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PAGES
48619-48987

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THURSDAY, OCTOBER 19, 1978

highlights

HOW TO USE THE FEDERAL REGISTER

ALBANY, NEW YORK, AND DALLAS, FORT WORTH, AND AUSTIN, TEXAS, WORKSHOPS

See inside cover for details.

SUNSHINE ACT MEETINGS 48812

ENERGY CONSERVATION
DOE amends energy efficiency test procedures for water heaters; effective 11-20-78 (Part VII of this issue).... 48985

ATOMIC FACILITIES AND EQUIPMENT
NRC limits types of items considered for reporting defects and noncompliance; effective 10-19-78 48621

GRANTS FOR DENTAL TEAM PRACTICE
HEW/HRA announces fiscal year 1979 applications closing date of 11-13-78 48719

HOUSING ASSISTANCE PAYMENTS PROGRAM
HUD/FHC amends fair market rents for new construction and substantial rehabilitation projects; effective 10-19-78 48628

END-STAGE RENAL DISEASE FACILITIES
HEW/HCFA adds requirements for self-dialysis units and services; effective 10-1-78; comments by 12-18-78 (Part IV of this issue) 48948

MOTOR VEHICLE AIR BRAKE SYSTEMS
DOT/NHTSA amends safety standard; effective 10-13-78 48646

TRAFFIC CONTROL DEVICES
DOT/FHA National Advisory Committee on Uniform Traffic Control Devices solicits public views on standards and guides.. 48753

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE
Justice/LEAA publishes fiscal year 1979 program plan 48725

ALIENS
Justice/INS amends deportation procedures for institutionalized individuals; effective 10-19-78 48620
Justice/INS stays final rule and requests comments on formerly published regulations pertaining to applications for asylum submitted by aliens seeking to enter the U.S. at airports or seaports of entry; comments by 12-18-78 48620

CONTINUED INSIDE

HOW TO USE THE FEDERAL REGISTER WORKSHOPS

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

WHAT: Free public workshops (approximately 2½ hours) to present:

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

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

ALBANY, NEW YORK

WHEN: October 27 and 28, 1978, at 1:00 p.m.
WHERE: Meeting Room No. 1, Cultural Education Center, Empire State Plaza, Albany, New York.
RESERVATIONS: Call Elizabeth Closson, 518–474–5943.

DALLAS, TEXAS

WHEN: October 30, 1978, at 9:30 a.m.
WHERE: Conference Room 7A23, Earle Cabell Federal Building, 1100 Commerce St., Dallas, Texas.
RESERVATIONS: Call Federal Information Center, 214–749–2131.

FORT WORTH, TEXAS

WHEN: October 31, 1978, at 9:30 a.m.
WHERE: Auditorium, 7th Floor, Lone Star Gas Co., 908 Monroe St., Fort Worth, Texas.
RESERVATIONS: Call Federal Information Center, 817–334–3624.

AUSTIN, TEXAS

WHEN: November 2, 1978, at 2 p.m.
WHERE: Room 100B, Regan Office Building, 15th & Congress Sts., Austin, Texas.
RESERVATIONS: Call Peggy Lockhart or Bob Walton, 512–475–6725.

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"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	**202**–523–5022
Scheduling of documents for publication.	523–3187
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5237
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5235
Code of Federal Regulations (CFR)	523–3419
	523–3517
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

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

PUBLIC LAWS:

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

HIGHLIGHTS—Continued

PASSPORT VALIDITY

State publishes list of foreign governments in agreement with U.S **48750**

VISAS VALIDITY

State publishes list of foreign countries issuing nonimmigrant visas **48751**

GAMES OF CHANCE

FTC proposes to amend length of time between games in food retailing and gasoline industries; notification of interest by 11–15–78; written comments by 11–30–78; prepared statements by 12–15–78; public hearings by 1–3–79 ..... **48654**

THIRD–CLASS BULK RATE MAILINGS

PS allows mailers to attach sales flyers and related materials to covers of third-class bulk rate books and catalogs; effective 11–18–78 ..... **48636**

ANTIDUMPING PROCEEDINGS

Treasury initiates an investigation of certain fresh winter vegetables from Mexico; effective 10–19–78 ..... **48753**

Treasury discontinues investigation of Yamaha motorcycles and modifies investigation of Honda and Kawasaki motorcycles from Japan; effective 10–19–78 ..... **48754**

INSURED BANKS

FDIC provides faster method of processing requests for employment with insured banks; effective 11–20–78 ..... **48622**

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

FHLBB proposes to amend regulations concerning conversions from mutual to stock form; comments by 11–20–78 (Part V of this issue) **48956**

MARINE CASUALTIES

DOT/CG proposes to amend certain criteria in its casualty reporting regulations; comments by 12–4–78 (Part VI of this issue) **48982**

DOT/CG proposes to include diving in its casualty or accident report regulations; comments by 12–4–78 (Part VI of this issue) **48982**

RADIO BROADCASTING

FCC proposes standards for transmission of AM stereo; comments by 12–29–78; reply comments by 1–31–79 ..... **48659**

CABLE TV

FCC proposes to eliminate network non-duplication protection **48667**

IMPROVING GOVERNMENT REGULATIONS

FCC submits letter to President concerning Executive Order 12044 ..... **48707**

MEETINGS—

Commerce: Advisory Committee on Federal Policy on Industrial Innovation Advisory Subcommittee on Economic and Trade Policy, 11–1, 11–17, and 12–5–78 ..... **48679**

NOAA: Caribbean Fishery Management Council Scientific and Statistical Committee and Advisory Panel, 11–2–78 ..... **48669**

DOD/Navy: Chief of Naval Operations Executive Panel Advisory Committee, 11–8 and 11–9–78 ..... **48681**

DOE: Industrial Energy Conservation Program Workshops, 11–6, 11–7, 12–14, and 12–15–78, 1–4, 1–5, 1–25, 1–26, 2–12, 2–13, 2–22, and 2–23–79 ..... **48682**

EPA: State FIFRA Issues Research and Evaluation Group, Working Committees on Enforcement, Registration and Classification, Certification, and Training, 10–30, 10–31, 11–8, 11–9, 11–14, and 11–15–78 48706
FDIC: Advisory Committee on State and Federal Regulation of Banks, 11–2–78 48714
HEW/ADAMHA: Clinical Projects Research Review Committee, 11–27 through 11–29–78 48718
Various committees, month of November 48717
OE: Advisory Committee on Accreditation and Institutional Eligibility, 11–1 and 11–2–78 48718
Interior/BLM: California Desert Conservation Area Advisory Committee, Public Participation Subcommittee, 11–21–78 48640
SBA: Region II Advisory Council, 10–20–78 48750
State: U.S. Organization for the International Radio Consultative Committee, Study Group 5, 11–7–78 48752
DOT/CG: Chemical Transportation Advisory Committee's Subcommittee on Breakbulk/Container Facilities, 11–15–78 48752
Vapor control seminar, 12–6–78 48752

HEARINGS—

Justice/LEAA: Computerized Education for Adult Inmates, Illinois; denial of refunding; 10–25–78 48725

SEPARATE PARTS OF THIS ISSUE

Part II, DOD/Army 48894
Part III, DOE 48922
Part IV, HEW/HCFA 48948
Part V, FHLBB 48956
Part VI, DOT/CG 48982
Part VII, DOE 48986

reminders

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

List of Public Laws

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

[Last Listing: October 18, 1978]

S. 415 ..... Pub. L. 95–464
To amend the Anadromous Fish Conservation Act to include fish in Lake Champlain that ascend streams to spawn. (Oct. 17, 1978; 92 Stat. 1278) Price: $.60

H.R. 12932 ..... Pub. L. 95–465
Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1979, and for other purposes. (Oct. 17, 1978; 92 Stat. 1279) Price: $1.20

S.J. Res. 16 ..... Pub. L. 95–466
To restore posthumously full rights of citizenship to Jefferson F. Davis. (Oct. 17, 1978; 92 Stat. 1304) Price: $.60

S. 2704 ..... Pub. L. 95–467
Water Research and Development Act of 1978. (Oct. 17, 1978; 92 Stat. 1305) Price: $.90

S. 2801 ..... Pub. L. 95–468
To designate the building known as the Ozark National Forest Headquarters Building in Russellville, Arkansas, as the "Henry R. Koen Forest Service Building". (Oct. 17, 1978; 92 Stat. 1318) Price: $.60

H.R. 8394 ..... Pub. L. 95–469
To provide for payments to local governments based upon the acreage of the National Wildlife Refuge System which is within their boundaries, and for other purposes. (Oct. 17, 1978; 92 Stat. 1319) Price: $.60

S. 2376 ..... Pub. L. 95–470
To authorize withholding from salaries disbursed by the Secretary of the Senate and from certain employees under the jurisdiction of the Architect of the Capitol for contribution to certain charitable organizations. (Oct. 17, 1978; 92 Stat. 1323) Price: $.60

S. 1215 ..... Pub. L. 95–471
Tribally Controlled Community College Assistance Act of 1978. (Oct. 17, 1978; 92 Stat. 1325) Price: $.70

H.R. 8811 ..... Pub. L. 95–472
To amend section 7447 of the Internal Revenue Code of 1954 with respect to the revocation of an election to receive retired pay as a judge of the Tax Court. (Oct. 17, 1978; 92 Stat. 1332) Price: $.70

Rules Going Into Effect Today

Commerce-NOAA—International Whaling Commission, current schedule 43309; 9–25–78

Labor—Rules of practice and procedure 42144; 9–19–78

contents

AGRICULTURAL MARKETING SERVICE

Proposed Rules

Grapefruit grown in Fla 48650

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Farmers Home Administration; Federal Grain Inspection Service; Forest Service.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Notices

Meetings:
Advisory committees; November (2 documents) 48717, 48718

ARMY DEPARTMENT

Notices

Privacy Act; systems of records 48894

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc:
Caribbean area service investigation 48672
Transatlantic fare increases ... 48673
U.S.-Caribbean/Bermuda fare increases 48672

COAST GUARD

Rules

Public information:
Document inspection facilities 48646

Proposed Rules

Casualty reporting requirements 48982
Deepwater ports and artificial islands:
Marine casualties reports 48982

Notices

Meetings:
Chemical Transportation Advisory Committee 48752
Vapor control systems; seminar 48752

COMMERCE DEPARTMENT

See also Industry and Trade Administration; National Oceanic and Atmospheric Administration.

Notices

Meetings:
Industrial Innovation Federal Policy Advisory Committee... 48679
Scientific and Statistical Committee and Caribbean Fishery Management Council 48678

CONSUMER PRODUCT SAFETY COMMISSION

Notices

Electrical service drop wires, insulation; petition denied 48680

DEFENSE DEPARTMENT

See Army Department; Navy Department.

DELAWARE RIVER BASIN COMMISSION

Notices

Comprehensive plan, water supply and sewage treatment plant projects; hearing 48681

DRUG ENFORCEMENT ADMINISTRATION

Notices

Registration applications, etc.; controlled substances:
Fher Corp., Ltd. 48725
Langston, Bernard L., III, M.D.. 48724
Ostergaard, Jack F., M.D 48724

ECONOMIC REGULATORY ADMINISTRATION

Notices

Powerplants burning natural gas or petroleum products, prohibition orders:
Colorado Springs, City of, Colo., et al 48687
Colorado Ute Electric Association et al 48683

EDUCATION OFFICE

Notices

Meetings:
Accreditation and Institutional Eligibility Advisory Committee 48718

ENERGY DEPARTMENT

See also Economic Regulatory Administration; Hearings and Appeals Office, Energy Department.

Rules

Energy conservation program; appliances:
Water heaters; test procedures 48986

Proposed Rules

Conduct standards 48922

Notices

Conduct standards:
Waivers granted; designation of certain employees 48682
Industrial energy conservation program; workshops 48682
Meetings:
Air pollution, new source performance standards 48682
Nuclear waste management, draft report; availability 48683

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air quality implementation plans; approval and promulgation; various States, etc.:
Guam 48638
Wyoming 48638

Proposed Rules

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
1,3-benzisothiazolin-3-one 48658

Notices

Meetings:
State FIFRA Issues Research and Evaluation Group; Working Committees 48706

FARMERS HOME ADMINISTRATION

Rules

Emergency livestock:
Line of credit guarantees 48619
Rural housing loans and grants:
Communities eligible for assistance 48619

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Avions Marcel Dassault-Breguet 48623
Bell 48623
Piper 48624
Societe Nationale Industrielle Aerospatiale 48626
Control zone and transition area.. 48626
Transition area 48627

Proposed Rules

Airworthiness standards:
Multiengine small airplanes, reciprocating and turbopropeller powered; increase in approved takeoff weights and passenger seating capacities; correction 48653
Transition area 48653

FEDERAL COMMUNICATION COMMISSION

Proposed Rules

Cable television:
Network non-duplication rules 48667
Radio broadcast services:
AM stereophonic broadcasting 48659

Notices

AM broadcast applications ready and available for processing 48710
Environmental statements; availability, etc.:
Tucson FM Broadcasting Corp., Ariz.; antenna and transmitter 48714
Hearings, etc.:
Charlottesville Broadcasting Associates, Inc., et al 48712
Nuance Corp. et al 48713
Improving Government regulations; report to President 48707

FEDERAL DEPOSIT INSURANCE CORPORATION

Rules

Applications, requests and submittals:

Section 19 applications; employment with insured banks 48622

Notices

Meetings:
State and Federal Regulations of Banks Advisory Committee 48714

FEDERAL GRAIN INSPECTION SERVICE

Notices

Grain standards; inspection points:
Idaho 48670

FEDERAL HIGHWAY ADMINISTRATION

Proposed Rules

Engineering and traffic operations:
Design standards, highway; geometric design standards; extension of time 48658

Notices

Traffic Control Devices, Uniform, National Advisory Committee; inquiry 48753

FEDERAL HOME LOAN BANK BOARD

Proposed Rules

Federal Savings and Loan Insurance Corporation:
Conversions from mutual to stock form of ownership; participation by account holders, concentration held by officers, etc 48956

Notices

Applications, etc.:
First Federal Savings and Loan Association of Okeechobee County 48715

FEDERAL MARITIME COMMISSION

Notices

Rate increases, etc.; investigations and hearings, etc.:
Baltic Shipping Co 48715

FEDERAL TRADE COMMISSION

Rules

Prohibited trade practices:
Uslife Credit Corp. et al 48628

Proposed Rules

Consent orders:
Harnischfeger Corp., et al 48657
Games of chance in food retailing and gasoline industries:
Hiatus provision 48654

FISH AND WILDLIFE SERVICE

Rules

Hunting:
Shiawassee National Wildlife Refuge, Mich 48649
Public access, entry, use, and recreation:
Merritt Island National Wildlife Refuge, Fla 48648

FOREST SERVICE

Notices

Classification, development plans, and boundary descriptions:
Rogue National Wild and Scenic River 48671
Roadless area review and evaluation (RARE II), inventory list; additions 48670

HEALTH CARE FINANCING ADMINISTRATION

Rules

Aged and disabled; health insurance for:
Renal disease, end-stage services; self-dialysis requirements 48948

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Alcohol, Drug Abuse, and Mental Health Administration; Education Office; Health Care Financing Administration; Health Resources Administration.

HEALTH RESOURCES ADMINISTRATION

Notices

Grants; availability:
Dental team practice 48719
Health systems agencies; application information 48720

HEARINGS AND APPEALS OFFICE, ENERGY DEPARTMENT

Notices

Applications for exception:
Decisions and orders (5 documents) 48703–48704

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Rules

Low-income housing:
Fair market rents and contract rent automatic annual adjustment factors 48628

IMMIGRATION AND NATURALIZATION SERVICE

Rules

Immigration regulations:
Alien deportability proceedings 48620
Exclusion of aliens 48620

INDUSTRY AND TRADE ADMINISTRATION

Notices

Scientific articles; duty free entry:
Massachusetts Institute of Technology 48676
National Bureau of Standards 48675
Northeastern Ohio Universities College of Medicine 48676
Northwestern University 48676
Pacific Northwest Laboratories 48677
Tufts University 48678
University of California 48677

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Land Management Bureau.

Rules

Procurement; architect-engineer services 48639
Property management; motor equipment 48640

Notices

Environmental statements; availability, etc.:
Fryingpan-Arkansas Project, Fountain Valley, Conduit, Colo 48722

INTERNATIONAL TRADE COMMISSION

Notices

Harmonized commodity description and coding system; draft; inquiry 48723

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief 48798
Motor carriers:
Irregular route property carriers; gateway elimination (2 documents) 48767, 48780
Permanent authority applications 48755
Temporary authority applications (2 documents) 48799, 48805
Transfer proceedings 48798
Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications 48787
Railroad operation, acquisition, construction, etc.:
Illinois Terminal Railroad Co. 48798

JUSTICE DEPARTMENT

See Drug Enforcement Administration; Immigration and Naturalization Service; Law Enforcement Assistance Administration.

