency for applications for charters, branches, mergers, and relocations. The changes are prompted by the Community Reinvestment Act of 1977 and regulations issued pursuant to the Act and by suggestions received during the comment period following publication of the proposed regulations to implement the CRA. The goal of these changes is to improve the opportunity for public participation in the decision process on the affected applications listed above.

EFFECTIVE DATE: November 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Alan Herlands, Director, Regulations Analysis, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1177.

SUPPLEMENTARY INFORMATION: On July 11, 1978, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board jointly published proposed regulations to implement the Community Reinvestment Act of 1977. After studying approximately 550 comments received during the comment period following the publication of the proposed regulations, the agencies are adopting final regulations.

Many of the comments on the proposed regulations also suggested amendments to the procedures under which regulated financial institutions apply to their respective regulatory authorities for the following: A charter; deposit insurance; the establishment of a domestic branch or other deposit facility; the relocation of the home office or a branch office; a merger or consolidation; or an acquisition by a holding company.

Each of the agencies is adopting changes to its regulations governing the treatment of these applications so that the agencies' procedures are substantially similar. For each agency, these changes will facilitate public involvement in the decisionmaking process and increase the level of communication between the agencies, the institutions, and the public.

The major changes in the regulations provide for more frequent public notice of a pending application and for interested persons to have greater opportunity to comment on an institution's CRA performance when the institution has an application pending. Specifically, the amendment revises the notice by publication provision of 12 CFR 5.2(b) to expand the one-time publication to publication on the same day of 2 consecutive weeks. In addition to the general requirements of § 5.2(b)(1), a paragraph (b)(2) has been adopted to specifically address applications for mergers and relocations.

There was also concern expressed in the comments to the proposed regulation that procedures be adopted to assure that interested persons have the opportunity to be informed of pending applications in order to comment for CRA purposes. The Comptroller's current regulations provide that such notice will be provided to any person who has requested notification in writing to the Regional Administrator. Currently, this provision applies to all applications other than applications for CBCT branches. The Comptroller is now adopting an identical provision, 12 CFR 5.2a(c), to cover CBCT applications.

Interested parties may also receive notification of the Comptroller's final disposition of any application by requesting such in writing to the Regional Administrator (12 CFR 5.13).

Section 5.13 has been revised to clarify that the Comptroller will issue a public opinion whenever the decision represents, in the Comptroller's judgment, a new or changed policy or presents issues of general importance to the public or the banking industry.

These amendments are being issued in final form, to take effect on November 6, 1978 and will apply to applications filed on or after that date. However, the Comptroller of the Currency and the other agencies have undertaken to review the regulations' effectiveness as they gain experience in operating under them. The agencies will also accept and consider written comments for 6 months from the effective date of the regulations. Comments may be submitted to Alan Herlands, Director, Regulations Analysis, Office of the Comptroller of the Currency, Washington, D.C. 20219.

ADOPTION OF AMENDMENTS

12 CFR Part 5 is amended by revising § 5.2(b), adding § 5.2a(c), and revising § 5.13 as follows:

§ 5.2 Notice of filing applications.

* * * * * *

(b) *By publication.* (1) Except in the case of proposed transactions where notice by publication is governed by statute, the applicant shall, within 15 days after receipt of a notice in writing that an application has been accepted for filing, publish on the same day of two (2) consecutive weeks in a newspaper of general circulation in the community in which the applicant's head office is located and in a newspaper of general circulation in the community in which the applicant proposes to engage in business (or engages in business in the case of a title change) a notice containing the name of the applicant or applicants, the subject matter of the application, and the date upon which the application was accepted for filing. Immediately thereafter, the applicant shall furnish the Regional Administrator with an affidavit evidencing such publication.

(2) In addition to the requirements of paragraph (1), the following is required of applications for mergers and relocations:

(i) Mergers—In addition to statutory requirements, notice must be published on the same day of two (2) consecutive weeks in a newspaper of general circulation in the community in which the head office of each merging bank is located;

(ii) Relocations—Notice must be published on the same day of two (2) consecutive weeks in a newspaper of general circulation in the community in which the office to be relocated is located. On the date of the first notice by publication, an additional identical notice must be posted in the office to be relocated. This notice must remain posted for at least twenty-one (21) days after the notice by publication.

* * * * * *

§ 5.2a Notice of filing of CBCT branch applications.

* * * * * *

(c) *By the Regional Administrator.* The Regional Administrator shall give timely notice to the State official who supervises commercial banks in the State in which the applicant is or will be located, and to any other person requesting such written notification. Notice may also be given to other parties who the Regional Administrator believes, in his sole discretion, might have an interest in the pending application.

§ 5.13 Comptroller's decision.