LAND MANAGEMENT BUREAU

Rules

Public land orders:
California 48640

Notices

Applications, etc.:
Alaska 48720
New Mexico (3 documents) 48721, 48722
Wyoming (3 documents) 48722
Meetings:
California Desert Conservation Area Advisory Committee, Public Participation Subcommittee 48721
Withdrawal and reservation of lands, proposed, etc.:
California (2 documents) 48720, 48721

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Computerized education for adult inmates program; refunding denial, Illinois Department of Corrections; hearing 48725

Law Enforcement and Criminal Justice Institute; program plan 48725

MANAGEMENT AND BUDGET OFFICE

Notices

Committees; establishment, renewals, terminations, etc.:
Financial Reporting for Executive Office of President Advisory Committee 48744

MATERIALS TRANSPORTATION BUREAU

Rules

Hazardous materials regulations; editorial amendments ... 48641

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Motor vehicle safety standards:
Air brake systems 48646

Proposed Rules

Motor vehicle in use inspection standards; report on spacers in suspension systems placed in docket 48669

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Proposed Rules

Marine mammals, fish, and reptiles; designated critical habitat:
Sea turtles, Kemp's ridley and loggerhead; correction (2 documents) 48669

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Safety recommendations and accident reports; availability, responses, etc 48742

NAVY DEPARTMENT

Notices

Meetings:
CNO Executive Panel Advisory Committee 48681

NUCLEAR REGULATORY COMMISSION

Rules

Defects and noncompliance reports:
Basic components 48621

Notices

Applications, etc.:
Idaho State University 48741

OVERSEAS PRIVATE INVESTMENT CORPORATION

Notices

Authority delegations:
Vice President, Insurance Department et al.; correction .. 48745

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Rules

Conduct standards; interim rule, inquiry 48633

POSTAL SERVICE

Rules

Postal Service Manual:
Third-class bulk rate 48636

Notices

Mail classification schedule, 1978; prehearing conference:
Electronic mail 48745
Third-class discount 48748

Parcel post domestic mail classification, 1978; prehearing conference 48746

SMALL BUSINESS AMINISTRATION

Notices

Applications, etc.:
Cominvest of Hartford, Inc..... 48749

Disaster areas:
Texas (2 documents) 48750

Meetings, advisory councils:
New York City 48750

STATE DEPARTMENT

Notices

Meetings:
International Radio Consultative Committee 48752

Passports, foreign, validity:
Algeria et al 48750

Visas, nonimmigrant, validity:
Argentina et al 48751

SUSQUEHANNA RIVER BASIN COMMISSION

Proposed Rules

Freedom of information policy; inquiry 48657

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices

Cotton, wool and man-made fiber textile products:
Korea, Republic of 48679

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Materials Transportation Bureau; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

Notices

Antidumping:
Motorcycles from Japan 48754
Winter vegetables from Mexico 48753

VETERANS ADMINISTRATION

Notices

Chaplain and Canteen Services, reports; availability 48755

list of cfr parts affected in this issue

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

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

7 CFR

1822 48619
1845 48619

PROPOSED RULES:

913 48650

8 CFR

108 48620
236 48620
242 48620

10 CFR

21 48621
430 48986

PROPOSED RULES:

207 48922
735 48922
1010 48922

12 CFR

303 48622

PROPOSED RULES:

563b 48956

14 CFR

39 (4 documents) 48623–48626
71 (2 documents) 48626, 48627

PROPOSED RULES:

1 48653
21 48653
23 48653
71 48653
135 48653

16 CFR

13 (2 documents) 48628, 48657

PROPOSED RULES:

419 48654

18 CFR

PROPOSED RULES:

801 48657

23 CFR

PROPOSED RULES:

625 48658

24 CFR

888 48628

33 CFR

PROPOSED RULES:

146 48982
150 48982

36 CFR

905 48633

39 CFR

111 48636

40 CFR

52 (2 documents) 48637, 48638

PROPOSED RULES:

180 48658

41 CFR

14–4 48639
114–38 48640

42 CFR

405 48948

43 CFR

PUBLIC LAND ORDERS:

5649 48640

46 CFR

PROPOSED RULES:

4 48982
35 48982
78 48982
97 48982
167 48982
185 48982
196 48982

47 CFR

PROPOSED RULES:

73 48659
76 48667

49 CFR

Ch. I 48641
7 48646
571 48646

PROPOSED RULES:

570 48669

50 CFR

26 48648
32 48649

PROPOSED RULES:

226 (2 documents) 48669

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING OCTOBER

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

1 CFR

Ch. I 45339

3 CFR

PROCLAMATIONS:

4125 (Revoked in part by Proc. 4604) 45977
4436 (Revoked in part by Proc. 4604) 45977
4604 45977
4605 47711

EXECUTIVE ORDERS:

11246 (Amended by EO 12086 46501
11752 (Revoked by EO 12088) 47707
12010 (Supersed by EO 12087) 46823
12085 45337
12086 46501
12087 46823
12088 47707

MEMORANDUMS:

September 26, 1978 46821
September 26, 1978 (Correction) 46953
October 2, 1978 45547

REORGANIZATION PLANS:

No. 4 of 1978 47713

5 CFR

180 47163
213 ... 45549, 45550, 46287, 47167, 47168
297 46505
539 46287
550 46288

7 CFR

2 45339
29 45340
53 45979
270 47881
271 47882
272 47884
273 47889
274 47927
275 47927
277 47934
278 47934
279 47934
280 47934
281 47881
282 47881
910 ..... 46288, 47485
918 47485
927 45341
928 46955
929 46831
948 45979
965 47486
966 ..... 45342, 46831
981 47969
982 47970
984 47486
989 47970
999 47971

7 CFR—Continued

1201 46289
1421 47972
1464 46833
1488 ..... 45551, 47719
1822 ..... 45980, 47487, 48619
1845 48619
1864 47487
1904 46290
1980 ..... 46290, 46505
2852 46291

PROPOSED RULES:

905 47533
906 46305
913 48650
946 45375
967 46549
1001 45520
1002 46853
1064 ..... 45881, 46305
1065 45881
1126 47534
1207 45884
1464 47194
1701 45591
1924 46306
2852 47755

8 CFR

108 48620
236 48620
242 48620

9 CFR

78 47168
94 46516
203 ..... 46494, 46955

PROPOSED RULES:

3 47964

10 CFR

2 46292
21 48621
35 47975
73 45981
205 46517
430 ..... 47118, 48986
465 45536

PROPOSED RULES:

50 47978
72 46309
207 48922
212 47978
430 45375
725 48922
1010 48922

12 CFR

5 47156
25 47144
201 45821
207 ..... 45821, 46956
220 ..... 45821, 46956
221 ..... 45821, 46956
224 ..... 45821, 46956

12 CFR—Continued

226 ..... 47719, 47720
228 47144
262 47157
303 ..... 47157, 48622
345 47144
521 46836
522 46836
523 46839
524 46841
525 46842
526 46844
527 46846
531 46847
532 46848
543 47160
545 47161
546 47162
562 47162
563 47162
563e 47144
584 47163
611 47488
612 47488
615 47489

PROPOSED RULES:

303 46976
304 46976
328 46976
563b 48956
703 47731

13 CFR

120 46960
122 46960

PROPOSED RULES:

120 47734
121 45591
305 47980

14 CFR

Ch. II 47490
23 46233
25 ..... 46233, 46238
27 46233
29 46233
36 47489
39 ..... 45343, 45981–45983, 46523, 46960, 48623–48626
71 ..... 45343, 45344, 45983–45985, 46524–46526, 46961, 47490, 48626, 48627
73 46961
75 45345
91 46233
95 45985
97 46526
121 ..... 46234, 46782
127 46783
135 46783
241 46294
302 47490

14 CFR—Continued

384 47491
385 47491
1210 45823

PROPOSED RULES:

1 ..... 46734, 48653
21 ..... 46734, 48653
23 ..... 46734, 48653
25 46034
39 ..... 5375-45380, 46037
71 ..... 45381, 45382, 46038, 46549, 46978, 46979, 48653
121 46034
135 ..... 46734, 48653
291 45383
296 45383
399 46980

15 CFR

372 47171
377 47172
386 46962

16 CFR

13 ..... 47173, 47721, 48628
456 46296
1402 47721
1500 47174
1505 45551

PROPOSED RULES:

13 ..... 45593, 46856, 47736
306 46550
419 48654
444 47194
1307 47194
1500 47684
1501 47684
1608 47952
1610 47952
1611 47952
1700 47738

17 CFR

15 45825
19 45825
30 47722
32 47492
200 45991
230 47492
240 47495
249 46299
275 47176

PROPOSED RULES:

170 46039
240 47538
270 47542

18 CFR

1 46528
154 45553

PROPOSED RULES:

Ch. I 45595, 47542
1 47542
801 48657
803 46980

19 CFR

4 46962

19 CFR—Continued

PROPOSED RULES:

6 46981
141 47543
146 45885

20 CFR

404 45345
416 45554

21 CFR

5 46299
14 ..... 45555, 47722
136 47177
146 45556
176 45556
178 47723
182 47724
184 47724
229 46528
310 47178
522 46300
540 46529
558 46300
610 47182
1220 46301

PROPOSED RULES:

16 ..... 46321, 46322
20 46321
54 46322
71 46322
74 45611
81 45613
101 45613
170 46322
171 46322
180 46322
182 46550
201 45614
207 45614
310 ..... 46322, 47198
312 46322
314 ..... 45614, 46322
320 46322
330 46322
350 46694
361 46322
430 46322
431 46322
510 46322
511 46322
514 46322
558 46322
570 46322
571 46322
601 46322
630 46322
812 46321
1003 46322
1010 46322

22 CFR

1100 47182

PROPOSED RULES:

6a 46046

23 CFR

630 47138
640 46963
772 45838

23 CFR—Continued

PROPOSED RULES:

625 48658

24 CFR

260 45557
888 ..... 46529, 48628
1914 ..... 46848, 46966, 47725
1916 46970
1917 45558-45580

PROPOSED RULES:

803 46552
888 46552
1917 ..... 45383-45398, 47201-47211, 47546-47574, 47740-47753

25 CFR

258 46971

PROPOSED RULES:

700 46047

26 CFR

1 ..... 45582, 47504

PROPOSED RULES:

1 ..... 46859, 47211, 47753

28 CFR

0 45992
16 ..... 45992, 45993
50 45992

PROPOSED RULES:

2 46859

29 CFR

94 ..... 47936, 47937
97 ..... 47936, 47937
1910 ..... 45762, 46322, 47182
1926 47182
2700 46531

PROPOSED RULES:

2200 46047
2201 46047
2610 46868

30 CFR

48 47454

PROPOSED RULES:

Ch. VII 45886
11 47212
55 47213
56 47213
57 47213
715 46048

31 CFR

203 47506
214 47506
226 47506
317 47506
321 47507

32 CFR

Ch. XX 46280
242b 46531
552 46971

PROPOSED RULES:

Ch. I 47480

33 CFR

165 46532
208 47184
239 47470

PROPOSED RULES:

146 48982
150 48982
175 45399

36 CFR

7 46849
905 48633

PROPOSED RULES:

223 46323

38 CFR

3 45347
4 45348
14 46530

PROPOSED RULES:

21 45399
36 45400

39 CFR

111 ..... 45838, 45839, 48636

40 CFR

33 47975
35 47130
50 46246
51 46264
52 ..... 47726, 48637, 48638
60 47692
61 47692
65 47727
80 47728
81 45993
85 47728
86 45583
180 ..... 45362, 45583, 46537, 47729
422 46020

PROPOSED RULES:

6 47213
51 ..... 46272, 46275
52 ..... 45401, 46553, 46554, 46869, 46870
53 46272
65 ..... 45402-45410, 47214
87 45411
122 47213
123 47213
124 47213
125 47213
151 47213
162 ..... 46555, 47215
180 ..... 45412, 47575, 48658

41 CFR

Ch. 101 45842
1-3 46302
8-12 45363
14-1 45584
14-4 48639
14-55 45584
114-38 48640

41 CFR—Continued

PROPOSED RULES:

Ch. I 47480
3-7 47217
3-57 47217
51-1 45413
101-20 46555
105-61 47981

42 CFR

57 47694
405 48948

PROPOSED RULES:

50 46871
54a 47983
57 47698
455 47474
474 47474

43 CFR

422 46538

PUBLIC LAND ORDERS:

5648 46850
5649 48640

45 CFR

100a 46020
104 46020
105 46020
180 ..... 46020, 46021
232 45747
233 45585
302 45751
1201 46021
1705 47195

PROPOSED RULES:

Ch. XIII 46871
100b 46871
206 45887
233 ..... 45887, 45888
1370 47218

46 CFR

50 46545
56 46545
71 46546
91 46546
111 46546
189 46546
528 46972

PROPOSED RULES:

4 48982
25 45399
35 48982
78 48982
97 48982
167 48982
185 48982
196 48982

47 CFR

0 46326
1 45842
2 46326
18 46326
73 ..... 45842, 46972, 47975
74 47975
83 45364

47 CFR—Continued

PROPOSED RULES:

1 ..... 46658, 46982
2 47218
21 46983
42 45892
43 45892
63 47576
64 47576
73 ..... 45620, 45895, 45899, 46048, 46049, 46871-46876, 47221, 47222, 47576, 47577, 47985, 47986 48659
76 ..... 47222, 48667
83 ..... 45901, 47578
87 47218
91 47578

49 CFR

Ch. I 48641
7 48646
106 45366
107 45366
511 47507
533 46546
571 ..... 45366, 46547, 48646
1033 ..... 45586, 45587, 45863, 45865, 45866, 45868, 46850, 47730, 47976
1056 46548
1121 45588
1207 46974
1249 46974
1252 46851

PROPOSED RULES:

Ch. II 45903, 45905, 46052
Ch. X 46877
172 46050
195 46051
215 45414
218 ..... 45416, 46555
229 47579
393 46555
570 48669
1062 46053

50 CFR

10 45370
17 45759
18 45370
20 45588
26 ..... 45374, 48648
32 ..... 46029-46032, 46548, 47196, 47528, 47976 48649
33 45869
216 46975
258 45869
351 47528
651 45872
652 46033

PROPOSED RULES:

17 ..... 45512, 45513
226 ..... 45905, 48669
611 ..... 46054, 46349, 47222
652 46880
672 ..... 46349, 47222
675 45909

FEDERAL REGISTER PAGES AND DATES—OCTOBER

Pages	*Date*
45337–45545	Oct. 2
45547–45819	3
45820–45975	4
45977–46285	5
46287–46499	6
46501–46820	10
46821–46951	11
46953–47162	12
47163–47484	13
47485–47706	16
47707–47968	17
47967–48617	18
48619–48987	19

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.

[3410-07-M]

Title 7—Agriculture

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

COMMUNITIES ELIGIBLE FOR ASSISTANCE

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulation listing communities eligible for assistance. This action is being taken because an official census shows that the community of Rutland City, Vt., is a rural area of 10,000-20,000 population. The intended effect of this action is to designate this community as eligible for FmHA Rural Housing assistance.

EFFECTIVE DATE: October 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Wesley L. Harris, Director, Single Family Housing Loan Division, telephone 202-447-4295.

SUPPLEMENTARY INFORMATION: Exhibit G to subpart A, part 1822, chapter XVIII, title 7, of the Code of Federal Regulations is amended. An official census has been taken which shows the community of Rutland City, Vt., to have a population of 19,293 and is not part of or associated with an urban area. It is, therefore, an eligible area for Farmers Home Administration assistance as determined by the Secretary of Agriculture. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since publishing for comment would delay this area from becoming eligible for the financing it needs and would thus be contrary to the public interest.

Accordingly, exhibit G is amended to add an eligible area as follows:

Exhibit G [Amended]

Addition: The following place is added to exhibit G, paragraph II as an eligible area:

Vermont: After "Montpelier-Barre" add "Rutland City."

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: October 4, 1978.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc. 78-29506 Filed 10-18-78; 8:45 am]

[3410-07-M]

SUBCHAPTER D—GUARANTEED LOANS

[FmHA Instruction 449.1]

PART 1845—FmHA EMERGENCY LIVESTOCK LINE OF CREDIT GUARANTEES

AMENDMENT

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations concerning loan guarantees. The intended effect of this action is to make clear that the loan guarantees issued under this regulation are "unconditional." This action is taken as a result of advice from the Comptroller of the Currency.

EFFECTIVE DATE: October 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. William Krause, 202-447-7600.

SUPPLEMENTARY INFORMATION: Section 1845.13(c) of part 1845 of chapter XVIII, title 7, Code of Federal Regulations is amended. The purposes of the amendment are to explain the full faith and credit provisions of the loan guarantee by defining the phrases "Use of loan funds for unauthorized purposes," and "unauthorized purpose" and also to state that claims arising within 90 days of the date of the loan guarantee will not be excluded from its coverage in spite of what the loan guarantee form itself said. The Comptroller of the Currency advised FmHA that the full faith and credit provisions of the contract of guarantee did not meet requirements of 12 U.S.C. 84(10) which exempts from the lending limit requirements imposed on national banks' loans that are guaranteed unconditionally by the Federal Government. It is the opinion of the Comptroller General that the proposed revisions to the full faith and credit sections of the regulations will make the guarantee "unconditional," as the word is used in 12 U.S.C. 84(10).

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking, since the amendment makes clear that FmHA's loan guarantee is unconditional and thereby benefits the lending institutions which participated in this FmHA guaranteed loan program. Therefore, public participation is unnecessary.

Accordingly, § 1845.13(c) is amended to read as follows:

§ 1845.13 EL line of credit limitations and special provisions.

* * * * *

(c) *Guarantee coverage (full faith and credit).* The contract of guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which the lender has actual knowledge at the time it became such lender or which lender participates in or condones. The contract of guarantee will be unenforceable by the lender to the extent any loss is occasioned by violation of usury laws, use of loan funds for unauthorized purposes, negligent servicing, or failure to obtain the required security regardless of the time

at which FmHA acquires knowledge of the foregoing. As used in this paragraph and in any contract of guarantee (including any now outstanding) in which the phrase appears, "use of loan funds for unauthorized purposes" refers to the situation in which the lender in fact agrees with the borrower that loan funds are to be so used and the phrase "unauthorized purpose" means any purpose not listed by the lender in the completed application as approved by FmHA. FmHA will not implement the provision contained in Form FmHA 449-27, "Contract of Guarantee" (7-17-75) which states: "This contract shall not cover any claims that may arise within 90 days of the date hereof."

* * * * *

(Sec. 10, Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: October 10, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-29505 Filed 10-18-78; 8:45 am]

[4410-10-M]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 108—ASYLUM

PART 236—EXCLUSION OF ALIENS

Asylum: Filing of Application in Exclusion Proceedings

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Stay of final rule and request for comments.

SUMMARY: The purpose of this order is to stay the final rules published at 43 FR 40801-03 on September 13, 1978, to allow for public participation in this rulemaking proceeding. The Service requests comments based on the text of the rules published at 43 FR 40801-03. Full consideration will be given to all relevant representations received and the Service will reconsider the rules following an analysis of those representations.

DATES: Final rules stayed pending receipt and analysis of relevant public comments. Interested persons are requested to submit relevant data, views, and arguments concerning these stayed rules to the Commissioner of Immigration and Naturalization on or before December 18, 1978.

ADDRESSES: Please submit written representations, in duplicate, to the Commissioner of Immigration and Naturalization, Room 7100, 425 I Street NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., telephone 202-376-8373.

Dated: October 16, 1978.

LEONEL J. CASTILLO,
Commissioner of
Immigration and Naturalization.

[FR Doc. 78-29513 Filed 10-18-78; 8:45 am]

[4410-10-M]

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Cost of Maintenance of Aliens in Service Custody

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations of the Immigration and Naturalization Service. Present Service regulations provide that an alien confined in an institution or hospital shall not be accepted into physical custody by the Service until an order of deportation has been made and the Service is ready to deport the alien. It has come to Service attention that there have been instances in which this provision has been misinterpreted to apply to aliens in penal institutions. The regulation was actually intended to insure that the Service did not take custody of mentally ill or physically disabled aliens prior to obtaining an order of deportation since to do so might incur Service liability for medical costs indefinitely. Therefore, in order to make it clear that this regulation does not pertain to aliens confined in penal institutions, the first sentence will be amended to provide that an alien confined because of physical or mental disability in an institution or hospital shall not be accepted into physical custody by the Service until an order of deportation has been entered and the Service is ready to deport the alien.

EFFECTIVE DATE: October 19, 1978.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, telephone 202-376-8373.

SUPPLEMENTARY INFORMATION: For the reasons set forth in the above summary, chapter I of title 8 of the Code of Federal Regulations is hereby revised as set forth below.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING AND APPEAL

Section 242.3(b) is hereby revised as set forth below:

§ 242.3 Confined aliens, incompetents, and minors.

* * * * *

(b) *Service custody; cost of maintenance.* An alien confined because of physical or mental disability in an institution or hospital shall not be accepted into physical custody by the Service until an order of deportation has been entered and the Service is ready to deport the alien. When such an alien is an inmate of a public or private institution at the time of the commencement of the deportation proceedings, expenses for the maintenance of the alien shall not be incurred by the Government until he is taken into physical custody by the Service.

(Sec. 103; 8 U.S.C. 1103; interpret or apply sec. 242 (8 U.S.C. 1252).)

This amendment is published pursuant to section 552 of title 5 of the United States Code as amended by Pub. L. 93-502 (88 Stat. 1561) and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendment contained in this order is editorial in nature, published for the purpose of clarifying the existing regulation.

Dated: October 16, 1978.

LEONEL J. CASTILLO,
Commissioner of
Immigration and Naturalization.

[FR Doc. 78-29512 Filed 10-18-78; 8:45 am]

[7590-01-M]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

Amendments Regarding Basic Component

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to limit the types of items that are within the scope of its rule for reporting defects and noncompliance. This action is believed necessary since the currently effective rule is being applied by organizations within its scope to an extent not contemplated and is causing problems relating to the supplying of equipment. The amendments provide that items that are available in general commerce and which have no unique requirements imposed for nuclear application will not be within the scope of the revised rule for reporting defects and noncompliance. These amendments will alleviate the above problem.

DATE: These amendments will be effective on October 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. W. E. Campbell, Jr., Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-5913.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Nuclear Regulatory Commission (hereinafter the "Commission") has decided to amend 10 CFR Part 21, "Reporting of Defects and Noncompliance." Specifically, the Commission has decided to impose limits on the types of items that are used in facilities or activities licensed pursuant to part 30, 40, 50, 70, or 71 that are within the scope of 10 CFR Part 21.