The applicant and all persons so requesting in writing shall be notified of the final disposition of the application. The Comptroller will issue a public opinion whenever the decision represents, in the Comptroller's judgment, a new or changed policy or presents issues of general importance to the public or the banking industry.

Dated: October 5, 1978.

JOHN G. HEIMANN,
Comptroller of the Currency.

[FR Doc. 78-28853 Filed 10-10-78; 10:55 am]

[6210-01-M]

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0182]

PART 262—RULES OF PROCEDURE

Applications

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This rule would revise procedures of the Board for certain applications for membership, applications for branches, mergers, or relocations, and certain applications under the Bank Holding Company Act. The goal of these changes is to improve the opportunity for public participation in the decision process on the affected applications listed above.

DATES: Effective date: November 6, 1978.

The Board will accept and consider written comments for 6 months from the effective date of this amendment. Such comments should be submitted to Theodore E. Allison, Secretary of the Board of Governors of the Federal Reserve System, Washington, D.C. 20551 and should refer to docket No. R-0182.

FOR FURTHER INFORMATION CONTACT:

Julius L. Loeser, Senior Attorney, 202-452-3236, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Section 262.3 is amended by adding the following subsection (b) and redesignating subsections (b), (c), (d), (e), (f), (g), and (h) as subsections (c), (d), (e), (f), (g), (h), and (i) respectively.

§ 262.3 Applications

* * * * *

(b) *Notice of applications.* (1) In the case of applications—

(i) For membership in the Federal Reserve System where such membership would confer Federal deposit insurance on a bank,

(ii) By a State member bank for the establishment of a domestic branch or other facility that would be authorized to receive deposits,

(iii) By a State member bank for the relocation of a domestic branch office,

(iv) For merger, consolidation, or acquisition of assets or assumption of liabilities, if the acquiring, assuming, or resulting bank is to be a State member bank,

(v) To become a bank holding company, and

(vi) By a bank holding company to acquire ownership or control of shares or assets of a bank, or to merge or consolidate with any other bank holding company,

the applicant shall, prior to filing such application, cause to be published on the same day of each of 2 consecutive weeks a notice containing the name of the applicant or applicants, the subject matter of the application, the location at which the applicant proposes to engage in business, and an invitation to the public to give written comment upon the application to the appropriate Federal Reserve Bank no later than 30 days after the date of publication of the first notice. Such notice shall be published in a newspaper of general circulation in (A) the community in which the head office of the bank is or is to be located in the case of an application for membership that would confer deposit insurance, (B) the community or communities in which the head office of the bank and the proposed branch or other facility (other than an electronic funds transfer facility) are located in the case of an application for the establishment of a domestic branch or other facility that would be authorized to receive deposits, (C) the community or communities in which the head office of the bank, the office to be closed, and the office to be opened are located in the case of an application for the relocation of a domestic branch office, (D) the community or communities in which the head office of each of the banks to be party to the merger, consolidation, or acquisition of assets or assumption of liabilities are located in the case of an application by a bank for merger, consolidation, or acquisition of assets or assumption of liabilities, or (E) the community or communities in which the head offices of the largest subsidiary bank, if any, of an applicant and of each bank, shares of which are to be directly or indirectly acquired, are located in the case of applications under section 3 of the Bank Holding Company Act.

(2) In addition to the foregoing notice, an applicant, in the case of an applicaition to relocate a domestic branch office or other facility that would be authorized to receive deposits, shall post in a conspicuous public place in the lobby of the office to be closed a notice containing the information specified in § 262.3(b)(1). Such notice should be posted on the date of the first notice required by § 262.3(b)(1).

* * * * *

Board of Governors of the Federal Reserve System, effective November 6, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-28854 Filed 10-10-78; 10:55 am]

[6714-01-M]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

Relocation Applications Amendments

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: These amendments to § 303.14 of part 303 reflect implementation of part 345, the Community Reinvestment Act regulations. The amendments increase the number of times that notice of application filing must be published for branch, relocation, and deposit insurance applications; they also increase the number of communities in which published notice must be made for branch and relocation applications. Additionally, for relocation applications, notice must be posted in the public lobby of the office(s) to be moved to another location. The intended effect of the amendments is to provide greater public awareness of intended actions by banks to which the Community Reinvestment Act of 1977 is applicable, and improve application procedures.

EFFECTIVE DATE: November 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Roger A. Hood, Assistant General Counsel, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, telephone 202-389-4628.