On March 3, 1975, 10 CFR Part 21 was published as a proposed rule (40 FR 8832). On June 6, 1977, 10 CFR Part 21 was published as an effective rule (42 FR 28891) with some portions of the rule to be effective on July 6, 1977, and the remaining portions to be effective on January 6, 1978. On July 7, 1977, a FEDERAL REGISTER notice (42 FR 34886) changed the initial effective date to August 10, 1977, vice July 6, 1977. To facilitate implementation of 10 CFR Part 21 a series of public regional meetings were held in July 1977 and based on those meetings the Commission staff in October 1977 published NUREG-0302 Rev. 1, "Remarks Presented (Questions/Answers) Discussed at the Public Regional Meetings To Discuss Regulations (10 CFR Part 21) for Reporting Defects and Noncompliance." NUREG-0302 Rev. 1 contains staff guidance relating to the implementation and enforcement of 10 CFR Part 21 and is available through the National Technical Information Service, Springfield, Va. 22161. In the preamble to the effective rule, the Commission stated that it intended "to examine closely the implementation of 10 CFR Part 21 with a view to making any clarifying or other changes that may be warranted in the light of experience."

Part 21 defines a "basic component" subject to the reporting and other requirements of the rule. In response to inquiries during and subsequent to the public regional meetings relating to "off-the-shelf" or "catalog" items, the staff provided guidance that such items may be within the scope of 10 CFR Part 21 depending on the circumstances at the time of procurement. This guidance has been construed by numerous organizations to mean that the requirements of 10 CFR Part 21 apply to manufacturers and distributors who are involved to any extent in supplying basic components, or parts of basic components, of a facility or activity including supplying base material or functional assemblies to the manufacturer of the "basic component." This meaning has led to the imposition of 10 CFR Part 21 at a procurement stage where there are no design or specification requirements that are unique to application of the item at a nuclear facility or activity, e.g., relays.

The use of this meaning of basic component has not improved the quality of such items and, therefore, has not enhanced safety. Instead it is causing cost increases and inability to obtain needed supplies. To the extent that the purchaser is unable to obtain a needed item from the most qualified supplier and must turn to other less qualified suppliers, defining basic component to include such an item may to some extent detract from safety. To relieve the conditions that are resulting from the above interpretation and to mitigate this potential reduction of safety part 21 is being amended to remove from the scope of 10 CFR Part 21, during specific stages of procurement, those items of a commercial grade, e.g., bearings, relays, and bar stock that are (1) not subject to design or specification requirements unique to facilities or activities licensed by the Commission, (2) used in applications other than facilities or activities licensed by the Commission, and (3) able to be ordered from the manufacturer/distributor on the basis of the manufacturer's published specifications. At a defined stage of procurement, when the item is "dedicated" to a "basic component" (see 10 CFR 21.3(c-1)) the item will become subject to the requirements of 10 CFR Part 21.

Prior to these amendments 10 CFR Part 21 included within its scope direct inspections of licensees and suppliers as provided under section 206 of the Energy Reorganization Act of 1974. The revised rule will narrow the scope of the NRC inspection authority based on 10 CFR Part 21. However, NRC will retain the authority to inspect suppliers of commercial grade items provided by subsection 206(d) where reasonably necessary to aid in the identification by the Commission of defects and noncompliance reportable by licensees and suppliers of basic components as provided in 10 CFR Part 21.

Procurement documents that were issued in accordance with 10 CFR 21.31 after August 10, 1977, and invoked 10 CFR Part 21 may be amended to delete reference to 10 CFR Part 21 if the item being procured complies with the definition of a "commercial grade item" (see 10 CFR 21.3(a-1)).

The amended rule will clarify the applicability of 10 CFR Part 21 and thereby allow for precise application of the rule to those items that are subject to design or specification requirements unique to facilities or activities licensed pursuant to part 30, 40, 50, 60, or 71 of 10 CFR Chapter I.

Since the amendments are intended, in part, to respond to a number of requests for exemptions from 10 CFR Part 21 which may be necessary to insure the continued availability of components for the nuclear industry and since the amendments narrow the scope of the regulation thereby relieving a restriction on persons subject to it, but without any significant adverse safety consequences, the Commission has found that good cause exists for omitting notice of proposed rulemaking and public procedure thereon as unnecessary. Accordingly, the amendments are to be effective October 19, 1978.

Public comments on these amendments and on other portions of 10 CFR Part 21 are invited in order to evaluate the need for any further clarifying or other changes to 10 CFR Part 21. Comments that are received prior to December 18, 1978, will be particularly useful in evaluating the need for and content of additional amendments.

1. The final sentence of § 21.2 is amended to read as follows:

§ 21.2 Scope.

* * * Nothing in these regulations should be deemed to preclude either

an individual or a manufacturer/supplier of a commercial grade item (see § 21.3(a-1)) not subject to the regulations in this part from reporting to the Commission a known or suspected defect or failure to comply and, as authorized by law, the identity of anyone so reporting will be withheld from disclosure.[1]

2. A new sentence is added to the end of § 21.3(a) to read as follows:

§ 21.3 [Amended]

(a) * * * A commercial grade item is not a part of a basic component until after dedication (see § 21.3(c-1)).

* * * * *

3. New paragraphs (a-1) and (c-1) are added to § 21.3 to read as follows:

* * * * *

(a-1) "Commercial grade item" means an item that is (1) not subject to design or specification requirements that are unique to facilities or activities licensed pursuant to part 30, 40, 50, 70, or 71 of this chapter and (2) used in applications other than facilities or activities licensed pursuant to part 30, 40, 50, 70, or 71 of this chapter and (3) to be ordered from the manufacturer/supplier on the basis of specifications set forth in the manufacturer's published product description (for example a catalog).

* * * * *

(c-1) "Dedication" of a commercial grade item occurs after receipt when that item is designated for use as a basic component.

* * * * *

4. A new sentence is added to the end of § 21.7.

§ 21.7 Exemptions.

* * * Suppliers of commercial grade items are exempt from the provisions of this part to the extent that they supply commercial grade items.

(Sec. 161, Pub. L. 83-703, 68 Stat 948; sec. 234, Pub. L. 91-161, 83 Stat. 444; sec. 206, Pub. L. 93-438, 88 Stat 1246 (42 U.S.C. 2201, 2282, 5846).)

Dated at Washington, D.C., this 13th day of October 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-29494 Filed 10-18-78; 8:45 am]

[6714-01-M]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

Amendments to Delegations of Authority Respecting Section 19 Applications

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to provide a faster method of processing requests for employment with insured banks. No person is allowed to serve as a director, officer, or employee of an insured bank if he or she has been convicted of a crime involving dishonesty or breach of trust unless FDIC gives its approval. At present, all requests for employment are processed through the FDIC's regional and Washington offices, and are ultimately acted on by FDIC's Board of Directors. Where employment does not constitute a significant threat to the safety and soundness of the bank, the request may be handled faster by the Board of Review (a standing committee of the FDIC) or the Director of FDIC's Division of Bank Supervision and the Regional Director of the Region in which the employer is located.

EFFECTIVE DATE: This amendment is effective November 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Karl J. Seif, Senior Attorney, Federal Deposit Insurance Corporation, Room 4105-F, 550 17th Street NW., Washington, D.C. 20429, 202-389-4422.

SUPPLEMENTARY INFORMATION: Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1819) provides that no person may serve as a director, officer, or employee of an insured bank who has been convicted of a crime involving dishonesty or breach of trust without the written consent of FDIC. Normally consent has been granted by the FDIC's Board of Directors upon application by an insured bank desiring to employ or continue to employ such an individual. In order to expedite the handling of section 19 applications, FDIC's Board of Directors is delegating to the Board of Review, as the case may be, or to the Director, Division of Bank Supervision, or where confirmed in writing by the Director, Division of Bank Supervision, to the Regional Director of the Region in which the applicant bank is located, the authority to approve section 19 applications. The scope of the delegation goes to applications by all insured banks, since the statute (Section 19 of the Federal Deposit Insurance Act) applies to all insured banks and is not limited to nonmenbers. Section 303.11 has been amended to reflect this.

In adopting this amendment to FDIC's regulations, FDIC's Board of Directors did not follow the requirements of section 553(b) of Title 5 of the United States Code and §§ 302.1 and 302.2 of FDIC's regulations with respect to notice and public participation because the amendment relates solely to rules of agency organization, procedure, and practice, and because the Board of Directors found that notice and opportunity for public comment thereon would be unnecessary and would serve no useful public purpose. 12 CFR 303.11 is amended by adding the following paragraph:

§ 303.11 Delegation of authority to act on certain applications.

* * * * *

(e) *Applications filed pursuant to section 19 of the Federal Deposit Insurance Act.* (1) The Board of Directors of the Federal Deposit Insurance Corporation has delegated to the Corporation's Board of Review the authority on behalf of the Board of Directors to approve applications filed by insured banks with the Corporation pursuant to section 19 of the Federal Deposit Insurance Act seeking the consent of the Corporation for the employment of any director, officer, or employee who has been convicted or is hereafter convicted of any criminal offense involving dishonesty or a breach of trust. Such authority to approve includes any director, and any officer or employee who has authority to participate or may hereafter participate in policymaking functions of such insured bank, or has direct or indirect control of 5 percent or more of the voting rights of any class of voting stock of such insured bank: *Provided,* That the insured bank's primary supervisory authority interposes no objection to such application. This authority shall extend to the approval but not to the denial of such applications. The delegation of authority to the Board of Review to approve applications under this subparagraph and § 303.11(e)(2) does not preclude the Board of Directors from acting on any application upon which the Board of Review may not wish to act. Any voting member of the Board of Review attending the meeting at which an application is considered may request that the application be referred to the

Board of Directors for its consideration and upon receipt of such request the Board of Review shall forward the application to the Board of Directors together with its recommendation as to the disposition of such application.

(2) The Board of Directors has delegated to the Director of the Corporation's Division of Bank Supervision, and where confirmed in writing by the Director of the Division of Bank Supervision, to the Regional Director of the Region in which the applicant bank is located, the authority on behalf of the Board of Directors to approve requests for employment filed by insured banks pursuant to section 19 of the Federal Deposit Insurance Act for all other employees and nonpolicymaking officers: *Provided*, That the applicant bank's primary supervisory authority offers no objection to such application. This authority shall extend to the approval but not to the denial of such applications. The delegation of authority to the Regional Director to approve applications under this subparagraph does not preclude the Director of the Division of Bank Supervision or the Board of Review from acting on any application which the Regional Director may not wish to approve, or upon which the Regional Director may not wish to act.

By order of the Board of Directors, dated October 1978

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

[FR Doc. 78-29485 Filed 10-18-78; 8:45 am]

[4910-13-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17938; Amdt. 39-3321]

PART 39—AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault-Breguet Aviation Falcon 10 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires modification of the freon air-conditioning system electrical starting circuit on certain Avions Marcel Dassault-Breguet Aviation Falcon 10 airplanes. The AD is needed to prevent overheating of the freon system compressor motor starting resistor. An overheated starting resistor could be an ignition source to flammable fluids or vapors which could be present in the vicinity of the resistor.

DATES: Effective November 20, 1978. Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: Falcon Jet Corp., 90 Moonachie Avenue, Moonachie, N.J. 07074. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring modification of the freon air-conditioning system electrical starting circuit on certain Avions Marcel Dassault-Brequet Aviation Falcon 10 airplanes was published in the FEDERAL REGISTER at 43 FR 24849 on June 8, 1978. The proposal was prompted by reports of a significant number of Falcon 10 freon system compressor motor starting resistors overheating and failing in service due to the demanding duty cycle of the compressor motor under certain conditions. The freon system starting resistor is located in the airplane aft accessory compartment and under an overheat condition could provide an ignition source to flammable fluid or vapors in the event of a flammable fluid line or fitting leak.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Accordingly, the proposal is adopted without change.

ADOPTION OF THE AMENDMENT

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

AVIONS MARCEL DASSAULT-BREGUET AVIATION (AMD-BA). Applies to Falcon 10 airplanes, certificated in all categories, serial Nos. 1 through 111, except serial Nos. 22, 33, and 35.

Compliance is required within the next 200 hours time in service after the effective date of this AD, unless already accomplished.

To reduce the possibility of a fire caused by the freon air-conditioning compressor motor starting resistor overheating, modify the compressor motor starting circuit in accordance with AMD-BA Service Bulletin F10-0162, dated December 6, 1977, and Rev. 1, dated March 20, 1978, or equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

This amendment becomes effective November 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.)

Issued in Washington, D.C., on October 11, 1978

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 78-29333 Filed 10-18-78; 8:45 am]

[4910-13-M]

[Docket No. 78-NW-20-AD; Amdt. 39-3317]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Helicopter Models 204B, 205A, 205A-1, and 212 Modified per Chadwick STC SH149WE or SH17NW

AGENCY: Federal Aviation Administration (DOT).

ACTION: Final rule.

SUMMARY: On September 18, 1978, an airmail letter Airworthiness Directive (AD) was issued and made effective upon receipt to all known operators of Bell Helicopter models 204B, 205A, 205A-1, and 212, which had been modified per Chadwick, Inc., STC SH149WE or SH17NW, when used in external-load cargo operations. The AD required additional operating restrictions until the load cell link assembly is replaced with an FAA-approved part. This action was prompted by low cycle fatigue failure of the link of a modified helicopter which occurred while slinging a steel tower, resulting in detachment of the tower from the helicopter. AD action was taken to preclude injury or damage to persons or property on the surface. This condition still exists and the AD is hereby published in the FEDERAL REGISTER to make it effective as to all persons

DATES: The effective date is October 12, 1978, except for recipients of the airmail letter dated September 18, 1978, which contained this amendment. Compliance is required before conducting further flight in external load operations over congested or densely populated areas.

FOR FURTHER INFORMATION CONTACT:

James R. Haynes, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2516.

SUPPLEMENTARY INFORMATION: The load cell link assembly which failed had been in use approximately 200 hours. Failure appears to have been the result of low cycle fatigue having initiated from possible sharp edges occurring during manufacture of the oil hole for the thin lug. New, higher strength parts with potentially superior fatigue life are being developed by Chadwick, Inc. Parts will be available from Chadwick, Inc., after approval has been granted through revision to the supplemental type design data of STC's SH149WE and SH17NW.

Since this condition is likely to exist in other Bell Helicopter models 204B, 205A, 205A-1, and 212, modified by Chadwick, Inc., STC's SH149WE or SH17NW, the AD has been issued and is now published in the FEDERAL REGISTER, requiring restricted operation until the original load cell link assembly is replaced with a different, FAA-approved part.

Since a situation existed that required immediate adoption of this regulation, it is found that notice and public procedure thereon were impracticable and good cause existed at the time of issuance, and still exists, for making this amendment effective in less than 30 days.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive: Bell: Applies to all Bell Helicopter models 204B, 205A, 205A-1, and 212 modified by Chadwick, Inc., STC's SH149WE or SH17NW.

Prior to further flight involving external-load operations over congested or densely populated areas, replace Chadwick, Inc., load cell link assembly P/N 47-40200-19 with parts approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Northwest Region. This amendment is effective October 12, 1978, and was effective earlier for all recipients of the airmail letter dated September 18, 1978, which contained this amendment.

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

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; Mar. 8, 1973).

Issued in Seattle, Wash., on October 6, 1978.

C. B. WALK, Jr.,
Director,
Northwest Region.

[FR Doc. 78-29226 Filed 10-18-78; 8:45 am]

[4910-13-M]

[Docket No. 78-SO-33; Amendment 39-3316]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-34-200T Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) applicable to Piper Aircraft Corp. model PA-34-200T airplanes. This amendment requires inspection and replacement, as necessary, of certain fuel lines. It also requires installation, if necessary, of clamps in the left nacelle and installation of protective sleeves in the right nacelle, on certain Piper model PA-34-200T series airplanes. The AD is needed to prevent chafing between control cables and fuel lines which could result in fuel leakage. The change is necessary based on additional field reports.

DATES: Effective date: October 26, 1978. Compliance schedule—as prescribed in the body of AD.

ADDRESSES: Copies of Piper Service Bulletin 596A may be obtained from Piper Aircraft Corp., 820 East Bald Eagle Street, Lockhaven, Pa. 17745. A copy of Service Bulletin 596A is contained in the Rules Docket, Room 264, Federal Aviation Administration, Southern Region, 3400 Whipple Street, East Point, Ga.

FOR FURTHER INFORMATION CONTACT:

Gil Carter, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, 3400 Whipple Street, East Point, Ga. 30344, telephone 404-763-7435.

SUPPLEMENTARY INFORMATION: This amendment supersedes amendment 39-3222, 43 FR 22341, AD 78-11-04, which currently requires inspection and corrective action for a fuel line and control cable interference in the right nacelle on Piper model PA-34-200T airplanes. After issuing amendment 39-3222, the FAA has determined, based on service experience, that a fuel line and control cable in the left nacelle may be chafing. It is necessary that the fuel line and control cable in the left nacelle also be inspected and replaced or secured as necessary. Therefore, the FAA is superseding amendment 39-3222 by adding an additional inspection and requiring corrective action as necessary.

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

ADOPTION OF THE AMENDMENT

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

PIPER AIRCRAFT CORP. Applies to model PA-34-200T, serial Nos. 34-7570001 through 34-7870207, certificated in all categories.

Compliance is required within the next 10 hours' time in service after the effective date of this AD unless already accomplished.

To prevent a fuel leak, accomplish the following:

(a) On serial Nos. 34-7570001 through 34-7870194, accomplish the following:

(1) Remove the right and left engine nacelle aft hatch assemblies.

(2) In the right engine aft nacelle compartment, inspect the fuel inlet line to the boost pump at the mixture control cable for evidence of chafing.

(i) If chafing is evident, replace the fuel line with the approved fuel line, Piper part No. 95153-145. Install protective sleeves, Piper part Nos. 63882-73 and 63882-83, or equivalent fuel resistant flexible sleeves on the fuel inlet line and the mixture control cable. Secure the sleeves in place with tie raps, Piper part No. 488-702 or equivalent fuel resistant devices (see fig. No. 1). Leak check the fuel line using normal maintenance procedures.

(ii) If no chafing is evident, remove existing clamps or Koroseal tie (if installed) and install protective sleeves, Piper part Nos. 63882-73 and 63882-83, or equivalent fuel resistant flexible sleeves on the fuel inlet line and the mixture control cable. Secure the sleeves in place with tie raps, Piper part No. 488-702, or equivalent fuel resistant devices (see fig. No. 1).

(3) In the left engine aft nacelle compartment, inspect the fuel inlet line to the boost pump at the propeller governor control cable for evidence of chafing.

(i) If chafing is evident, replace the fuel line with the approved fuel line, Piper part No. 95153-144. Secure the fuel line to the control cable as shown in figure No. 2. Leak check the fuel line using normal maintenance procedures.

(ii) If no chafing is evident, unless already accomplished, secure the fuel line to the control cable as shown in figure No. 2.

(4) Replace the right and left engine nacelle aft hatch assemblies and make appropriate maintenance record entry.

(b) On serial Nos. 34-7870195 through 34-7870207, accomplish the following:

(1) Remove the right engine nacelle aft hatch assembly.

(2) Inspect the fuel inlet line to the boost pump at the mixture control cable for evidence of chafing.

(i) If chafing is evident, replace the fuel line with the approved fuel line, Piper part No. 95153-145. Install protective sleeves, Piper part Nos. 63882-73 and 63882-83, or equivalent fuel resistant flexible sleeves on the fuel inlet line and the mixture control cable. Secure the sleeves in place with tie raps, Piper part No. 488-702 or equivalent fuel resistant devices (see fig. No. 1). Leak check the fuel line using normal maintenance procedures.