SUPPLEMENTARY INFORMATION: On July 11, 1978, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Home Loan Bank Board, and the Federal Deposit Insurance Corporation ("the Agencies") proposed regulations to implement the Community Reinvestment Act of 1977 ("the CRA"). The proposed regulations were identical in their substantive provisions although they contained procedural variations. In the preamble to those proposed regulations, notice was given that the Agencies were considering modifications to their existing ap-

plication procedures concerning public notice and opportunity to be heard with respect to applications covered by the CRA. Subsequently, the Agencies agreed to amend their application procedures to provide minimum standards as to certain basic application procedures for public notice and opportunity to be heard. The amendments herein reflect these minimum application procedures and are described below.

§ 303.14(a) SCOPE OF SECTION.

The only change made is the addition of footnote 11b-1. It states that an off-premises electronic facility that receive deposits for more than one depository institution is deemed to constitute a branch only of the bank or banks which own or lease the facility. Moreover, the CRA regulation specifically exempts shared depository facilities from inclusion in the requirement of delineating a community for an institution's offices. Due to this exemption for such facilities, an insured State nonmember bank need not apply for prior consent from the Corporation to share a facility owned or leased by another entity. Footnote 11b-1 is added to reflect these considerations.

§ 303.14(b) NOTICE OF FILING OF APPLICATION.

Subparagraph (ii) of paragraph (1) Notice by Publication has been changed to require banks to publish notice of an application twice in a newspaper of general circulation rather than only once. At a minimum, the publication must be on the same day for 2 consecutive weeks.

The published notice varies as to the number of communities in which the publication must be made depending on the type of application. For branches, publication must be made in the communities of the home office and the branch to be established. For relocations of home or branch offices, publication must be made in the communities of the home office, the office to be closed, and the office to be opened. For deposit insurance, publication must be made in the community of the home office of the applicant. Prior to its amendment the paragraph required that publication be made only in the community in which the applicant proposed to engage in business.

§ 303.14(b)(1-a) NOTICE BY POSTING.

The four agencies determined that increased notice to the public for proposed relocations is needed. Banks will now be required to post notice of an application for relocation in the public lobby of the office(s) to be moved to another location. This posted notice is in addition to the requirement of newspaper publication.

§ 303.14(b)(2) COMMENTS AND PROTEST.

The "Comments and Protests" paragraph has been changed to reflect the fact that published notice must be made twice for branch, office relocation, and deposit insurance applications. The same reason accounts for the deletion of paragraph (ii) in subparagraph (3) "Notice of Right to Comment or Protest."

§ 303.14(c) PUBLIC FILE.

The word "comments" has been included to recognize the provision for comments in paragraphs "Comments and Protests," "Notice of Right to Comment or Protest," and "Solicitation of Comments by Regional Director."

§ 303.14(f) HEARING RULES.

These rules, as amended, provide all participants the right to make closing arguments at hearings.

In adopting this amendment to FDIC's rules and regulations, FDIC's Board of Directors did not follow the requirements of sections 553 (b) and (d) of title 5 of the United States Code and §§ 302.1, 302.2, and 302.5 FDIC's rules and regulations with respect to notice, public participation, and delayed effective date, because the amendment relates to agency procedure and practice, and because the Board of Directors found that, in light of the need to adopt the amendments to take effect concurrently with the Community Reinvestment Act regulations, notice and public procedure thereon are impracticable and contrary to the public interest.

Accordingly, the following amendments to § 303.14 of part 303 of Federal Deposit Insurance Corporations regulations are adopted, to take effect November 6, 1978.

Approved October 5, 1978.

By order of the Board of Directors.

ALAN R. MILLER,
Executive Secretary.

1. § 303.14, paragraph (a) is amended by inserting the footnote designation "11b-1" after the word "branches" in numbered clause (2), and by adding the following footnote:

11b-1 For purposes of this section, unless the Corporation determines otherwise, an off-premises electronic facility which receives deposits for more than one depository institution is deemed to constitute a branch only of the bank or banks which own or lease the facility.

2. In § 303.14, paragraphs (b), (c)(1)(ii), and (f)(1)(v) are revised to read as follows:

§ 303.14 Application procedures.

* * * * *

(b) * * *

(1) * * *

(ii) In the case of all other applications described in paragraph (a) of this section, within 15 days after the Regional Director has notified the applicant in writing that an application has been accepted for filing, the applicant shall publish notice of the proposed transaction at least once each week on the same day for 2 consecutive weeks in a newspaper of general circulation in the community or communities referred to below:

(A) *Applications to establish a branch.*—In the communities in which the home office and the branch to be established are located;

(B) *Applications to relocate an office.*—In the communities in which the home office, office to be closed, and office to be opened are located;

(C) *Applications for deposit insurance.*—In the community in which the home office is located.

The published notice shall include the name of the applicant, the subject matter of the application, the location or locations at which the applicant proposes to engage in business, and the date upon which the application was accepted for filing.

(iii) * * *

(1-a) *Notice by posting.* In the case of applications to relocate home offices or branch offices, in addition to the notice by publication described in paragraph (b)(1) of this section, notice of the application shall be posted in the public lobby of the office(s) to be relocated.

(2) *Comments and protests.* Anyone who wishes to comment on an application may do so by filing comments in writing with the Regional Director. Anyone who wishes to protest the granting of the application has a right to do so if he or she files a written notice of his or her intent with the Regional Director within 15 days of the last publication of the notice required by paragraph (b)(1) of this section.

(3) *Notice of right to comment or protest.* In order to fully apprise the public of its rights under paragraph (b)(2) of this section, the notice described in paragraph (b)(1) of this section shall include a statement describing the right to comment upon or protest the granting of the application. This notice shall consist of the following statement:

Any person wishing to comment on this application may file his or her comments in writing with the Regional Director of the Federal Deposit Insurance Corporation at its Regional Office (address of the Regional Office). If any person desires to protest the granting of this application he or she has a right to do so if he or she files a written notice of his or her intent with the Regional Director by (the 15th day following the last date of required publication). The nonconfidential portions of the application are on file in the Regional Office as part of the public file maintained by the Corporation. This file is available for public inspection during regular business hours.

(4) * * *

(c) * * *

(1) * * *

(ii) Data, comments, and information submitted by interested persons in favor of or in opposition to such application.

* * * * *

(f) Hearing rules.—(1) Order of presentation. The following schedule is intended to serve as a general guide to the conduct of the hearing. It is not fixed and may be varied at the discretion of the presiding officer. The presiding officer shall determine the order of opening and closing statements and presentations to be followed by all participants other than the applicant who in each instance shall have the opportunity to speak first.

(i) * * *
(ii) * * *
(iii) * * *
(iv) * * *

(v) *Summary statement.* After all the above presentations have been concluded, the applicant and each other participant may make a short concise rebuttal.

(Secs. 5, 6, 8, 9, 18, 19, Pub. L. 797, 64 Stat. 876, 879, 881, 891, 893 (12 U.S.C. 1815, 1816, 1818, 1819, 1828, 1829).)

[FR Doc. 78-28855 Filed 10-10-78; 10:55 am]

[6720-01-M]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 78-518]

Amendments Relating to Acquisitions

OCTOBER 3, 1978.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rules.

SUMMARY: The Bank Board hereby amends its application procedures to expand public notice, protest, and hearing provisions; to incorporate certain provisions relating to the Community Reinvestment Act of 1977 ("CRA"); and to simplify the language of affected regulations.

EFFECTIVE DATE: November 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Nancy L. Feldman, Assistant General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552, 202-377-6443.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board, by Resolution No. 78-518-A (October 3, 1978), today issued final regulations to implement the Community Reinvestment Act of 1977 ("CRA"). The regulations, set forth at new 12 CFR Part 563e, provide for (1) assessment of an insured institution's record in helping to meet the credit needs of its entire community, including low- and moderate/income neighborhoods, consistent with the safe and sound operation of such institution, and (2) consideration of such record when evaluating certain applications made by an institution.

The Bank Board hereby amends its application procedures affected by the CRA in order to insure adequate public notice and opportunity for meaningful protest and hearing on any required application to the Bank Board for a charter; deposit insurance; branch or other deposit facility; relocation; merger; consolidation, acquisition of assets, or assumption of liabilities; or acquisition of a deposit facility by a savings and loan holding company.

Additionally, this opportunity has been taken to simplify and shorten the language of affected regulations, but they remain substantively the same with the exception of the changes noted below. In this connection, all notice forms have been removed; these may be obtained from the Supervisory Agent of the Federal Home Loan Bank in the district where the application is to be filed. In addition, public inspection procedures have been amended to exclude from public disclosure application information exempted under the Freedom of Information Act (5 U.S.C. 552); this exclusion is cited in notice forms but was not previously specified in the regulations.

Although these are final regulations, the Bank Board intends to review the expanded procedures over the next 6 months to determine if they facilitate public participation in application proceedings; public comment regarding their effectiveness is invited during this period.

CHARTER APPLICATIONS (12 CFR 543.2)

Previous § 543.2(b) listed four factors which applicants for Federal savings and loan association charters must address. A fifth factor—a description of community credit needs—is added.

Previous § 543.2(e) required applicants to publish one notice in a newspaper printed in the English language and having general circulation in the community to be served by the proposed Federal association. This requirement, now located in paragraph (d), is expanded to require publication on the same day of each of 2 consecutive weeks. In addition publication in appropriate foreign language(s) may be required if the Supervisory Agent determines that the primary language of a significant number of the adult residents of the community to be served by the proposed association is a language other than English. Further, paragraph (d) directs the Supervisory Agent to give notice to appropriate State regulators, persons who request announcements of applications under the Bank Board's CRA regulations (§ 563e.6), and other persons she/he believes might have an interest in a pending application. These notices are in addition to the legal notification (newspaper notice) required as described above.