(ii) If no chafing is evident, remove existing clamps or Koroseal tie (if installed) and install protective sleeves, Piper part Nos. 63882-73 and 63882-83, or equivalent fuel resistant flexible sleeves on the fuel inlet line and the mixture control cable. Secure the sleeves in place with tie raps, Piper part No. 488-702, or equivalent fuel resistant devices (see fig. No. 1).

(3) Replace the right nacelle aft hatch assembly and make appropriate maintenance record entry.

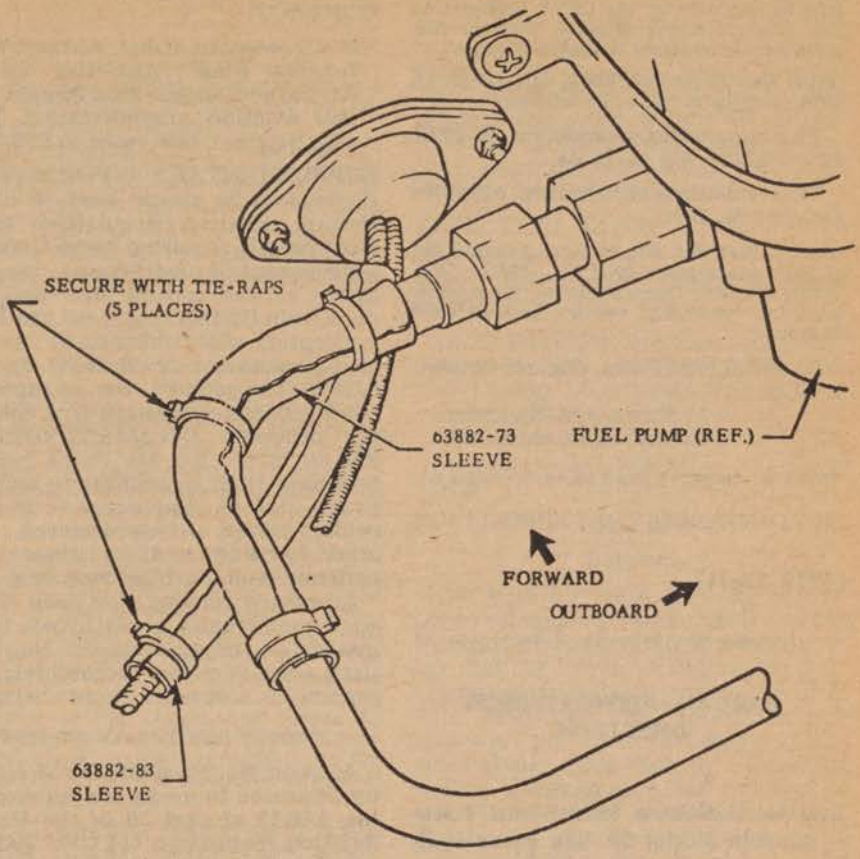

FIGURE 1.—*Right engine nacelle.*

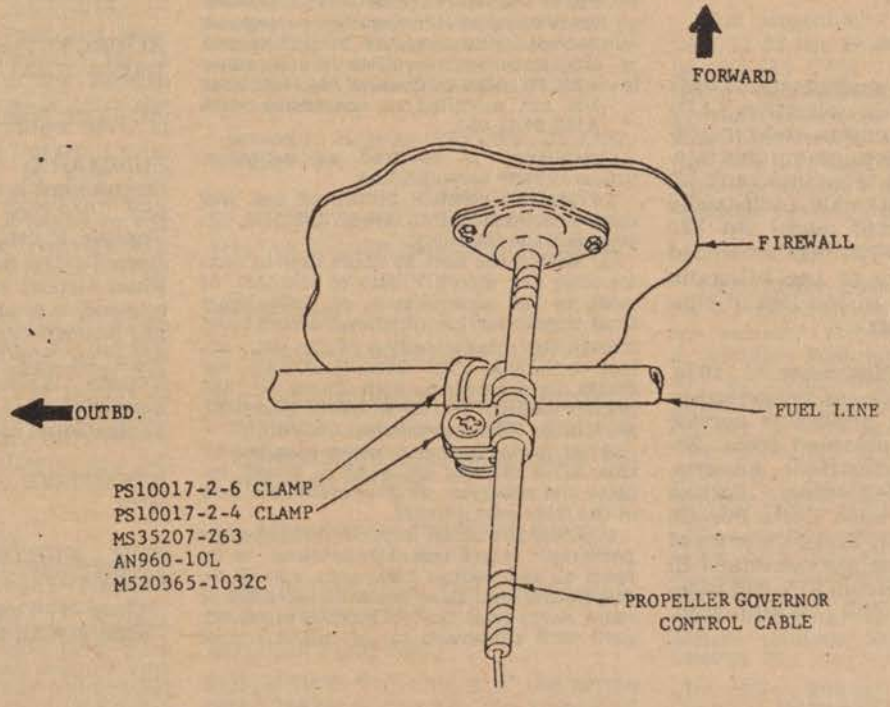

FIGURE 2.—*Left engine nacelle.*

(c) An alternate method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

(Piper Service Bulletin 596A, dated Sept. 11, 1978, pertains to this same subject.)

This supersedes amendment 39-3222, 43 FR 22341, AD 78-11-04.

This amendment becomes effective October 26, 1978.

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

Issued in East Point, Ga., on October 4, 1978.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 78-29216 Filed 10-18-78; 8:45 am]

[4910-13-M]

[Docket No. 17932; Amdt. 39-3319]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale Model SA 330 Puma Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection and replacement or modification, as appropriate, of the yaw control lever bellcrank on certain Societe Nationale Industrielle Aerospatiale (SNIAS) model SA 330 Puma helicopters. The AD is needed to prevent cracking of the bellcrank which could result in the loss of control of the helicopter.

DATE: Effective—November 20, 1978. Compliance schedule—as prescribed in body of AD. The applicable service bulletins may be obtained from: Societe Nationale Industrielle Aerospatiale, Division Helicopters, Service Technique Apres-Vente, Boite Postale 13, 13722 Marignane, France. Copies of the service bulletins are contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

B. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD requiring inspections and replacement or modification, as appropriate, of yaw control lever bellcrank on certain SNIAS model SA 330 Puma helicopters was published in the FEDERAL REGISTER at 43 FR 24847, on June 8, 1978. The proposal was prompted by the FAA's determination that the support bellcrank, P/N 330A.77.4011.01, of SNIAS model SA 330 Puma helicopters have been susceptible to cracking in the area of attachment to the yaw control lever. If uncorrected, such cracking could result in failure of the bellcrank and loss of yaw control.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Accordingly, the proposal is adopted without change.

ADOPTION OF THE AMENDMENT

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

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE (SNIAS). Applies to model SA 330 Puma helicopters, S/N 1504 and below, certificated in all categories, having yaw control bellcranks P/N 330A.77.4011.01 that have been modified in accordance with SNIAS modification AMS 07.10.226 but not modified in accordance with AMS 07.11.890.

Compliance is required as indicated, unless already accomplished.

To prevent possible failure of the yaw control bellcrank, P/N 330A.77.4011.01, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of this AD, or prior to the accumulation of 1,200 hours total time in service, whichever occurs later, inspect the tubular section of the yaw control bellcrank P/N 330A.77.4011.01, for cracks in accordance with Puma SA 330 Service Bulletin No. 05.50, dated March 22, 1977, or an FAA-approved equivalent.

(b) If during any inspection required by this AD a cracked bellcrank is found, replace the bellcrank with a serviceable part of the same part number.

(c) After the initial inspection required by paragraph (a) of this AD, continue to inspect all yaw control bellcranks, and all replacements that have accumulated 1,200 or more hours total time in service, in accordance with paragraph (a) of this AD after the last flight of each day in which the helicopter is operated.

(d) The repetitive inspections required by paragraph (c) of this AD may be discontinued upon the incorporation of a serviceable bellcrank, P/N 330A.77.4011.01, that has been modified in accordance with Puma SA 330 Service Bulletin No. 67.10, dated March 22, 1977, or an FAA-approved equivalent.

NOTE.—The modification covered in Service Bulletin No. 67.10 corresponds to Puma modification AMS 07.11.890.

This amendment becomes effective November 20, 1978.

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

Issued in Washington, D.C., on October 6, 1978.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 78-29214 Filed 10-18-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-CE-16]

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

Alteration of Control Zone and Transition Area at Topeka, Kans.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this amendment is to alter the control zone and 700-foot transition area at Topeka, Kans., by changing the name from Forbes Air Force Base to Forbes Field Airport and to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Forbes Field Airport, Topeka, Kans., utilizing an existing nondirectional radio beacon (NDB) navigational aid.

EFFECTIVE DATE: December 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures and Airspace

Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F, § 71.171 of the Federal Aviation regulations (14 CFR 71.171) and Subpart G, § 71.181 of the Federal Aviation regulations (14 CFR 71.181) is to alter the control zone and 700-foot transition area at Topeka, Kans. The city of Topeka, Kans., has assumed operation and control of Forbes Air Force Base and has changed the name of the airport to Forbes Field Airport. To enhance airport usage by providing additional instrument approach capability to the Forbes Field Airport, the city of Topeka, Kans., has requested a new instrument approach procedure utilizing the existing Richland NDB. The establishment of an instrument approach procedure based on this navigational aid entails alteration of the control zone and transition area at Topeka, Kans., at and above 700 feet above ground level (AGL) within which aircraft are provided additional air traffic control service. The intended effect of this action is to insure segregation of aircraft using the new approach procedure under instrument flight rules (IFR) and other air craft operating under visual flights rules (VFR).

Discussion of Comments

On pages 30571 and 30572 of the Federal Register dated July 17, 1978, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend §§ 71.171 and 71.181 of part 71 of the Federal Aviation regulations so as to alter the control zone and transition area at Topeka, Kans. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, the Federal Aviation Administration proposes to amend Subpart F, § 71.171 of the Federal Aviation regulations (14 CFR 71.171) as republished on January 3, 1978 (43 FR 355), is amended effective 0901 G.m.t. December 28, 1978, by altering the following control zone:

Forbes Field

Within a 5-mile radius of Forbes Field Airport (latitude 38°57'06"N, longitude 95°39'45"W) within 2.5 miles each side of the Forbes Field LOM 317° bearing extending from the 5-mile radius zone to 6 miles northwest of the airport, and within 2 miles each side of the Forbes Field ILS localizer SE course extending from the 5-mile radius zone to 1 mile SE of the LOM, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Philip Billard Airport, Topeka, Kans., control zone. This control zone will be effective as established by a Notice to Airmen or published in the Airman's Information Manual.

Additionally, Subpart G, § 71.181, of the Federal Aviation regulations (14 CFR 71.181) as republished on January 3, 1978, (43 FR 440), is amended effective 0901 G.m.t. December 28, 1978, by altering the following transition area:

Topeka, Kans.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Philip Billard Airport, Topeka, Kans. (Latitude 39°04'09"N, longitude 95°37'18"W) within 2 miles each side of the Topeka VORTAC 039° radial extending from the 7-mile radius area to 8 miles northeast of the VORTAC, within 5 miles southwest and 8 miles northeast of the Philip Billard Airport ILS localizer northwest course extending from 3 miles southeast to 12 miles northwest of the Billard LOM, within an 8.5-mile radius of Forbes Field Airport, Topeka, Kans. (latitude 38°57'06"N, longitude 95°39'45"W) within 4 miles each side of the Forbes Field LOM 317° bearing extending from the 8.5-mile radius area to 15 miles northwest of the airport, and within 3.5 miles each side of the Forbes Field ILS localizer southeast course extending from the 8.5-mile radius area to 8 miles southeast of the Forbes Field LOM.

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

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

Issued in Kansas City, Mo., on October 6, 1978.

John E. Shaw,
Acting Director, Central Region.

[FR Doc. 78-29332 Filed 10-18-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-ASW-34]

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

Alteration of Transition Area: Sherman, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Sherman, Tex. The intended effect of the action is to provide additional controlled airspace for aircraft executing instrument approach procedures to the Grayson County Airport. The circumstance which created the need for the action is that higher performance aircraft are utilizing the airport requiring additional controlled airspace for their protection.

EFFECTIVE DATE: December 28, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

History

On August 3, 1978, a notice of proposed rulemaking was published in the Federal Register (43 FR 34158) stating that the Federal Aviation Administration proposed to alter the Sherman, Tex., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to subpart G of part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Sherman, Tex., transition area. This action provides additional controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument procedures established for the Grayson County Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, subpart G of part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) is amended, effective 0901 G.m.t., December 28, 1978, as follows:

In subpart G, 71.181 (43 FR 440), the Sherman, Tex., transition area is amended as follows:

That airspace extending from 700 feet above the surface within a 6-mile radius of Sherman Municipal Airport (latitude 33°37'30" N., longitude 96°35'00" W.) and within an 8.5-mile radius of Grayson County Airport (latitude 33°42'55" N., longitude 96°40'25" W.).

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

NOTE.—The FAA has determined that this document 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 4, 1978.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc. 78-29215 Filed 10-18-78; 8:45 am]

[6750-01-M]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[D. 9057-0]

PART 13—PROHIBITED TRADE PRACTICES AND AFFIRMATIVE CORRECTIVE ACTIONS

USLIFE Credit Corp. et al.

AGENCY: Federal Trade Commission.

ACTION: Modification of order to cease and desist.

SUMMARY: This order, granting and denying in part respondents' petition for reconsideration, modifies the final order issued on May 23, 1978, 43 FR 34124, by deleting from the first line of paragraph 2 the word "Failing," and inserting the word "Failing" as the first word of subpargraph (a) of paragraph 2.

DATES: Decision issued May 23, 1978; modifying order issued September 14, 1978.[1]

FOR FURTHER INFORMATION CONTACT:

FTC/P, Albert H. Kramer, Washington, D.C., 202-523-3727.

SUPPLEMENTARY INFORMATION: In the matter of USLIFE Credit Corp., a corporation, and USLIFE Corp., a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, appears at 43 FR 34124, and remains unchanged.

(Sec. 6, 38 State. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147 (15 U.S.C. 45, 1601, et seq.).)

The order modifying order to cease and desist, is as follows:

ORDER GRANTING IN PART, AND DENYING IN PART, RESPONDENTS' PETITION FOR RECONSIDERATION

An opinion and final order in this matter having been issued on May 23, 1978; respondents having been served by mail with the said opinion and order on July 19, 1978; respondents having petitioned for reconsideration of said opinion and order on August 10, 1978; and the Commission, for the reasons stated in the accompanying opinion, having determined to grant in part, and deny in part, respondents' petition for reconsideration;

It is ordered, That the final order to cease and desist be, and hereby is, modified as follows:

From the first line of paragraph 2 of the order, delete the word "Failing."

In subparagraph (a) of paragraph 2 of the order, insert as the first word thereof the word "Failing."

By the Commission, Commissioner Pitofsky not participating.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-29462 Filed 10-18-78; 8:45 am]

[1] Copies of the modifying order with opinion filed with the original document.

[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-517]

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

Fair Market Rents for New Construction and Substantial Rehabilitation

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: Notice was given on March 31, 1978, at 43 FR 13758 that HUD was proposing to amend title 24 of the Code of Federal Regulations by incorporating in part 888, subpart A, a revised schedule A, "Fair Market Rents for New Construction and Substantial Rehabilitation (including Housing Finance and Development Agencies Program)" for all market areas. The final rule was published on June 13, 1978, at 43 FR 25604. The final rule stated that comments received in response to the March 31, 1978 publication, received after April 14, 1978, would be carefully considered and additional amendments would be published at a later date if appropriate. The additions and amendments set forth below respond to comments received since April 14, 1978.

EFFECTIVE DATE: October 19, 1978.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, 202-755-7603. This is not a toll-free number.

FOR FURTHER INFORMATION CONTACT:

Henry F. P. Cassagne, Chief Appraiser, Office of Technical Support, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-472-4810. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: This final rule adds fair market rents (FMR's) for three- and four-bedroom units in elevator buildings of five or more stories for the Boston, Mass., market area; adds FMR's for zero-, one-, and two-bedroom units in elevator buildings of two through four stories for the Augusta, Bangor, Brunswick, Calais, Lewiston, Portland, and Waterville, Maine, market areas; adds FMR's for three- and four-bedroom units in elevator buildings of two through four stories and five or more stories for the Newark, Asbury Park, North Bergen, and Freehold, N.J., market areas; amends the FMR's for zero-, one-, and two-bedroom units in elevator buildings of five or more stories for the Philadelphia, Pa., market areas; amends the FMR's for one- and two-bedroom units in elevator buildings of five or more stories for the Washington, D.C., market area; amends the fair market rents for the Greensboro, Asheville, Charlotte, Durham, Greenville, Raleigh, Winston-Salem, Fayetteville, and Wilmington, N.C., market areas; amends the zero-, one-, and two-bedroom FMR's for elevator buildings of two through four stories and five or more stories for the Benton Harbor, Mich., market area; amends the fair market rents for the Fayetteville, Little Rock, Texarkana, Fort Smith, and Jonesboro, Ark., market areas; and adds fair market rents for the Pendleton, Oreg., market area.

The complete schedule for each affected market area is set forth so all rents for that area may be found in one place.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability is available for public inspection during regular business hours at the Office of the Rules Docket Clerk at the address set forth above.

Accordingly schedule A of part 888 is amended as set forth below:

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., October 12, 1978.

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

SCHEDULE A—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

These fair market rents have been trended ahead 2 years to allow time for processing and construction of proposed new construction and substantial rehabilitation rental projects.

NOTE.—The fair market rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed two bedrooms, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for noncongregate units, and (3) single room occupancy dwelling units are those for zero-bedroom units of the same type.