Paragraph (e) incorporates the "substantiality" concept of protest consideration, previously used only in branch office applications, to charter applications. In determining whether a protest is substantial, the Supervisory Agent shall look to the substance and not the form of protests filed by individuals or community groups which pertain to an applicant's CRA performance.

Paragraph (f) provides flexibility in scheduling a hearing on an application to insure that the time and place of any hearing is reasonably convenient to those whose protests relate to part 563e.

REMOTE SERVICE UNITS (12 CFR 545.4-2)

Previous regulations did not contain public notice procedures because the Bank Board considers RSU's to be merely a convenience service for customers whose accounts are based at branch offices, and this view has been judicially upheld. However, because the CRA applies to applications for any "facility with the ability to accept deposits," such procedures have been adopted for RSU applications involving deposit services.

BRANCH APPLICATIONS (12 CFR 545.14, 545.14-1, 545.14-4, 545.14-5)

Procedural changes for branch office applications are substantively the same as those applicable to charters, except that: (1) Required newspaper publication of notice of application shall be made both in applicant's home office community and in the community to be served by the proposed branch; and (2) the application shall include information relating to applicant's performance in helping to meet community credit needs in its existing local communities.

Changes to the regulations for drive-in facilities (§ 545.14-1) mobile facilities (§ 545.14-4) and satellite offices (§ 545.14-5) parallel branch office regulation changes, including application procedures regarding protest. The new procedures for satellite offices adopt, in part, Board Resolution No. 77-605 (42 FR 55822-55823; October 19, 1977), in which the Bank Board proposed that a protestant could request oral argument on a satellite application only if the Supervisory Agent determines that the protest is "substantial." Most respondents favored this amendment, and it brings satellite office application procedures into conformance with procedures for all other applications.

CHANGE-OF-OFFICE LOCATION (12 CFR 545.16)

Previous procedures followed the requirements for branch applications except that the Supervisory Agent had broad discretion to waive notice, protest, and hearing requirements. New procedures conform to those required for the other types of applications. Additionally, an applicant for relocation is now required to publish notice in the community where the office is to be closed and to post a notice at such office. Further, the previous application exception for redesignation of a branch as a home office has been abolished.

MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION (12 CFR 546.2)

Previous regulations offered no opportunity for protest or hearing and allowed applicants either to publish notice of application or to notify all members of each merging institution. Under the new procedures, notice, protest, and hearing requirements for other applications substantially apply except that, while applicants may mail notice to voting members of each institution, they must publish notice in the community where the home office of each merging institution is located.

INSURANCE OF ACCOUNTS (12 CFR 562.4, 562.5, AND 562.6)

Previous regulations followed the procedures set forth for charter applications; new expanded procedures continue to do so. Previous § 562.6(c) exempted operating State-chartered institutions applying for deposit insurance from most of the procedural requirements of this part. This exemption has been eliminated.

MERGER, CONSOLIDATION, OR PURCHASE OF BULK ASSETS (12 CFR 563.22)

Previous regulations were the same as merger regulations under 12 CFR 546; the same changes apply.

HOLDING COMPANY ACQUISITIONS (12 CFR 584.5(g))

Previous regulations required the Federal Savings and Loan Insurance corporation to publish notice in the FEDERAL REGISTER upon receipt of an application filed under this section and to solicit public comment, but did not provide for protest and hearings.

New procedures eliminate FEDERAL REGISTER publication and, instead, require applicants to comply substantially with the procedures for charter applications, except that publication of notice of application must be made in the community in which the home offices of the largest subsidiary insured institution and any institution to be acquired are located.

The Bank Board's statement of policy describing staff handling of applications for charters and branches, set out at 12 CFR 556.5, is being revised in light of the changed procedures described above, and will be amended at a later date.

The Bank Board finds that (1) notice and public procedure are unnecessary under 5 U.S.C. 553(b) and 12 CFR 508.11 because these amendments relate to rules of agency procedure; and publication of the amendments for the full 30-day period in 5 U.S.C. 553(d) and 12 CFR 508.14 would not be in the public interest because it is important that these changes take effect concurrently with the CRA regulations.

Accordingly, the Federal Home Loan Bank Board hereby amends 12 CFR 543.2, 545.4-2, 545.14, 545.14-1, 545.14-4, 545.14-5, 545.16, 546.2, 562.4, 563.22, and 584.5, and deletes 12 CFR 562.5 and 562.6(c), to read as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION

1. Section 543.2 is revised to read as follows:

§ 543.2 Application for permission to organize.

(a) *General.* Questions regarding this section shall be directed to the Board's Supervisory Agent (as defined in § 501.11 of this chapter) of the district in which the proposed association is to be located. Recommendations by Supervisory Agents and officers and employees of the Board regarding application for permission to organize a Federal association are privileged, confidential, and subject to § 505.6 of this chapter.

(b) *Form; supporting information.* Persons applying for permission to organize a Federal association shall obtain Board-approved application and notice forms and related instructions from the Supervisory Agent. An application and all required supporting information shall be executed by at least seven persons residing in the community to be served by the proposed association (the "applicants") and submitted to the Supervisory Agent. The application shall include an estimate of the annual income and expenses of the proposed association and of the annual volume of business to be transacted by it, and a statement of the personnel and office facilities to be provided for the operation of such association. The supporting information shall show: (1) Applicants are citizens of the United States of good character and responsibility; (2) there is a necessity for the proposed association in the community to be served by it; (3) the association has a reasonable probability of success; (4) it can be established without undue injury to properly conducted existing local thrift and home-financing institutions; and (5) a description of local community credit needs. An application shall be deemed filed when four copies of such materials are delivered to the Supervisory Agent; the application shall be deemed complete when the Supervisory Agent determines that all information required under this paragraph has been submitted.

(c) *Amendment of application; additional information.* An applicant may amend an application or file additional supporting information only until publication of notice under paragraph (d) of this section, unless otherwise requested to do so by the Supervisory Agent or the Board.

(d) *Public notice and inspection.* (1) After the Supervisory Agent determines that the application is complete, the applicant shall be directed in writing to publish notice within 15 days of receipt of such direction. Notice shall be published on the same day of each of 2 consecutive weeks in a newspaper printed in the English language and having a general circulation in the community in which the home office of the new association is to be located. If the Supervisory Agent determines that the primary language of a significant number of the adult residents of the community is a language other than English, she/he may require that notice also be given in the appropriate language(s).

(2) Promptly after publication, the applicant(s) shall transmit to the Supervisory Agent two copies of each notice and publisher's affidavit of publication.

(3) The Supervisory Agent shall give notice of the application to the State official who supervises savings and loan associations in the State in which the new association is to be located, and to persons whose requests for announcements under § 563e.6 of this chapter have been received in time for such notification; these notices shall be in addition to legal notification as set forth in paragraph (d) of this section. The Supervisory Agent may also give notice to any other persons she/he believes might have an interest in the application.

(4) The application and its filing shall be confidential until publication of notice. Thereafter, the application and all related communications may be inspected by any person at the Supervisory Agent's office during regular working hours, unless application information is exempted from public disclosure under § 505.5 of this chapter.

(e) *Protest.* Communications and answers to protests shall be submitted only as provided in this paragraph or as requested by the Supervisory Agent or the Board. (1) Within 10 days of the last date of publication of notice

of application (or 30 days after such date if extension is requested in writing within the 10-day period), any person may file a communication in favor or protest of the application by furnishing four copies to the Supervisory Agent.

(2) Within 10 days after filing of a protest, the Principal Supervisory Agent shall advise the protestant and the applicant, in writing, whether the protest is considered "substantial."

(3) The applicant may file an answer to any protest until 15 days after the last date for filing of communications by furnishing four copies to the Supervisory Agent.

(4) A protest shall be considered "substantial" only if it is written, seasonably filed, and contains at least the following:

(i) A summary of the reasons for the protest;

(ii) The specific matters in the application to which the protestant objects, and the reasons for each objection;

(iii) Facts supporting the protest, including relevant economic or financial data; and

(iv) Any adverse effects on the protestant which may result from approval of the application.

(5) The Principal Supervisory Agent's determination whether a protest is "substantial" is final. A protest filed by an individual or community group pertaining to an applicant's performance under part 563e of this chapter (the Community Reinvestment Act regulations) shall not be considered insubstantial merely because of the form in which it is submitted.

(f) *Oral argument.*—(1) *General.* Oral argument on the merits of an application shall be heard if (i) the applicant or a person who has filed a substantial protest so requests and the request is received by the Supervisory Agent within 10 days after the time for filing communications has expired; or (ii) the Supervisory Agent, after reviewing the application and other pertinent information, considers oral argument desirable. The Supervisory Agent shall mail notice of the time (which shall be not less than 10 days after such mailing) and place of oral argument to the applicants and persons who filed communications. In the case of protests pertaining to part 563e of this chapter, the Supervisory Agent shall insure that the time and place of any oral argument is reasonably convenient to the protestants.