[4210-01-C]

AREA/INSURING OFFICE BOSTON, MASS. REGION I - BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BOSTON	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	382	447	567	627
	WALKUP	295	372	404	434	500
	ELEVATOR-2-4 Sty	---	---	---	---	---
	5 + Sty	316	396	467	619	680

AREA/INSURING OFFICE BANGOR, ME. REGION I - BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
AUGUSTA BANGOR BRUNSWICK CALAIS	DETACHED	---	346	396	448	509
	SEMI-DETACHED/ROW	291	334	382	431	488
	WALKUP	267	305	351	394	448
	ELEVATOR-2-4 Sty	318	350	427	---	---
	5 + Sty	353	389	474	---	---
LEWISTON PORTLAND WATERVILLE	DETACHED	---	346	396	448	509
	SEMI-DETACHED/ROW	291	334	382	431	488
	WALKUP	267	305	351	394	448
	ELEVATOR-2-4 Sty	318	350	427	---	---
	5 + Sty	353	389	474	---	---

AREA/INSURING OFFICE PHILADELPHIA, PA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PHILADELPHIA	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	336	418	460	506
	WALKUP	258	307	385	445	483
	ELEVATOR-2-4 Sty	280	340	405	---	---
	5 + Sty	335	395	467	---	---

AREA OFFICE NEWARK, N. J. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEWARK	DETACHED	---	---	595	694	732
	SEMI-DETACHED/ROW	366	402	491	580	632
	WALKUP	348	378	464	550	598
	ELEVATOR-2-4 Sty	398	430	557	627	692
	5 + Sty	437	476	606	687	747
ASBURY PARK	DETACHED	---	427	536	647	660
	SEMI-DETACHED/ROW	346	385	465	552	611
	WALKUP	319	359	437	522	579
	ELEVATOR-2-4 Sty	359	411	516	592	668
	5 + Sty	398	457	565	652	723
NORTH BERGEN	DETACHED	---	---	600	705	738
	SEMI-DETACHED/ROW	---	429	545	622	676
	WALKUP	352	395	509	595	636
	ELEVATOR-2-4 Sty	405	460	616	683	740
	5 + Sty	444	506	665	743	795
FREEHOLD	DETACHED	---	427	564	675	688
	SEMI-DETACHED/ROW	346	385	493	580	639
	WALKUP	319	359	465	550	607
	ELEVATOR-2-4 Sty	359	411	542	627	703
	5 + Sty	398	457	591	687	758

AREA/INSURING OFFICE WASHINGTON, D.C. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WASHINGTON, D.C.	DETACHED	---	---	---	593	663
	SEMI-DETACHED/ROW	---	395	469	511	578
	WALKUP	274	360	434	502	556
	ELEVATOR-2-4 Sty	---	---	---	---	---
	5 + Sty	312	398	534	---	---

AREA/INSURING OFFICE GREENSBORO, N.C. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GREENSBORO	DETACHED	---	---	335	402	455
	SEMI-DETACHED/ROW	237	268	305	373	431
	WALKUP	237	268	305	373	431
	ELEVATOR-2-4 Sty	259	289	326	---	---
	5 + Sty	278	316	361	---	---
ASHEVILLE	DETACHED	---	---	310	389	446
	SEMI-DETACHED/ROW	226	262	299	368	425
	WALKUP	226	262	299	368	425
	ELEVATOR-2-4 Sty	248	284	320	---	---
	5 + Sty	278	316	361	---	---
CHARLOTTE	DETACHED	---	---	324	382	435
	SEMI-DETACHED/ROW	226	257	294	357	410
	WALKUP	226	257	294	357	410
	ELEVATOR-2-4 Sty	248	278	315	---	---
	5 + Sty	279	316	361	---	---
DURHAM	DETACHED	---	---	308	370	426
	SEMI-DETACHED/ROW	220	251	294	352	404
	WALKUP	220	251	294	352	404
	ELEVATOR-2-4 Sty	242	273	315	---	----
	5 + Sty	278	316	361	---	---
GREENVILLE	DETACHED	---	---	305	357	410
	SEMI-DETACHED/ROW	220	251	289	341	394
	WALKUP	220	251	289	341	394
	ELEVATOR-2-4 Sty	242	273	310	---	---
	5 + Sty	288	316	361	---	---
RALEIGH	DETACHED	---	---	337	417	468
	SEMI-DETACHED/ROW	242	273	310	378	436
	WALKUP	242	273	310	378	436
	ELEVATOR-2-4 Sty	264	294	331	---	---
	5 + Sty	278	316	361	---	---

AREA/INSURING OFFICE GREENSBORO, N.C. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WINSTON-SALEM	DETACHED	---	---	315	384	438
	SEMI-DETACHED/ROW	231	268	305	368	420
	WALKUP	231	268	305	368	420
	ELEVATOR-2-4 Sty	253	289	326	---	---
	5 + Sty	278	316	361	---	---
FAYETTEVILLE	DETACHED	---	---	314	371	423
	SEMI-DETACHED/ROW	226	257	299	347	399
	WALKUP	226	257	299	347	399
	ELEVATOR-2-4 Sty	248	278	320	---	---
	5 + Sty	284	316	361	---	---
WILMINGTON-	DETACHED	---	---	328	392	445
	SEMI-DETACHED/ROW	226	251	294	352	410
	WALKUP	226	251	294	352	410
	ELEVATOR-2-4 Sty	248	273	315	---	---
	5 + Sty	283	316	361	---	---

AREA/INSURING OFFICE GRAND RAPIDS, MICH. REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BENTON HARBOR	DETACHED	---	---	376	430	465
	SEMI-DETACHED/ROW	---	299	330	430	465
	WALKUP	226	260	287	347	---
	ELEVATOR-2-4 Sty	268	305	333	---	---
	5 + Sty	286	325	358	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA/INSURING OFFICE LITTLE ROCK, ARKANSAS REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
FAYETTEVILLE	DETACHED	---	---	304	363	439
	SEMI-DETACHED/ROW	200	245	287	350	410
	WALKUP	200	245	287	350	394
	ELEVATOR-2-4 Sty	238	290	340	---	---
	5 + Sty	297	349	422	---	---
LITTLE ROCK	DETACHED	---	---	310	369	444
	SEMI-DETACHED/ROW	204	250	292	348	419
	WALKUP	204	250	287	346	396
	ELEVATOR-2-4 Sty	242	296	340	---	---
	5 + Sty	308	373	429	---	---
TEXARKANA	DETACHED	---	---	303	363	437
	SEMI-DETACHED/ROW	195	238	288	342	413
	WALKUP	195	238	279	339	384
	ELEVATOR-2-4 Sty	232	281	331	---	---
	5 + Sty	305	371	422	---	---
FORT SMITH	DETACHED	---	---	280	334	403
	SEMI-DETACHED/ROW	180	226	271	321	386
	WALKUP	173	226	268	313	367
	ELEVATOR-2-4 Sty	206	267	318	---	---
	5 + Sty	278	343	399	---	---
JONESBORO	DETACHED	---	---	296	352	425
	SEMI-DETACHED/ROW	188	236	286	336	404
	WALKUP	184	236	286	335	391
	ELEVATOR-2-4 Sty	219	279	339	---	---
	5 + Sty	283	348	404	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA/INSURING OFFICE PORTLAND, ORE. REGION X - SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PENDLETON	DETACHED	---	---	300	346	386
	SEMI-DETACHED/ROW	---	231	294	334	366
	WALKUP	185	220	277	322	355
	ELEVATOR-2-4 Sty	228	276	338	---	---
	5 + Sty	253	307	376	---	---

[FR Doc. 78-29504 Filed 10-18-78; 8:45 am]

[7630-01-M]

Title 36—Parks, Forests, and Public Property

CHAPTER IX—PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PART 905—STANDARDS OF CONDUCT

Interim Rule; Request for Comments

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Interim rule; request for comments.

SUMMARY: The Pennsylvania Avenue Development Corporation is proposing to formally adopt Standards of Conduct governing the conduct of its employees and special government employees. The Corporation has now entered the implementation phase of its development program for Pennsylvania Avenue in Washington, D.C. This phase will bring mounting pressures to bear upon the staff of the Corporation as development proceeds. Therefore, the need to formalize internal agency policy on standards of conduct is of the utmost importance. While giving formal notice to the public of the Corporation's policy on conflicts of interest, it also provides the staff of the Corporation with clear guidelines to which they can refer when necessary.

DATES: Effective date: October 19, 1978. Comment date: Comments must be received on or before November 17, 1978.

ADDRESS: Send comments to Peter T. Meszoly, General Counsel, Pennsylvania Avenue Development Corporation, 425 13th Street NW., Suite 1148, Washington, D.C. 20004, 202-566-1078.

FOR FURTHER INFORMATION CONTACT:

David W. Briggs, Attorney, Office of the General Counsel, 202-566-1078.

SUPPLEMENTARY INFORMATION: The proposed standards of conduct implement Executive Order 11222 and Title 5, Code of Federal Regulations, Part 735, Regulations Concerning Employee Responsibilities and Conduct as promulgated by the U.S. Civil Service Commission. The standards apply to both regular Government employees of the Corporation and its special Government employees, including part-time consultants and members of the Corporation's Board of Directors.

The proposed part sets forth general standards of conduct for all employees of the Corporation, and specifies conduct which is considered unacceptable, covering such areas as gifts, outside employment, and disclosures of confidential information relating to development projects. An ethics counselor is designated under the part and the role of the counselor as an advisor to the Corporation on ethics is defined. Reporting requirements applicable to certain Corporation staff is set forth.

Although these standards of conduct are published as interim rules, comments are requested. Following review of any submitted comments and final approval of these standards by the U.S. Civil Service Commission, the standards, as revised, will be published as final rulemaking.

36 CFR, Chapter IX, is amended by adding a new Part 905—Standards of Conduct to read as follows:

Subpart A—General Provisions

Sec.

905.735-101 Principles and purpose.
905.735-102 Adoption of regulations.
905.735-103 Definitions.
905.735-104 Applicability.
905.735-105 Designation of counselor.
905.735-106 Notification to employees and special Government employees.
905.735-107 Review of statements of employment and financial interests.
905.735-108 Remedial and disciplinary action.

Subpart B—Conduct and Responsibilities of Employees

905.735-201 General standards of conduct.
905.735-202 Gifts, entertainment, and favors.
905.735-203 Outside employment and other activity.
905.735-204 Disclosure of information.
905.735-205 Purchase of Government-owned property.

Subpart C—Conduct and Responsibilities of Special Government Employees

905.735-301 General standards of conduct.

Subpart D—Special Standards Applicable to Certain Board Members

905.735-401 Standards.
905.735-402 Advice and determination.

Subpart E—Statements of Employment and Financial Interests

905.735-501 Form and content of statements.
905.735-502 Statements of employment and financial interests by employees.
905.735-503 Statements of employment and financial interests by special Government employees.
905.735-504 Procedures for obtaining statements.
905.735-505 Confidentiality of statements.

AUTHORITY: E.O. 11222, 3 CFR, 1964-1965 Comp., p. 306; 5 CFR 735; section 6(5), Pub. L. 92-578, 86 Stat. 1270 (40 U.S.C. 875).

Subpart A—General Provisions

§ 905.735-101 Principles and purpose.

In order to assure that the business of the Pennsylvania Avenue Development Corporation is conducted effectively, objectively, and without improper influence or appearance thereof, all employees and special Government employees must observe unquestionable standards of integrity and conduct. Employees and special Government employees shall not engage in criminal, infamous, dishonest, immoral, or disgraceful conduct or other conduct prejudicial to the Government. All employees and special Government employees must avoid conflicts of private interest with their public duties and responsibilities. They must consider the propriety of any action in relation to general ethical standards of the highest order, so that public confidence in the integrity of the Government will not be impaired. Certain standards are set by law. Others are set by regulation and by policy. This part incorporates by reference applicable general standards of conduct and prescribes additional necessary elements. Taken together, this part constitutes the Corporation's regulations on this subject. Failure to observe any of the regulations in this part is cause for remedial action.

§ 905.735-102 Adoption of regulations.

Under the authority of 5 CFR 735.104(f), the Corporation hereby adopts the following sections of the Civil Service Commission regulations on "Employee Responsibilities and Conduct" found in Part 735 of Title 5, Code of Federal Regulations: § 735.202(a), (d), (e), (f) through 735.210; 735.302; 735.303(a); 735.304; 735.305(a); 735.306; 735.404 through 735.411; and, 735.412(b) and (d). These sections are incorporated by reference in this part and are modified and supplemented as set forth herein.

§ 905.735-103 Definitions.

As used in this part:

(a) "Board Member" means any member of the Board of Directors of the Pennsylvania Avenue Development Corporation, appointed or serving under section 3, Pub. L. 92-578, 86 Stat. 1267 (40 U.S.C. 872).

(b) "Chairman" means the Chairman of the Board of Directors and President of the Corporation.

(c) "Conflict" means the subordination of public responsibilities to private interests, and includes the appearance of such subordination.

(d) "Consultant" means an individual who serves as an advisor to an officer or division of the Corporation, as distinguished from an officer or employee who carries out the agency's duties and responsibilities. He gives

his views or opinions on problems or questions presented him by the Corporation, but he neither performs nor supervises performance of operating functions. Ordinarily, he is expert in the field in which he advises, but he need not be a specialist. His expertness may lie in his possession of a high order of board administrative, professional, or technical experience indicating that his ability and knowledge make his advice distinctively valuable to the agency. (Chapter 304, Federal Personnel Manual).

(e) "Corporation" means the Pennsylvania Avenue Development Corporation, created by the Pennsylvania Avenue Development Corporation Act of 1972, Pub. L. 92-578, 86 Stat. 1266 (40 U.S.C. 871).

(f) "Employee" means an officer or employee of the Corporation, but does not include a special Government employee as defined herein. The term includes those Board Members who are officers or employees of the executive or legislative branches of the United States or of the District of Columbia, but does not include elected officials.

(g) "Executive Order" means Executive Order 11222 of May 8, 1965.

(h) "Expert" means a person with excellent qualifications and a high degree of attainment in a professional, scientific, technical, or other field. His knowledge and mastery of the principles, practices, problems, methods, and techniques of his field of activity, or of a specialized area in the field, are clearly superior to those usually possesed by ordinarily competent individuals in that activity. His attainment is such that he usually is regarded as an authority or as a practitioner of unusual competence and skill by other persons in the profession, occupation, or activity. (Chapter 304, Federal Personnel Manual.)

(i) "Head of the agency" means the Chairman.

(j) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other institution or organization.

(k) "Special Government Employee" means an officer or employee of the Corporation who is retained, designated, appointed or employed to perform, with or without compensation, for not more than 130 days during any period of 365 consecutive days, temporary duties either on a full time or intermittent basis (18 U.S.C. 202(a)). The term includes those Board Members who are appointed from private life and required to file a statement of financial interests with the Chairman of the Civil Service Commission pursuant to Part IV of the Executive Order, or who are determined to be special government employees of the executive or legislative branches of the United States or the District of Columbia.

§ 905.735-104 Applicability.

This part applies to each employee and to each special Government employee of the Corporation as defined herein and supplements the Executive Order and Part 735 of Title 5, Code of Federal Regulations, promulgated by the Civil Service Commission on employee responsibilities and conduct.

§ 905.735-105 Designation of counselor.

In accordance with 5 CFR 735.105(a), the General Counsel of the Corporation is designated to be Ethics Counselor and shall serve as the Corporation's liaison with the Civil Service Commission for matters covered in this part.

§ 905.735-106 Notification to employees and special Government employees.

(a) At the time these regulations are published, or amended, and not less often than once annually thereafter, the Corporation shall furnish each employee and special Government employees with a copy of the regulations. The Administrative Officer shall insure that each newly hired employee and special Government employee is given a copy of these regulations prior to or at the time of entry on duty.

(b) All employees and special Government employees will be advised by the Corporation of the availability of counseling regarding the provisions of this part.

§ 905.735-107 Review of statements of employment and financial interests.

The Ethics Counselor of the Corporation shall review each statement of employment and financial interests submitted under §§ 905.735-402 or 905.735-403, except his own and those statements of special Government employees who file with the Chairman of the Civil Service Commission. When review discloses a conflict between the interests of an employee or special Government employee of the Corporation and the performance of his services for the Corporation, the Ethics Counselor shall bring the conflict to the attention of the employee or special Government employee, grant the individual an opportunity to explain the conflict, and attempt to resolve it. If the conflict cannot be resolved, the Ethics Counselor shall forward a written report on the conflict to the Chairman, recommending appropriate action. The Chairman shall review the report, solicit an explanation from the individual, and seek resolution of the conflict.

§ 905.735-108 Remedial and disciplinary action.

(a) In addition to any penalties prescribed by law, the Chairman, after review and consideration of any explanation given by an employee or special Government employee concerning a conflict of interest, may institute appropriate remedial action to resolve or otherwise eliminate the conflict. Appropriate remedial action may include, but is not limited to:

(1) Divestment by the employee or the special Government employee of the conflicting interest;

(2) Disqualification of the individual from a particular assignment;

(3) Changes in the assigned duties of the individual; or,

(4) Disciplinary action.

(b) Where the situation warrants some form of disciplinary action, the Chairman may choose from a wide range including a warning or reprimand, suspension, reduction in grade or pay, or termination of employment. The disciplinary action selected should reflect the character and degree of the offense which demands such action and should be reasonable in light of that offense.

(c) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with applicable laws, Executive Orders, and regulations.

Subpart B—Conduct and Responsibilities of Employees

§ 905.735-201 General standards of conduct.

(a) All employees shall conduct themselves on the job so as to efficiently discharge the work of the Corporation. Courtesy, consideration, and promptness are to be observed in dealing with the public, Congress, and other governmental agencies.

(b) All employees shall conduct themselves off the job so as not to reflect adversely upon the Corporation or the Federal service.

(c) Employee conduct shall exemplify the highest standards of integrity. Employees shall avoid any action, whether or not specifically prohibited by this part, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

§ 905.735–202 Gifts, entertainment, and favors.

Pursuant to paragraph (b) of 5 CFR 735.202, the following exceptions to the restriction of paragraph (a) of that section are authorized. Employees may:

(a) Accept gifts and other things of value under circumstances which arise from an obvious family or personal relationship(s) (such as between the parents, children, or spouse of the employee and the employee), when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(b) Accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon, dinner, or other meeting, or on an inspection tour where an employee may properly be in attendance;

(c) Accept loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home purchase;

(d) Accept unsolicited advertising or promotional materials, such as pens, pencils, note pads, calendars and other items of nominal intrinsic value;

(e) Participating without payment in privately funded activities in the Washington metropolitan area if: (1) An invitation is addressed to the Chairman or Executive Director of the Corporation and approved by either of them; (2) no provision for individual payment is readily available; and (3) the activities are limited to ceremonies of interest to both the local community and the Corporation (such as ground breakings or openings), or are sponsored or encouraged by the Federal or District Government as a matter of policy; and,

(f) Participate in widely attended lunches, dinners, and similar gatherings sponsored by industrial, commercial, technical and professional associations, or groups, for discussion of matters of interest both to the Corporation and the public. Participation by an employee at the host's expense is appropriate if the host is an association or group and not an individual.

§ 905.735–203 Outside employment and other activity.

As provided in 5 CFR 735.203, an employee of the Corporation may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his Government employment. An employee who proposes to engage in outside employment shall report that fact in writing to his supervisor prior to undertaking such employment.

§ 905.735–204 Disclosure of information.

(a) Every employee who is involved in the development, maintenance or use of Corporation records containing information about individuals shall familiarize himself with the requirements and penalties of the Privacy Act of 1974 (5 U.S.C. 552a) and Corporation regulations (36 CFR Part 903) promulgated thereunder concerning the utilization of and access to such records.

(b) Every employee is directed to cooperate to the fullest extent possible in discharging the requirement of the Freedom of Information Act (5 U.S.C. 522) and Corporation regulations promulgated thereunder (36 CFR Part 902). Every effort should be made to furnish service with reasonable promptness to persons who seek access to Corporation records and information.

§ 905.735–205 Purchase of Government-owned property.

Employees of the Corporation and members of their immediate families may purchase Government-owned personal property when it is offered for sale by the General Services Administration or any Federal agency other than the Corporation (41 CFR 101–45.302).

Subpart C—Conduct and Responsibilities of Special Government Employees

§ 905.735.301 General standards of conduct.

(a) Special Government employees of the Corporation shall adhere to applicable regulations adopted under § 904.735–102, except 5 CFR 735.203(b). In addition, the standards of conduct set forth in §§ 905.735–201, 204, and 205 shall apply to special Government employees.

(b) Special Government employees of the Corporation may teach, lecture, or write consistent with the provisions of 5 CFR 735.203(c).

(c) Pursuant to 5 CFR 735.305(b), the provisions concerning gifts, entertainment, and favors set forth in § 905.735–202 are hereby made applicable to special Government employees.

Subpart D—Special Standards Applicable to Certain Board Members

§ 905.735–401 Standards.

Section 3(c)(8) of the Pennsylvania Avenue Development Corporation Act of 1972, Pub. L. 92–578, 86 Stat. 1267 (40 U.S.C. 872(c)(8)) specifies that the eight members appointed to the Board by the President from private life, at least four of whom shall be residents of the District of Columbia, "shall have knowledge and experience in one or more fields of history, architecture, city planning, retailing, real estate, construction or government." As a result of these prerequisites for appointment of a private member to the Board of Directors, conflicts could arise for these Board Members as the Corporation proceeds with various development activities. Accordingly, Board Members should perform their responsibilities for the operation and management of the Corporation consistent with these regulations, and other applicable Federal laws and regulations, and consistent with the highest level of fiduciary responsibility.

§ 905.735–402 Advice and determination.