(2) *Procedure.* The Supervisory Agent, or any other person designated by the Board, may hear oral arguments and determine all matters relating to the conduct thereof. Arguments may be made in person or by authorized representatives and unless otherwise permitted by the Supervisory Agent, shall be based only on written information previously filed regarding the application. A reasonable time of at least 1 hour shall be allowed to each side for oral argument. A transcript of the oral argument shall be made and included in the application file.

(g) *Approval.* Decisions on all applications for permission to organize Federal associations will be made by the Board. Approvals of applications will condition issuance of any charter on the following: (1) A minimum number of subscribers to the association's capital; (2) a minimum amount of capital to be paid into the association's accounts on issuance of the charter; and (3) satisfaction of any other requirement the Board may impose. Approval of an application does not obligate the Board to issue a charter.

PART 545—OPERATIONS

2. Paragraph (p) of § 545.4-2 is amended by adding a new subparagraph (4) thereto, to read as set forth below.

§ 545.4-2 Remote service unit.

* * * * *

(p) *Applications.* * * *

(4) *Procedures.* Processing of an application for a remote service unit involving the offering of deposit services shall follow the procedures set forth in §§ 543.2 (c) and (d) and 545.14(d)(2) of this subchapter and, in the case of communications pertaining to part 563e of this chapter, § 543.2 (e) and (f) of this subchapter.

* * * * *

3. Section 545.14 is amended by revising paragraphs (c), (d), and (e), and deleting paragraphs (f), (g), and (h) thereof, as set forth below; and changing the cross-reference to paragraph (g)(3) contained in paragraph (k) to refer to paragraph (e).

§ 545.14 Branch office.

* * * * *

(c) *Application form; supporting information.* An applicant for permission to establish a branch office shall obtain Board-approved application and notice forms, and related instructions from the Supervisory Agent. Supporting information shall be furnished to show: (1) A necessity for the proposed branch in the community to be served by it at the time it is opened; (2) the branch has a reasonable probability of success; (3) the branch can be established without undue injury to properly conducted existing local thrift and home-financing institutions; and (4) applicant's performance in helping to meet the credit needs of its existing local communities.

(d) *Filing; completion; supervisory objection.* (1) An application shall be deemed filed when four copies of the materials described in paragraph (c) of this section are delivered to the Supervisory Agent; the application shall be deemed complete when the Supervisory Agent determines that all information required under paragraph (c) has been submitted. (2) No application shall be accepted for processing if, in the opinion of the Board, the association is not eligible, or its policies, condition, or operations afford a basis for supervisory objection. A determination by the Supervisory Agent that the application is complete, applicant is eligible, and that as a preliminary matter there is no basis for supervisory objection to the application, shall be made before direction is given for publication of notice.

(e) *Amendment of application; additional information; public notice and inspection; processing.* Processing of an application for a branch office shall follow the procedures set forth in § 543.2 (c), (d), (e), and (f) of this subchapter, except that (1) the required newspaper publication of notice of application shall be made both in the applicant's home office community and in the community to be served by the proposed branch office; and (2) the application and its filing shall be confidential until publication of notice, unless otherwise provided in a working understanding between the Board and a State agency which regulates State-chartered savings and loan associations, and the applicant is so informed upon filing; after publication of notice, the application file, including any communication and answers, shall be available as provided in § 543.2(d)(4).

(f) [Deleted]

(g) [Deleted]

(h) [Deleted]

* * * * *

4. Section 545.14-1 is amended by adding new subsection (c) to read as set forth below.

§ 545.14-1 Drive-in facility.

* * * * *

(c) *Procedures.* (1) Processing of an application for a drive-in facility under the preceding paragraph shall follow the procedures set forth in § 545.14 (d), (e), and (k). (2) The applicant must additionally submit information regarding its performance in helping to meet the credit needs of its existing local communities.

5. Section 545.14-4 is amended by deleting the last sentence of paragraph (d) and substituting a new sentence therefor; revising paragraph (e); and deleting paragraphs (f), (g), (h), and (i), thereof; to read as set forth below.

§ 545.14-4 Mobile facility.

* * * * *

(d) *Application form; supporting information.* * * * It shall also contain information relating to the applicant's performance in helping to meet the credit needs of its existing local communities.

(e) *Procedures.* Processing of an application for a mobile facility shall

follow the procedures set forth in § 545.14 (d), (e), and (k).

(f) [Deleted]

(g) [Deleted]

(h) [Deleted]

(i) [Deleted]

* * * * *

6. Section 545.14-5 is amended by removing the word "and" immediately before subparagraph (2) of paragraph (d), placing it after such subparagraph, and adding a new subparagraph (3) thereto; revising paragraph (e); amending paragraph (g) by adding a new subparagraph (5) thereto; and deleting paragraphs (f) and (h) thereof; to read as set forth below.