The Corporation's Ethics Counselor is readily available for consultation when a Board Member seeks advice as to the appropriateness of his actions in light of this part, the Executive Order, or Title 18, United States Code, Chapter 11. A board Member has an affirmative duty to advise the Ethics Counselor of any potential conflict of interest which may arise with the individual's participation in any particular matter before the Corporation. If advised to do so, the Board Member should submit to the Chairman for determination the question of whether or not the conflict will disqualify the Board Member from participating in the action to be taken by the Corporation. Under the authority delegated to the Chairman pursuant to 18 U.S.C. 208(b), the Chairman may find that the Board Member need not be disqualified from participating in the particular matter, if: (a) The Board Member makes a full disclosure of the financial interest; and (b) the Chairman furnishes him with a written determination in advance of the action that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the Board Member. Requests for similar determinations for conflicts posed by the financial interests of the Chairman himself shall be submitted to the Chairman of the Civil Service Commission.

Subpart E—Statements of Employment and Financial Interests

§ 905.735–501 Form and content of statements.

Statements of employment and financial interests required to be submitted under this subpart by employees and special Government employees shall contain the information required in the formats prescribed by the Civil Service Commission in the Federal Personnel Manual.

§ 905.735–502 Statements of employment and financial interests by employees.

(a) Employees of the Corporation in the following named positions shall prepare and submit statements of employment and financial interests:

(1) Executive Director;

(2) Assistant Director/legal—General Counsel;

(3) Assistant Director/finance;

(4) Development Director;

(5) Secretary of the Corporation/administrative officer;

(6) Construction manager;

(7) Senior architect/planner;

(8) Chief, real estate operations;

(9) Any contracting officer of the Corporation; and,

(10) Any employee classified as a GS–13 or above whose duties and responsibilities are such that the ethics counselor determines a statement should be filed.

(b) Each statement of employment and financial interests required by this section, except that of the General Counsel, shall be submitted to the Ethics Counselor, Office of the General Counsel, Pennsylvania Avenue Development Corporation, 425 13th Street NW., Washington, D.C. 20004. The General Counsel, as Ethics Counselor, shall submit his statement directly to the Chairman for review.

(c) An employee who believes that his position has been improperly included in this section as one requiring the submission of a statement of employment and financial interests may obtain a review of this determination upon a written request to the Chairman.

§ 905.735–503 Statements of employment and financial interests by special Government employees.

All special Government employees shall submit a statement of employment and financial interest prior to beginning employment or service with the Corporation. Each statement shall be submitted to the Ethics Counselor, Office of the General Counsel, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Washington, D.C. 20004, except that the statements of Board Members appointed from private life shall be filed with the U.S. Civil Service Commission.

§ 905.735–504 Procedures for obtaining statements.

(a) Upon the adopting of the regulations of this part, the ethics counselor shall deliver to the incumbent of each position named in § 905.735–402 and to each special Government employee, two copies of the appropriate form for filing a statement of employment and financial interests. An enclosure with the forms shall advise that:

(1) The original of the completed form must be returned in a sealed envelope, marked "Personal—In Confidence," to the ethics counselor within the time specified by the ethics counselor;

(2) The services of the ethics counselor are available to advise and assist in preparation of the statement;

(3) Any additions or deletions to the information furnished must be reported in a supplementary statement at the end of the calendar quarter in which the change occurs; or in the case of a special Government employee, at the time the change occurs; and

(4) No later than June 30 of each year, all special Government employees and employees required to file under § 905.735–402(a) shall file an annual supplementary statement to update the information previously filed.

(b) The administrative officer shall be responsible for assuring that a completed statement of employment and financial interests is obtained from each special Government employee prior to the beginning of employment or service with the Corporation. The administrative officer shall promptly forward the statements to the ethics counselor for review.

§ 905.735–505 Confidentiality of statements.

The ethics counselor shall hold in confidence each statement of employment and financial interests, and each supplementary statement within his control. Access to or disclosure of information contained in these statements shall not be allowed, except as the Commission or the Ethics Counselor determine for good cause shown, consistent with the Privacy Act of 1974 (5 U.S.C. 552a), and the regulations and pertinent notices of systems of records prepared by the Civil Service Commission and the Corporation in accordance with that Act.

Issued in Washington, D.C., October 11, 1978.

E. R. QUESADA,
Chairman of the Board of Directors.

[FR Doc. 78-29473 Filed 10-18-78; 8:45 am]

[7710–12–M]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Third-Class Bulk Rate Pieces Bearing Attachments

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule amends postal regulations to allow mailers under certain conditions to attach sales flyers or other such materials to the front cover page or back cover page of mailing pieces such as books and catalogs that are mailed at the bulk third-class postage rates. Prior to this rule change, mailers were not permitted to attach materials to books and catalogs mailed at bulk rates, since such materials tend, among other things, to jam mail processing machinery and create hazardous conditions on the workroom floor of post offices. To avoid these problems, the regulation specifies that attachments be secured so as not to interfere with processing or delivery, and folded or multipage attachments be secured to prevent opening during handling. In addition, the mailing piece and the attachment must be mailed at bulk rates and the higher rate must be paid if the mailing piece and the attachment are subject to different bulk rates. Pieces bearing attachments must be larger than 6 x 11 inches, i.e., too large to be distributed in a regular letter case, and the mailing must be presorted to carrier routes. Also, each piece in the mailing must bear the same attachment.

EFFECTIVE DATE: November 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Ernest Collins at 202–245–4749.

SUPPLEMENTARY INFORMATION: On July 17, 1978, the Postal Service published for comment in the FEDERAL REGISTER proposed changes to part 134 of the Postal Service Manual as described above (43 FR 30579). Interested persons were invited to submit written comments concerning the proposed changes by August 16, 1978.

Written comments were received from six individuals and organizations. Several commenters opposed the proposal because of the required presorting to carrier route. One commenter generally favored the proposal, except that he questioned the need for requiring presorting of the pieces by carrier routes. He said that there does not appear to be any relationship between presorting and attachment of flyers or other materials. We believe there is a clear relationship between presorted pieces bearing attachments and nonpresorted ones. The less handling that is required by the Postal Service as a result of presorting, the less chance there is of attachments being torn loose from the mail piece and being lost or destroyed and of other mail being damaged.

The commenter also said that if presorting to carrier route were required his firm would probably not be able to attach materials to its third-class bulk rate mailings because of the excess

burden presorting would place on its operations. Therefore, he suggested that presorting to carrier route should be coupled with a rate discount proposal. The Postal Service recognizes that the carrier route presort proposal may require more work of mailers, but they should also receive the benefit of undamaged mail pieces through less handling. As to the commenter's rate proposal, the Postal Service has filed a request with the Postal Rate Commission for a recommended decision on establishing a third-class carrier route presort subclass. See 43 FR 41440. If that subclass is established as requested, qualifying mail will be charged a rate that is 1.5 cents per piece less than nonqualifying bulk third-class regular rate matter.

One commenter opposed the proposed rule believing (1) it would cause more articles to be sorted manually because flyers would add more weight, (2) it would increase the volume of mail being sent to dead parcel offices, (3) it would cause handling problems and hazardous conditions, and (4) it would increase postage for the average letter-mailing citizen because extra processing will be required for such pieces.

The commenter's first point about attachments causing manual sortation because of the overall increased weight of the mail piece is not well taken. In the first place, pieces bearing attachments must be presorted to carrier routes. Accordingly, sortation by postal employees should be reduced. As to the increased weight question, the weight of each piece includes any attachment. Accordingly, so long as the mail piece (with the attachment) is within the prescribed weight range it qualifies for the bulk rate.

As to the point that attaching a flyer to a bulk third-class book or catalog will increase the volume of mail being sent to dead parcel offices, the commenter is mistaken. Attachments are not separately addressed. If they become detached from the mail piece, they will be disposed of as waste. They will not be sent to dead parcel branches. See 159.412b of the Postal Service Manual.

The commenter is also mistaken in believing this rule will cause handling problems and increased costs to the Postal Service. The rule specifically requires securing of attachments to avoid handling problems and presorting to carrier route to reduce handlings which will also reduce costs.

One commenter opposed the proposal on the ground that it would permit mailers to circumvent paying the per piece postage for the attachments, which he said could not be justified, considering the present financial status of the Postal Service.

Attachments will not get a free ride. They will be weighed along with the mailing piece and be charged postage as appropriate. If the attachment is subject to a different rate from the mailing piece, both the attachment and the mailing piece must pay the higher bulk rate. As previously noted, the Postal Service is on record with the Postal Rate Commission that presorting to carrier route, which is a requirement in this rule change, will save handling costs for the Postal Service.

One commenter wrote that the proposal to charge the higher rate for the attachment and principal mailing piece "if the mailing piece and the attachment are subject to different rates" may be inconsistent with current requirements for other types of combined mailings in part 139 of the Postal Service Manual. There is no inconsistency. Part 139 of the Postal Service Manual deals with mixed classes. This rule deals only with third-class matter mailed at bulk rates.

The same commenter suggested that, in view of the fact that the attachment may generate no extra handling costs to the Postal Service, it may be inappropriate to charge the higher rate for the entire piece, i.e., the circular pound rate of 41 cents for the piece with the attachment versus the lower 36 cents pound rate for books and catalogs. The commenter recommended that the combined postage be computed at each applicable rate. If the Postal Service accepted the commenter's recommendation, we would have to charge (using the commenter's example) the minimum per piece rate of 8.4 cents for the attachment and 36 cents for the book or catalog, for a total of 44.4 cents for the entire piece. Under the rule adopted here, the rate for the book or catalog, including the attachment, will be 41 cents, since that rate covers the entire piece weighing up to but not including 16 ounces. Furthermore, the policy of charging the higher of two rates included in a mailing is well established where appropriate postage is not paid on each enclosure. Compare 139.331 of the Postal Service Manual.

One commenter suggested clarifying the proposed rule by referring specifically to "envelopes" as one of the authorized attachments for bulk rate books and catalogs. The Postal Service sees no reason specifically to list all the possible third-class attachments that mailers may decide to use. So long as the conditions in .47a–e of the rule are met, any attachment will qualify.

We also made some minor, technical, or clarifying changes to the regulation.

In view of the considerations discussed above, the Postal Service hereby adopts, as amended, the following revision of the Postal Service Manual:

PART 134—THIRD-CLASS

1. In 134.4 add new .47 to read as follows:

134.4 *Preparation—Payment of postage.*

* * * * *

.47 Pieces bearing third-class attachments. The front cover page or the back cover page of a mailing piece may bear an attachment provided the following conditions are complied with:

a. The material must qualify for and be mailed at bulk rates. If the mailing piece and the attachment are subject to different rates, the higher bulk rate shall be paid for both.

b. Pieces bearing attachments must be larger than 6 x 11 inches (too large to be distributed in a regular letter case).

c. The mailing must be presorted to carrier routes.

d. Attachments must be secured so as not to interfere with processing or delivery. Folded or multipage attachments must be secured to prevent opening during handling.

e. Each piece in the mailing must bear the same attachment.

2. In 134.7, revise the first sentence of .71 to read as follows:

134.7 *Enclosures.*

.71 Books and catalogs mailed at bulk rates provided by 134.121. Except as provided in section 134.47, external attachments are not permitted. * * *

A post office services (domestic) transmittal letter making these changes in the pages of the Postal Service Manual will be published and will be transmitted to subscribers automatically.

These changes will be published in the FEDERAL REGISTER as provided in 39 CFR 111.3.

(39 U.S.C. 401(2).)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 78-29457 Filed 10-18-78; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 984]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Wyoming Plan Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves revisions to the Wyoming State Implementation Plan submitted on May 9, 1978 by the Administrator, Air Quality Division of the Wyoming Department of Environmental Quality. The revisions include a provision for continuous emission monitoring of solid fossil fuel fired steam generators as required by EPA regulations and some minor amendments and corrections to other portions of the State regulations. The continuous emission monitoring provision will assist the State in enforcing emission limitations while the minor amendments and corrections will further clarify existing regulations.

EFFECTIVE DATES: October 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Leo Stander, Air Programs Branch, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colo. 80295 at 303-837-3711.

SUPPLEMENTARY INFORMATION: On October 6, 1975 (40 FR 46247) EPA required that States include legally enforceable procedures for certain existing sources to continuously monitor emissions for compliance with emission standards. This revision requires continuous opacity monitoring by all solid fossil fuel fired steam generators with heat inputs in excess of 250 million Btu per hour.

Other revisions in the Wyoming regulations include minor changes in definitions, the referral to the FEDERAL REGISTER for methods of ambient air monitoring measurements and analyses, changes in open burning requirements, the adoption of exemptions to permit requirements for small fuel burning equipment and gasoline storage tanks at retail establishments, procedural changes to the permit system and source testing requirements and a correction of an equation in the new source performance standards section. EPA proposed to approve the Wyoming SIP revision on July 19, 1978 (43 FR 31044) and requested public comment. No comments were received.

Requirements for public hearings and plan revisions (40 CFR 51.4 and 51.6) have been met by the State's revision.

The Administrator finds that the Wyoming SIP revisions meet the substantive and procedural requirements of section 110 of the Clean Air Act and 40 CFR Part 51. Therefore, the Administrator approves the Wyoming SIP revisions as set forth in this rulemaking.

This rulemaking will be effective October 19, 1978. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the regulations are already in effect under State law and Federal approval imposes no new burdens.

(Sec. 110 of the Clean Air Act, as amended (42 U.S.C. 7410); Sec. 301 as amended (42 U.S.C. 7601).)

Dated: October 10, 1978.

DOUGLAS M. COSTLE,
Administrator.

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

Subpart ZZ—Wyoming

1. In § 52.2620, paragraph (c)(10) is added as follows:

§ 52.2620 Identification of plan.

* * * * *

(c) * * *

(10) Requirements for continuous capacity monitoring by all fossil fuel fired steam generators with heat inputs in excess of 250 million Btu per hour and other miscellaneous revisions to the State regulations as submitted by the Air Quality Division (AQD) on May 9, 1978.

[FR Doc. 78-29433 Filed 10-18-78; 8:45 am]

[6560-01-M]

[FRL 985-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Guam Statutes and Nonregulatory Plan Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: It is the purpose of this notice to promulgate final approval of certain portions of the statutory and nonregulatory revisions to the Guam air quality implementation plan submitted to EPA by the Governor on August 14, 1973. This notice also announces that no action is taken on other portions of the revisions to the Guam plan. The intended effect of this action is to update and to correct certain deficiencies in the Guam implementation plan.

EFFECTIVE DATE: November 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, EPA, Region IX, 215 Fremont Street, San Francisco, Calif. 94105, Attention: Morris I. Goldberg, telephone 415-556-2463.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 25, 1972, the Governor officially submitted to EPA the document entitled "Implementation Plan For Compliance with Ambient Air Quality Standards for the Territory of Guam."

On May 31, 1972 (37 FR 10904) the Administrator, EPA, approved the Guam implementation plan in its entirety.

On August 14, 1973, the Governor officially submitted to EPA a plan revision which contained revisions to all portions of the January 25, 1972, plan.

On January 9, 1974 (39 FR 1454) the Administrator, EPA, solicited public comments on the entire August 14, 1973, plan revision in a FEDERAL REGISTER notice of proposed rulemaking.

On February 25, 1974 (39 FR 7285) the Administrator, EPA, approved or disapproved implementation plans for all States as they related to the review of indirect sources. In so doing the August 14, 1973, Guam plan revision was inadvertently approved in all respects. The intent was to approve only those portions of the Guam plan revision which pertained to complex sources.

On March 2, 1976 (41 FR 8968) the Administrator, EPA, revised the portion of the Code of Federal Regulations (CFR) which lists all approved and disapproved portions of the Guam implementation plan (40 CFR 52.2670). The intent was only to restructure that section of the CFR. Thus, the inadvertent approval of the entire Guam plan revision was repeated in the FEDERAL REGISTER.

DISCUSSION OF ACTION

Under section 110 of the Clean Air Act, as amended, the Administrator, EPA, is required to approve or disapprove all revisions to implementation plans. This final rulemaking addresses only the statutory and certain nonregulatory plan revision items. The entire plan revision has been evaluated by EPA to determine conformance with the requirements of 40 CFR Part 51 and the Act. The Guam regulatory and control strategy portions of the revision submitted on August 14, 1973, will be the subject of a separate FEDERAL REGISTER notice. Public comments were solicited on the entire plan revision on January 9, 1974, and none were received.

APPROVAL

Approval is being promulgated by EPA for the portions of the subject plan revision as follows:

1. Section I: Public hearing,
2. Section II: Introduction,

3. Section III: Legal authority (narrative),
4. Section IV: Ambient air quality standards and air pollution control regulations (narrative),
5. Section V: Emission inventory,
6. Section VI: Air quality data,
7. Section X: Air quality surveillance network (narrative),
8. Section XI: Source surveillance system (narrative),
9. Section XIII: Compliance schedule,
10. Section XV: Resources,
11. Section XVI: Intergovernmental cooperation (narrative),
12. Appendix A: Notice and minutes of public hearing,
13. Appendix C: Pub. L. 11-191 (enacted on Dec. 7, 1972),
14. Appendix F: Summary of air quality data,
15. Appendix G: Steam powerplant parameters,
16. Appendix H: Diffusion model computer printout,
17. Appendix J: Minutes and letters of public hearing on compliance schedules, and
18. Appendix K: Emissions inventory data.

DEFERRAL

No action is being taken at this time by EPA on the portions of the subject plan revision as follows:

1. Section VII: Classification of region,
2. Section XII: Emergency episode system,
3. Section XIV: Review of new sources and modifications, and
4. Appendix I: Plan for prevention of emergency episodes.

NO ACTION

No action is being taken by EPA on portions of the subject plan revision as follows:

1. Appendix B: Guam Air Pollution Control Act (as amended on May 8, 1972), because this Act was superseded by appendix C,
2. Appendix D: Legislative bill 937, because there is no indication that the bill was enacted into law, and
3. Section IX: Complex sources, because final action was taken on this section on February 25, 1974.

CLARIFICATION OF PREVIOUS EPA APPROVALS

As noted in the subsection of this notice entitled Background, the portions of the subject plan revision relating to complex sources were approved on February 25, 1974, but were incorrectly cited in the applicable CFR section. The Identification of plan section of the CFR applicable to Guam (40 CFR 52.2670) is being amended to reflect the previous approval of section IX of the plan revision. The previous approval of the portions of appendix E (regulations) relating to complex sources has been correctly cited in the CFR through a separate FEDERAL REGISTER notice.

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

Dated: October 10, 1978.

DOUGLAS COSTLE,
Administrator.

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

Subpart AAA—Guam

1. In § 52.2670, paragraph (c) is amended by an addition to the end of subparagraph (1), as follows:

§ 52.2670 Identification of plan.

* * * * *

(c) * * *

(1) * * *

Section I—Public hearing.

Section II—Introduction.

Section III—Legal authority (narrative).

Section IV—Ambient air quality standards and air pollution control regulations (narrative).

Section V—Emissions inventory.

Section VI—Air quality data.

Section IX—Complex sources (narrative).

Section X—Air quality surveillance network (narrative).

Section XI—Source surveillance system (narrative).

Section XIII—Compliance schedule.

Section XV—Resources.

Section XVI—Intergovernmental cooperation (narrative).

Appendix A—Notice and minutes of public hearing.

Appendix C—Pub. L. 11-191 (enacted on Dec. 7, 1972).

Appendix F—Summary of air quality data.

Appendix G—Steam powerplant parameters.

Appendix H—Diffusion model computer printout.

Appendix J—Minutes and letters of public hearing on compliance schedules.

Appendix K—Emissions inventory data.

[FR Doc. 78-29434 Filed 10-18-78; 8:45 am]

[4310-10-M]

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Architect-Engineer Services

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: This rule makes changes to the Interior Procurement Regulations concerning redelegations of authority to establish evaluation boards and related functions pertaining to architect-engineer services.

EFFECTIVE DATE: November 20, 1978.

FOR FURTHER INFORMATION CONTACT:

William Opdyke, 202-343-5914.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Redelegations of contracting authority previously have been made by the Secretary to the heads of procuring activities. That system was revised by the Secretary under order No. 3005 dated July 8, 1977. Redelegations of authority were made to the Assistant Secretaries, who redelegated certain authorities to the heads of procuring activities. The amendment to subpart 14-4.10 recognizes the redelegations of contracting authority under Secretary's order No. 3005.

PRIMARY AUTHOR

The primary author of this rule is William Opdyke, Division of Procurement and Grants, Office of Administrative and Management Policy, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240, telephone 202-343-5914.

WAIVER

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking process. However, the amendments contained herein are entirely administrative in nature and public participation would be meaningless. Therefore, the public rulemaking process is waived in this instance in accordance with 5 U.S.C. 553.

IMPACT

NOTE.—The Department of the Interior has determined that this document does not contain a major rule requiring preparation of an Inflation Impact Statement under Executive Order 11821 or OMB Circular A-107.

Accordingly, pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, 41 CFR Chapter 14 is amended as stated below.

Dated: October 10, 1978.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

Subpart 14-4.10—Architect-Engineer Services

1. Sections 14-4.1004-1, 14-4.1004-4 and § 14-4.1005.1 are revised to read as follows:

§ 14-4.1004-1 Establishment of architect-engineer evaluation boards.

(a) The provisions of § 1-4.1004-1(a) of this title are supplemented to provide that heads of procuring activities who have been redelegated contracting authority by the Secretary or an Assistant Secretary will be responsible for establishing evaluation boards. This responsibility may be reassigned in writing to any subordinate possessing contracting authority and staff capability to appropriately handle such responsibility.

(b) The use of private practitioners on evaluation boards shall require the advance written approval of the Assistant Secretary—Policy, Budget and Administration.

§ 14-4.1004-4 Action by agency head or his authorized representative.

The head of each procuring activity, as the responsible official to whom authority is redelegated, is authorized to perform the functions prescribed by § 1-4.1004-4 of this title.

* * * * *

§ 14-4.1005-1 Negotiation procedures.

The designated contracting officers of the Department functioning under redelegations of contracting authority from the Secretary, an Assistant Secretary, and the heads of procuring activities are authorized to perform the functions described in § 1-4.1005-1 of this title and to negotiate contracts for architect-engineer services.

[FR Doc. 78-29459 Filed 10-18-78; 8:45 am]

[4310-10-M]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-38—MOTOR EQUIPMENT MANAGEMENT

Official Legend and Agency Identification

AGENCY: Office of the Secretary, Interior.

ACTION: Final regulation.

SUMMARY: This regulation requires specific identification of all Government-owned, or leased motor vehicles and allows for use of official bureau/office decals on GSA or Interior owned motor vehicles.

DATE: Effective immediately.

FOR FURTHER INFORMATION CONTACT:

James O. Wyatt, Chief, Division of Property Management, Office of Administrative and Management Policy, Department of the Interior, Washington, D.C. 20240, telephone 202-343-3185.

SUPPLEMENTARY INFORMATION: Because this amendment relates only to internal Departmental procedures, the proposed rulemaking procedures are inapplicable. The primary author of this document is Gerald A. Dempsey, Personal Property Management Officer, Office of Administrative and Management Policy, telephone number 202-343-3185.

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

RICHARD R. HITE,
Deputy Assistant Secretary of the Department of the Interior.

OCTOBER 10, 1978.

Pursuant to the Authority of the Secretary of the Interior contained in 5 U.S.C. 301 and 40 U.S.C. 486(c), subpart 114-38.4 is changed to read as follows:

Subpart 114-38.4—Official Legend and Agency Identification

§ 114-38.402 Agency Identification.

(a) Department of the Interior and bureau or office identification shall be displayed on motor vehicles, trailers and motorcycles in conformance with 41 CFR 101-38.4 and 101-38.4903. Official bureau/office decals may be displayed on GSA or Interior owned motor vehicles, subject to the following limitations.

(1) Only the official "Seal" of the bureau/office will be installed.

(2) Decals containing slogans, advertising messages or identification of any bureau/office subunits or activities are not authorized.

(3) Decals will be elastomeric pigmented film-type and will be installed only under the official identification legend.

(4) The cost of installation and removal or vehicle restoration as may be required, will be at the expense of the appropriate bureau/office.

(5) The use of decals will not exclude a motor vehicle from any vehicle rotation program.

(b) Requests for deviation from this regulation shall be submitted to the Director, Office of Administrative and Management Policy (PM).

[FR Doc. 78-29458 Filed 10-18-78; 8:45 am]

[4310-84-M]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5649]

[CA-3156]

CALIFORNIA

Partial Revocation of Reclamation Project Withdrawal

AGENCY: Bureau of Land Management (Interior).

ACTION: Final.

SUMMARY: This order will revoke a Bureau of Reclamation withdrawal order which withdrew a .33 acre tract of public land for the Klamath Reclamation Project in California. The tract of public land remains withdrawn by Public Land Order No. 4791 of April 2, 1970, for the Tule Lake National Wildlife Refuge.

EFFECTIVE DATE: October 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Keith Corrigall, 202-343-8731.

By virtue of the authority contained in section 204 of the Act of October 21, 1976, 90 Stat. 2751 (43 U.S.C. 1714), it is ordered as follows:

1. The order of the Bureau of Reclamation dated May 28, 1926, concurred in by the Bureau of Land Management on May 28, 1926, withdrawing lands for the Klamath Project, is hereby revoked so far as it affects the following described land:

MOUNT DIABLO MERIDIAN

T. 47 N., R. 3 E.,
Sec. 12, lot 5.

Containing .33 of an acre in Siskiyou County.

2. The land is within the boundaries of the Tule Lake National Wildlife Refuge established by PLO No. 4791 dated April 2, 1970, and shall continue to be segregated from disposition under the public land laws, including the mining laws.

GUY R. MARTIN,
Assistant Secretary of the Interior.

OCTOBER 12, 1978.

[FR Doc. 78-29460 Filed 10-18-78; 8:45 am]

[4910-60-M]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-56; Amdt. Nos. 106-2, 107-5, 171-42, 172-46, 173-121, 174-32, 175-6, 177-43, 178-51]

HAZARDOUS MATERIALS REGULATIONS

Miscellaneous Amendments

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments to the Hazardous Materials Regulations of the Department of Transportation is to change or delete certain incorrect references, to correct certain spelling and editorial errors, and to make minor regulatory changes which will not impose any restrictions on persons affected by these regulations.

EFFECTIVE DATE: October 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Douglas A. Crockett, Chief, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 2100 Second Street SW., Washington, D.C. 20590, 202-426-2075.

SUPPLEMENTARY INFORMATION: Since the consolidation of the Hazardous Materials Regulations into title 49 of the Code of Federal Regulations (CFR) which was accomplished under three separate publications of docket HM-103/112 (41 FR 15972, April 15, 1976; 41 FR 40614, September 20, 1976; 41 FR 57018, December 30, 1976), numerous discrepancies have surfaced that continue to appear in the printing of title 49. These discrepancies include mispelled words, incorrect references, inadvertent omissions of phrases and paragraphs within sections, and general punctuation errors. This amendment will reflect the appropriate changes, provide clarification to certain misinterpreted portions of the regulations, and incorporate insignificant regulatory revisions which will not impose any undue burdens upon any person. In addition, important corrections have been incorporated in parts 106 and 107 regarding the recent rulemaking published under docket HM-165 (43 FR 43305, September 25, 1978) relating to the recent reorganization within the Department of Transportation which created the Research and Special Programs Administration.

Except as noted and explained, these amendments do not impose additional requirements. Public notice has not been provided and this amendment is effective without delay. The MTB has determined that the environmental and economic impact associated with these amendments is minimal. Primary drafters of this document are A. Louise Mills, Dockets Section, Office of Program Support and Douglas A. Crockett, Standards Division, Office of Hazardous Materials Regulation.

The following is a brief commentary on the changes for each part in this document.

PART 106

Changes show the correct titles for the Associate Directors of the identified offices in § 106.3 and in Appendix A to this part.

PART 107

Incorporation of an acronym for the various offices in § 107.3 for ease of identification.

Changes show the correct references to the appropriate offices and official titles in numerous sections in this part under items 4, 5, 6, 7, 8, and 9.

Editorial corrections made in § 107.373.

PART 171

Changes in this part include corrections to an improper office reference, a mispelled word, an improper title of an official, and an improper reference to a segment of the regulations.

PART 172

Change made to show the correct office reference in certain sections in this part.

PART 173

Changes correct the references to the appropriate offices and official titles in various sections in this part under items 16, 17, and 17a.

In § 173.32 incorrect section references have been deleted.

In § 173.33 paragraph (d)(5) has been deleted since it is no longer applicable and section references have been corrected.

In § 173.53 a section reference and the Bureau of Explosives address have been corrected.

In § 173.69 section references have been corrected.

In § 173.93 appropriate section references have been added.

In § 173.119 an unnecessary phrase has been deleted, a correction to a placarding reference has been made, and the clarification and correction of a section on viscous flammable liquids has been completed.

In § 173.122 an obsolete reference to rail express has been deleted and an authorization for air transportation has been made.

In § 173.123 appropriate section references have been added.

In § 173.124 an appropriate section reference has been added and clarification of a filing requirement has been made.

In § 173.134 paragraph (b) has been deleted since rail express service is no longer in existence.

In § 173.153 provisions have been incorporated to accommodate the packaging of liquid oxidizers. These provisions have not been published in a notice of proposed rulemaking but are necessary to provide a liquid measurement for liquid oxidizers in limited quantities.

In § 173.168 a paragraph reference has been deleted since it is not applicable.

In § 173.192 the term "picrate of ammonium" has been deleted since it is not referenced in § 172.101 as a proper shipping name.

In § 173.206 paragraph (d)(1) has been reinserted since it was inadvertently omitted in the printing of Title 49, revised as of December 31, 1976.

In § 173.214 specific part and section references have been corrected.

In § 173.220 the phrase "to Subpart F of Part 172 of this subchapter" has been inserted because it was inadvertently omitted in the printing of Title 49, revised as of December 31, 1976.

In § 173.232 the word "pounds" has been inserted in certain paragraphs because it was inadvertently omitted in the printing of Title 49, revised as of December 31, 1976.

In § 173.245 reference to a specification packaging has been corrected.

In § 173.249 a section reference has been corrected.

In § 173.249a a section reference has been corrected.

In § 173.257 a section reference has been corrected.

In § 173.268 a paragraph has been deleted for clarification purposes. This provision has not been published in a notice of proposed rulemaking since it

is not considered restrictive. The provision is a redundant authorization for the use of packagings, based on nitric acid concentration levels, already prescribed in other paragraphs of this section.

In § 173.286 a section reference has been corrected.

In § 173.304 the service pressure reference has been deleted to permit the use of a 4BW cylinder with a lower marked service pressure consistent with the regulations for the hazardous material involved.

In § 173.314, a section reference in paragraph (c), Note 7 has been corrected.

In § 173.315 a section reference has been corrected.

In § 173.333 the phrase "must be equipped with gas-tight valve protection caps which" has been inserted because it was inadvertently omitted in the printing of Title 49, revised as of December 31, 1976.

In § 173.364 a paragraph reference has been clarified.

In § 173.386 specific references to various CFR's related to biological products have been corrected.

In §§ 173.393a and 173.393b section references have been corrected.

PART 174

In § 174.104 the inappropriate word "foreign" has been replaced by "freight".

In §§ 174.201, 174.204, and 174.304 improper reference to a segment of the regulations has been corrected.

In § 174.700 the restriction to flat car use has been eliminated since it was not originally intended to restrict use to a certain type of rail car. Paragraphs (e) (1) and (2) have been corrected from the printing of Title 49, revised as of December 31, 1976. This provision has not been published in a notice of proposed rulemaking since it is not considered a restriction.

PART 175

In §§ 175.45, 175.700 and 175.710 changes show the correct office reference. Also, in § 175.710 section references to the radioactive labels have been corrected.

PART 177

In § 177.821 and § 177.822 a section reference has been corrected.

In § 177.824 the term "special permit" has been corrected to "exemption."

In § 177.834 section references have been corrected.

In § 177.835 reference to a particular segment of the regulations has been added.

In § 177.838 incorrect section references have been deleted.

In § 177.870 section references have been corrected.

PART 178

Changes correct the references to the appropriate offices and official titles in various sections in this part in items 58, 59, and 61.

The obsolete ASTM standard has been replaced by the current standard in various sections in this part in item 60. This provision has not been published in a notice of proposed rulemaking since it is not restrictive.

In § 178.68-12 a section reference has been clarified.

In § 178.196-7 the word "wide" has been inserted following the symbol designation for inches for clarification purposes.

In § 178.205-7 paragraph (b)(1) the letter "F." has been added following the numerical temperatures to indicate a fahrenheit degree measurement. Also, in § 178.205-19 paragraph (a) the obsolete reference to "ICC" has been corrected.

In § 178.209-16 paragraph (a)(2) has been corrected to refer to "end to end" pressure since it was inadvertently changed in the printing of Title 49, revised as of December 31, 1976.

In § 178.224-2 paragraph (d) has been reinserted, minus a reference to the Bureau of Explosives, since it formerly was paragraph (e) under this section and was inadvertently omitted in the printing of Title 49, revised as of January 1, 1967.

In § 178.245-7 paragraph (a) has been amended to reflect identification of the manufacturer.

In § 178.337 section references involving § 173.33 have been corrected to show the applicable paragraphs. Also, in § 178.337-17 a section reference has been corrected.

In § 178.340-8 a section reference has been corrected.

In consideration of the foregoing, Parts 106, 107, 171, 172, 173, 174, 175, 177, and 178 of Title 49 Code of Federal Regulations are amended as follows:

PART 106—RULEMAKING PROCEDURES

1. In § 106.3 paragraphs (a) and (b) are revised; paragraph (c) is deleted as follows:

§ 106.3 Delegations.

* * * * *

(a) Associate Director for Hazardous Materials Regulation.

(b) Associate Director for Pipeline safety Regulation.

(c) [Deleted]

(2) In Appendix A to Part 106 the introductory texts of paragraphs (a) and (b) are revised, and paragraph (c) is entirely deleted, to read as follows:

APPENDIX A

* * * * *

(a) The Associate Director for Hazardous Materials Regulation is authorized to conduct all rulemaking proceedings, other than those concerning compliance, enforcement, and preemption matters, except the issuance of final rules and the grant or denial of petitions for reconsideration, under:

* * * * *

(b) The Associate Director for Pipeline Safety Regulation is authorized to conduct all rulemaking proceedings, other than those concerning compliance and enforcement matters, except the issuance of final rules and the grant or denial of petitions for reconsideration, under:

* * * * *

(c) [Deleted]

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

3. Section 107.3 is amended by changing the following two definitions to read as follows:

§ 107.3 Definitions.

* * * * *

"OHMR (HMR)" means the Office of Hazardous Materials Regulation.

"OOE (OE)" means the Office of Operations and Enforcement.

* * * * *

4. The words "Associate Director, OHMR" are changed to read "Associate Director for HMR" each time they appear in the following sections:

107.103 (a) and (c), 107.107, 107.109 (a), (b), (c), (d), and (e), 107.111 (a), (c), and (d), 107.113(c), 107.115 (a), (b), and (c), 107.117(a), and 107.123(b).

5. The words "Associate Director of OHMR or OOE" or "Associate Director, OHMR" are changed to read "Associate Director for HMR of OE" each time they appear in the following sections:

107.119 (b), (c), and (d), and 107.121.

6. The words "Associate Director of OOE" are changed to read "Associate Director for OE" each time they appear in the following sections:

107.201(d), 107.207 (a) and (b), 107.209 (a), (b), and (c), 107.219 (a), (b), and (c), 107.311 (e) and (f), 107.313 (a) and (b), 107.315(a), 107.347(c), 107.351(d), 107.353 (a), (b), and (c), and 107.355(a).

§§ 107.221 and 107.319 [Amended]

7. The words "Associate Director of OHMO" are changed to read "Associate Director for OE" each time they appear in §§ 107.221 (a), (b), and (c) and 107.319 (a), (c) and (d).

§ 107.221 [Amended]

8. In § 107.221 paragraph (d) the letters "OHMO" are changed to read "OOE" each time they appear in the paragraph.

§ 107.313 [Amended]

9. In § 107.313 paragraph (b)(1) is amended by changing the words "Associate Director of" to read "Associate Director's".

10. § 107.373 is revised to read as follows:

§ 107.373 Referral for prosecution.

If an inspector or an employee of the OHMR or the OOE becomes aware of a possible willful violation of the act, this chapter or subchapter C of this chapter for which the OOE exercises enforcement responsibility, he shall report it to the Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. If appropriate, the Chief Counsel refers the report to the Department of Justice for criminal prosecution of the offender.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

§§ 171.4, 171.5, 171.7, 171.10, 171.14 [Amended]

11. In paragraph (a) of §§ 171.4, 171.5, 171.7, 171.10 and 171.14 the word "chapter" is changed to read "subchapter."

12. In § 171.7 paragraph (b) is revised to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(b) All incorporated matter is available for inspection in the Dockets Branch, Room 6500 of the Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590.

* * * * *

§ 171.8 [Amended]

13. In § 171.8 in the definition of "Viscous liquid," the last word "Corp." is changed to read "Cup."

14. In § 171.16 paragraph (b) is revised to read as follows:

§ 171.16 Detailed hazardous materials incident reports.

* * * * *

(b) Each carrier making a report under this section shall send that report to the Associate Director for Hazardous Materials Regulation, Department of Transportation, Washington, D.C. 20590.

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

15. The words "Office of Hazardous Materials Operations" are changed to read "Office of Hazardous Materials Regulation" in § 172.100 (c) (the introductory text) and (d). The same change is made in § 172.407 (d)(1) and (d)(3).

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

16. The words "Director, OHMO" are changed to read "Associate Director for OE" each time they appear in the following sections:

173.300a (c), (d), (e), (g), (h), (i), 173.300b (c), (d), (e), (f), (g), 173.300c Introductory text of (a) and (b).

17. The words "Office of Hazardous Materials Operations" or "Office of Hazardous Materials" are changed to read "Office of Hazardous Materials Regulation" each time they appear in the following sections:

173.22a(b), 173.86(a)(2), 173.393b(a)(1).

17a. The words "Office of Hazardous Materials Operations" are changed to read "Office of Operations and Enforcement" each time they appear in the following sections:

173.300a(b)(1) and (e), 173.300b(b)(1).

§ 173.32 [Amended]

18. In § 173.32 paragraph (e)(1)(ii), reference to "178.246, 178.247" is deleted from within the parenthesis.

§ 173.33 [Amended]

19. In § 173.33 paragraph (d)(5) is deleted, and "(e)" is replaced by "(d)" wherever it appears in paragraphs "(d)(1), (12), (15), (15) (i) and (k).

§ 173.53 [Amended]

20. In § 173.53 paragraph (f) the reference "§ 173.51(d)" is changed to read "§ 173.51(a)(3)"; in paragraph (h)(1) Note 4, the address of the Bureau of Explosives is changed to read "1920 L Street, N.W., Washington, D.C. 20036."

§ 173.69 [Amended]

21. In § 173.69 paragraph (a) Note 1, the section reference is changed to read "§§ 173.389 through 173.398."

§ 173.93 [Amended]

22. In § 173.93 paragraph (d)(4) the section reference within the parenthesis is changed to read "(§§ 179.200, 179.201 of this subchapter)."