§ 545.14-5 Satellite office.

* * * * *

(d) *Application form; supporting information.* * * * and (3) applicant's performance in helping to meet the credit needs of its existing local communities.

(e) *Procedures.* Processing of an application for a satellite office shall follow the procedures set forth in § 545.14 (d), (e), and (k).

(f) [Deleted]

(g) *Approval by Supervisory Agent.* * * *

(5) Applicant's record of performance in helping to meet the credit needs of its existing local communities has been taken into account and, in the opinion of the Supervisory Agent, should not result in denial of the application;

* * * * *

(h) [Deleted]

* * * * *

7. Section 545.16 is amended by adding a sentence to the end of paragraph (b); revising paragraphs (c); deleting paragraphs (d), (e), (f), and (h) thereof, to read as set forth below; and amending paragraph (g) by deleting the words "paragraphs (d), (e), and (f) of this section," and substituting the words "paragraphs (d) and (e) of § 545.14 of this part".

§ 545.16 Change of office location.

* * * * *

(b) *Application form; supporting information.* * * * In addition, the application shall contain information, relating to the applicant's performance in helping to meet the credit needs of its existing local communities.

(c) *Processing of application.* Processing of an application for a change of office location or redesignation of a home and branch office shall follow the procedures set forth in § 545.14 (d), (e), and (k), except that (1) the required newspaper publication of notice of application shall be made in (i) applicant's home office community, (ii) the community to be served by the new office, and (iii) the community where the office is to be closed or the home office is to be redesignated as a branch; and (2) notice of application shall be posted conspicuously in the office described in subdivision (iii) of this paragraph.

(d) [Deleted]

(e) [Deleted]

(f) [Deleted]

* * * * *

(h) [Deleted]

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

8. Section 546.2 is amended by revising subparagraph (d)(1) and deleting paragraph (e) thereof, to read as set forth below.

§ 546.2 Procedure; effective date.

* * * * *

(d) (1) Processing of an application under this part shall follow the procedures set forth in § 543.2(c), (d), (e), and (f) of this subchapter, except that (i) the required newspaper publication of notice of application shall be made in the communities in which the home offices of the merging and resulting institutions are located; and (ii) applicants may additionally mail such notice to the voting members of each such institution, within the time specified in § 543.2(d).

* * * * *

(e) [Deleted]

* * * * *

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 562—APPLICATIONS FOR INSURANCE OF ACCOUNTS

9. Part 562 is amended by revising § 562.4, and deleting § 562.5 and paragraph (c) of § 562.6 thereof, to read as set forth below.

§ 562.4 Processing of application.

Processing of an application under this part shall follow the procedures set forth in § 543.2 (d), (e), and (f) of this chapter.

§ 562.5 [Deleted]

§ 562.6 Exceptions to the foregoing procedure.

* * * * *

(c) [Deleted]

PART 563—OPERATIONS

10. Section 563.22 is amended by revising paragraphs (b) and (d) and deleting paragraph (c) thereof, to read as set forth below.

§ 563.22 Merger, consolidation, or purchase of bulk assets.

* * * * *

(b) Processing of an application under this section shall follow the procedures set forth in § 543.2 (c), (d), (e), and (f) of this chapter, except that (i) the required newspaper publication of notice of application shall be made in the communities in which the home offices of the merging and resulting institutions are located; and (ii) applicants may additionally mail such notice to the voting members of each such institution within the time specified in § 543.2(d).

(c) [Deleted]

(d) The requirements of paragraph (b) of this section do not apply to any merger authorized by the Corporation to be instituted for supervisory reasons.

* * * * *

SUBCHAPTER F—SAVINGS AND LOAN HOLDING COMPANIES

PART 584—REGULATED ACTIVITIES

11. Section 584.4 is amended by revising paragraph (g) thereof to read as set forth below.

§ 584.4 Acquisitions

* * * * *

(g) *Procedure on applications.* (1) Processing of applications under this section shall follow the procedures set forth in § 543.2 (c), (d), (e), and (f) of this chapter, except that the required newspaper publication of notice of application shall be made in (i) the community in which the home office of any institution to be acquired is located; and (ii) the community in which the home office of the largest subsidiary insured institution of the acquiring institution is located.

(2) The provisions of subparagraph (1) do not apply to acquisitions instituted for supervisory reasons.

(Sec. 801, 91 Stat. 1147, 12 U.S.C. 2901 et seq., Pub. L. 95-128 (the Community Reinvestment Act of 1977); sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464; secs. 402, 403, 407, 408, 48 Stat. 1256, 1257, 1260, as amended, 12 U.S.C. 1725, 1726, 1730; 82 Stat. 5, Pub. L. 90-255, 12 U.S.C. 1730a; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

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