23. In § 173.119 paragraph (b)(1) is amended by deleting "and also the following." and adding a period following the word "specification." Paragraph (h) is amended by changing the word "Dangerous" to read "Flammable." Pargraph (j) is revised to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

* * * * *

(j) *Viscous flammable liquids.* Flammable liquids which are viscous as defined in § 171.8 of this subchapter must be shipped in specification packagings as prescribed in paragraph (k) or (l) of this section.

* * * * *

§ 173.122 [Amended]

24. In § 173.122 the introductory text of paragraph (b) is amended by changing "rail express" to read "cargo-only aircraft" in the third line.

§ 173.123 [Amended]

25. In § 173.123 paragraph (a)(5) is amended by adding "179.200, 179.201" following "179.101" within the parenthesis.

§ 173.24 [Amended]

26. In § 173.124 paragraph (a)(4) is amended by adding "(§ 178.92 of this subchapter)" following "Spec. 5P;" paragraph (a)(5) is amended by changing the third sentence to read, "Outage of each tank must be sufficient to prevent the tank from becoming liquid full at 105° F."

§ 173.134 [Amended]

27. In § 173.134 paragraph (b) is deleted.

28. In § 173.153 paragraph (b)(1) is revised to read as follows:

§ 173.153 Limited quantities of flammable solids, oxidizers and organic peroxides.

* * * * *

(b) * * *

(1) Oxidizers in inside containers having a rated capacity of not over one pint for liquids or a net weight of not over one pound for solids, in strong outside packagings not exceeding 25 pounds net weight each.

* * * * *

§ 173.168 [Amended]

29. In § 173.168 paragraph (a)(1) is amended by deleting "(5)" in the second line.

30. § 173.192 is revised to read as follows:

§ 173.192 Ammonium picrate, picric acid, trinitrobenzoic acid, and urea nitrate, wet.

Ammonium picrate, picrate acid, trinitrobenzoic acid, and urea nitrate, wet with not loss than 10 percent water, in quantity not exceeding 16 ounces in one outside package, may be shipped as drugs, medicines, or chemicals, when in glass bottles securely stoppered, each bottle inclosed in a strong fiber carton properly cushioned in the outside shipping case. No restrictions other than packing prescribed by this section are required when these materials are offered for transportation.

31. In § 173.206 paragraph (d)(1) is added to read as follows:

§ 173.206 Sodium or potassium, metallic; sodium amide; sodium potassium alloys; sodium aluminum hydride; lithium metal; lithium silicon; lithium ferro silicon; lithium hydride; lithium borohydride; lithium aluminum hydride; lithium acetylide-ethylene diamine complex; aluminum hydride; cesium metal; rubidium metal; ziroconium hydride, powdered.

* * * * *

(d) * * *

(1) In inside hermetically sealed metal cartridges not exceeding 18 grams net weight each, packed in strong outside packagings with net weight of lithium or rubidium metal not exceeding one pound; which outside packaging may be further overpacked in strong wooden boxes or fiber drums provided total net weight of lithium or rubidium metal in one outside box or drum does not exceed one pound.

* * * * *

§ 173.214 [Amended]

32. In § 173.214 paragraph (e) is amended by changing the reference in the last sentence to read "Parts 100–189 of this subchapter and Part 397 of this Title."

33. In § 173.220 the last sentence of paragraph (a)(2) is revised to read as follows:

§ 173.220 Magnesium or zirconium scrap consisting of borings, clippings, shavings, sheets, turnings, or scalpings, and magnesium metallic (other than scrap), powdered, pellets, turnings, or ribbon.

(a) * * *

(2) * * * In addition, shipments are not subject to Subpart F of Part 172 of this subchapter, to Part 174 of this subchapter except § 174.24 and to Part 177 of this subchapter except § 177.817.

* * * * *

§ 173.232 [Amended]

34. In § 173.232 paragraphs (c)(1), (c)(3), (c)(4), and (c)(5) are amended by adding the word "pounds" after the numerical figure.

§ 173.245 [Amended]

35. In § 173.245 paragraph (a)(22) is amended by changing "specification 22" in the fourth line to read "specification 2U."

§ 173.249a [Amended]

36. In § 173.249 paragraph (a)(10) reference "173.401(c)" is changed to read "172.312 of this subchapter."

§ 173.249 [Amended]

37. In § 173.249a paragraphs (a) and (b) are amended by changing the section reference "§ 172.5" to read "§ 172.101 of this subchapter."

§ 173.257 [Amended]

38. In § 173.257 paragraph (a)(14) is amended by changing the section reference "§ 173.401(c)" to "§ 172.312 of this subchapter."

§ 173.268 [Amended]

39. In § 173.268 paragraph (b)(5) is deleted.

40. In § 173.286 paragraph (b)(1) is amended by changing the section reference "§ 172.5(a)" to read "§ 172.101 of this subchapter."

§ 173.304 [Amended]

41. In § 173.304 paragraph (d)(3)(i) is amended by changing "4BW240" in the second line to read "4BW."

§ 173.314 [Amended]

42. In § 173.314 paragraph (c) Note 7 following the table is amended by changing the reference "§ 174.560" to read "§ 174.204."

43. In § 173.315 paragraph (l)(7)(i) is revised to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

* * * * *

(l) * * *

(7) * * *

(i) The ammonia received was certified as containing 0.2 percent water as prescribed in §§ 172.203(h)(l)(i) and 177.817(a) of this subchapter; and

* * * * *

44. In § 173.333 paragraph (a)(2) is revised to read as follows:

§ 173.333 Phosgene or diphosgene.

(a) * * *

(2) specification 106A500X (§§ 179.300, 179.301 of this subchapter) tanks. Authorized only for phosgene. Each tank must be equipped with gastight valve protection caps which must be approved by the Bureau of Explosives. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F (55° C). (See §§ 174.200 and 177.834(m) of this subchapter for special requirements for rail and highway shipments.)

* * * * *

§ 173.364 [Amended]

45. In § 173.364 the introductory text paragraph (a) is amended by changing "paragraph (3)" in the second line to read "paragraph (a)(3)."

46. In § 173.386 paragraph (a)(3) is revised to read as follows:

§ 173.386 Etiologic agents; definition and scope.

(a) * * *

(3) A "biological product" means a material prepared and manufactured in accordance with the provision of 9 CFR Part 102 (licensed veterinary biological products), 21 CFR Part 601 (Licensing), 21CFR § 312.1 (Conditions for exemption of new drugs for investigational use), 9 CFR Part 103 (Biological products for experimental treatment of animals), or 21 CFR § 312.9 (New drugs for investigational use in laboratory research animals or in vitro tests), and which in accordance with these provisions, may be shipped in interstate commerce.

* * * * *

§§ 173.393a, 173.393b [Amended]

46. In §§ 173.393a and 173.393b paragraph (a)(6) is amended by changing the reference "§173.427(a)(5)(v)" to read "§ 172.203(d)(1)(vi) of this subchapter" in each section.

PART 174—CARRIAGE BY RAIL

§ 174.104 [Amended]

47. In § 174.104 paragraph (f), the sixth line of the Car Certificate is amended by changing the word "foreign" to read "freight."

§§ 174.201, 174.204 [Amended]

48. In §§ 174.201(b), 174.204(a), and (a)(2), and § 174.304 the words "of this subchapter" are added following the section reference(s) within the parenthesis in each section.

50. In § 174.700 the introductory text of paragraph (e) is amended by deleting the word "Only" at the beginning of the paragraph and capitalizing "A"; paragraphs (e)(1) and (e)(2) are revised to read as follows:

§ 174.700 Special handling requirements for radioactive materials.

* * * * *

(e) * * *

(1) Radioactive materials in containers weighing 5,000 pounds or more;

(2) Strong wooden boxes with inside containers of solid radioactive material, securely braced and cushioned; or

* * * * *

PART 175—CARRIAGE BY AIRCRAFT

§§ 175.45, 175.700, 175.710 [Amended]

50. In §§ 175.45(c), 175.700(c) and 175.710(a)(3), the words "Office of Hazardous Materials Operations" are changed to read "Office of Hazardous Materials Regulation."

51. In § 175.710 paragraph (a)(2) the section references "§§ 172.437, 172.438, and 172.439" are changed to read "§§ 172.436, 172.438. and 172.440."

PART 177—CARRIAGE BY PUBLIC HIGHWAY

§§ 177.821, 177.822 [Amended]

52. In §§ 177.821(c) and 177.822(a) reference "§ 172.5" is changed to read "§ 172.101."

§ 177.824 [Amended]

53. In § 177.824 paragraphs (a)(2) and (c)(4) the words "special permit" are changed to read "exemption" each time they appear.

54. In § 177.834 paragraph (m)(4) is revised to read as follows:

§ 177.834 General requirements.

* * * * *

(m) * * *

(4) Compliance with §§ 174.200 and 174.204 of this subchapter for combination rail freight, highway shipments and for trailer-on-flat-car service is required.

* * * * *

§ 177.835 [Amended]

55. In § 177.835 paragraph (m) the words "of this subchapter" are added following the section references within the parenthesis.

§ 177.838 [Amended]

56. In § 177.838 paragraph (f), the last sentence which is within the parenthesis is deleted.

§ 177.870 [Amended]

57. in § 177.870 paragraph (d) is amended by changing the reference "§ 172.5" to read "§ 172.101"; in paragraph (g) the reference "§ 173.416" is changed to read "§§ 172.436, 172.438, and 172.440."

PART 178—SHIPPING CONTAINER SPECIFICATIONS

58. The words "Director, OHMO" are changed to read "Associate Director for OE" each time they appear in the following sections:

178.36-3	178.51-3
178.37-3	178.52-3
178.38-3	178.54-3
178.39-3	178.55-3
178.40-3	178.56-3
178.42-3	178.57-3
178.43-3	178.58-3
178.44-3	178.59-3
178.45-3	178.60-3
178.47-3	178.61-3
178.48-3	178.65-3(a), (b), (c)
178.49-3	178.68-3
178.50-3	

§ 178.53-3 [Amended]

59. In § 178.53-3 the words "Director, Office of Hazardous Materials Operations (OHMO)" and "Director, OHMO" are changed to read "Associate Director for OE."

60. In the following sections, the Standard "E8-57T" is changed to read "E8-78" each time it appears in the following sections:

178.36-16	178.51-15
178.37-16	178.52-16
178.38-16	178.53-15
178.39-16	178.54-15
178.40-16	178.55-16
178.41-16	178.56-15
178.43-16	178.57-15
178.44-18	178.58-18
178.45-14	178.59.-14
178.48-16	178.60-16
178.49-16	178.61-15
178.50-16	178.68-15

§ 78.65-14 [Amended]

61. In § 178.65-14 paragraph (d) the words "Office of Hazardous Materials" is changed to read "Office of Operations and Enforcement, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590."

§ 178.68-12 [Amended]

62. In § 178.68-12 paragraph (a) the reference "173.124(a)" is changed to read "173.124(a)(2)."

§ 178.196-7 [Amended]

63. In § 178.196-7 paragraph (a) Note 1, the word "wide" is added following the number and symbol "2½"".

§ 178.205-7 [Amended]

64. In § 178.205-7 paragraph (b)(1) the letter "F." is added following both 180° and 200°; in § 178.205-19 paragraph (a) is amended by changing "ICC" to read "DOT."

65. In § 178.209-16 paragraph (a)(2) is revised to read as follows:

§ 178.209 Specification 12H; fiberboard boxes.

* * * * *

§ 178.209-16 Completed container.

(a) * * *

(2) Three loaded samples to be tested. Each must withstand end to end pressure of at least 500 pounds without deflection of over 1½ inches.

* * * * *

66. In § 178.224-2 paragraph (d) is added to read as follows:

§ 178.224 Specification 21C; fiber drum.

* * * * *

§ 178.224-2 Type tests.

* * * * *

(d) The tests described above must be made by any company starting production, for each plant location of manufacture, on samples taken as random of each type and diameter of container and must be repeated every 4 months or less during production. Samples last tested must be retained until further tests are made. The tests and procedure described may be conducted at one central laboratory when testing facilities are not available at all plants.

§ 178.245-7 [Amended]

67. In § 178.245-7 paragraph (a) is amended by changing the words "manufactured for" to read "manufactured by" each time they appear in the form.

§ 178.337 [Amended]

68. In § 178.337 references to § 173.33 are amended to read as follows:

	Now reads	Change to
178.337-1(e)	173.33(j)	173.33(i).
178.337-2(c)	173.33(h)(1)	173.33(g)(1).
178.337-8(b)	173.33(g)(9)	173.33(f)(9).
	173.33(i) (4) and (5)	173.33(h) (4) and (5).
178.337-9(b)(1)	173.33(g) (1) and (3)	173.33(f) (1) and (3).
178.337-9(b)(2)	173.33(g)	173.33(f).
178.337-11(a)(2)	173.33(i)	173.33(h).
178.337-11(a)(3)	173.33(i)(4)	173.33(h)(4).

	Now reads	Change to
178.337-11(b)	173.33(i)(3)	173.33(h)(3).
178.337-14(b)	173.33(g)(7)	173.33(f)(7).
178.337-15	173.33(g) (6) and (10)	173.33(f) (6) and (10).

§ 178.337-17 [Amended]

69. In § 178.337-17 paragraph (b) is amended by changing the reference "§ 177.823" to read "§ 172.328 of this subchapter."

§ 178.340-8 [Amended]

70. In § 178.340-8 paragraph (b) the reference "§ 293.86" is changed to read "§ 393.86."

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

NOTE.—The Materials Transportation Bureau has determined that these amendments will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9582).

Issued in Washington, D.C., on October 12, 1978.

L. D. SANTMAN,
Acting Director, Materials Transportation Bureau.

[FR Doc. 78-29330 Filed 10-18-78; 8:45 am]

[4910-14-M]

SUBTITLE A—OFFICE OF THE SECRETARY

[CGD 78-024A]

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Administrative Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment corrects the listing of locations of Coast Guard document inspection facilities where records are available to reflect the designation of "administrative law judges" rather than "hearing examiners." This designation has recently been changed, and this amendment brings the listing up-to-date.

EFFECTIVE DATE: October 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Comdr. Charles H. King, Jr., Office of Merchant Marine Safety (G-MMI-2/82), Room 8205, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-2215.

SUPPLEMENTARY INFORMATION:

Since this is a matter relating to agency management, under 5 U.S.C. 553(a)(2) notice and public procedure are unnecessary. Under 5 U.S.C. 553(d)(3), this amendment may be made effective in less than 30 days after publication in the FEDERAL REGISTER since it is an administrative correction. This rule has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (43 FR 9582, Mar. 8, 1978). A final evaluation has been prepared, and has been included in the public docket.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Comdr. Charles H. King, Jr., Project Manager, Office of Merchant Marine Safety, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

Accordingly, appendix B of part 7 of title 49 of the Code of Federal Regulations is amended as follows:

By revising paragraph 3(b) to read as follows:

APPENDIX B—U.S. COAST GUARD

* * * * *

3. * * *

(b) Opinions and orders of administrative law judges are available at the document inspection facility of the Office of the Commandant and the district in which the administrative law judge is located.

* * * * *

(5 U.S.C. 552 as amended by Pub. L. 93-502, 88 Stat. 1565; 49 CFR 7.1(d).)

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

Dated: October 10, 1978.

J. B. HAYES,
Admiral, U.S. Coast Guard Commandant.

[FR Doc. 78-29532 Filed 10-18-78; 8:45 am]

[4910-59-M]

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

[Docket No. 75-16; Notice 24]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Air Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule and interpretation of court decision.

SUMMARY: The U.S. Court of Appeals decision in *PACCAR* v. *National Highway Traffic Safety Administration and Department of Transportation* invalidated aspects of Standard No. 121, *Air Brake Systems.* This notice advises interested persons of the agency's interpretation of the *PACCAR* holdings, to guide continuing compliance with the standard. This notice also amends the standard as specified by the court to provide for "due care" certification.

EFFECTIVE DATE: October 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Tad Herlihy, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-9511.

SUPPLEMENTARY INFORMATION: Standard No. 121 (49 CFR 571.121) regulates the braking system performance of air-braked trucks, buses, and trailers. The standard has been in effect for trailers since January 1, 1975, and for trucks and buses since March 1, 1975. Requirements are established for the service, emergency, and parking brake systems of these vehicles. Truck braking systems are a particularly critical safety system, due to large variations between the unloaded and loaded weight conditions and the generally higher weight of trucks compared to other vehicles on the highway. Major requirements of the standard are that vehicles stop in specified distances and that the wheels not lock uncontrollably during these stops. The "no lockup" requirement insures that skidding due to wheel lockup and loss of lateral stability is minimized.

In January 1975 a truck manufacturer petitioned for judicial review of the standard's promulgation in accordance with § 105 of the National Traffic and Motor Vehicle Safety Act (the Vehicle Safety Act) (15 U.S.C. 1394) under which the standard was issued. Peti-

tioner PACCAR was subsequently joined by a trade association of truck users and a trade association representing the small manufacturers that complete trucks by mounting a body or specialized equipment on incomplete truck chassis. The three cases were consolidated for argument in the Ninth Circuit U.S. Court of Appeals.

The court's decision was issued in April 1978 (573 F. 2d 632, 9th Cir. 1978, Cert. denied Oct. 2, 1978), and the mandate making it effective was entered October 11, 1978. Certain aspects of the standard were invalidated, and the purpose of this notice is to set forth the agency's interpretation of the court's specified holdings to guide continuing compliance with the standard. One of the court's three holdings, that concerning test procedures and conditions, has already been responded to by the agency (43 FR 39390; September 5, 1978).

Invalidation of Certain Stopping Distances

While expressing support for requirements that "decreas[e] the disparity of stopping distances between ordinary automobiles and heavier vehicles" and maintain "vehicle stability and directional control," the court was concerned about the safety of "heavier axles" in combination with the antilock systems used generally to provide "no lockup" performance. The court was concerned that a malfunctioning antilock system would allow wheel lockup of more aggressive front axle brakes more often or sooner than had been the case with weaker brakes, resulting in loss of steering control. The court's emphasis on the combination of aggressive front axle brakes and antilock is clear in the opinion:

> As new components—strong front axles, new brake linings, and mini-computers to control wheel lock and skid—were mass-produced, and subsequently *put together in a unique combination*, grave problems developed (emphasis supplied) 573 F. 2d at 641.

In referring to "heavier axles," the court was describing the brake retardation levels supplied by manufacturers to obtain the 258-foot (and subsequent 277-foot) 6-mph stopping distances specified by the standard prior to February 26, 1976. The 60-mph stopping distances were extended to 293 feet on that date (41 FR 8783; Mar. 1, 1976) and have resulted in significant reduction in retardation force levels. The court did not take this change into account, because the record filed with the court and the July 1976 oral argument contained no information about the performance of the vehicles built after February 26 to conform to the 293-foot distance. The agency received no petitions for reconsideration of the brake force levels established by the March 1976 notice.

The court held, with regard to stopping distances:

> • • • those parts of the Standard requiring heavier axles and the antilock device should be suspended. The evidence indicates that this can be accomplished if we hold, as we do, that the stopping distance requirements from 60 mph are invalid • • •. We hold only that more probative and convincing data evidencing the reliability and safety of vehicles that are equipped with antilock and in use must be available before the agency can enforce a standard requiring its installation. 573 F. 2d at 643.

These two statements of the holding differ from one another, the first specifying both "heavier axles" and "the antilock device" for invalidation, while the second only specifies antilock. The text of the opinion (located at footnote 26) indicates that the court actually equates "stopping distance" with "the antilock requirement." The agency concludes that the court intended to invalidate "the stopping distance requirements from 60 mph" only insofar as a combination of high retardation force levels and a malfunctioning antilock would cause stability problems beyond those in vehicles built before the standard's effective date. At the same time the court was clear that the "no lockup" requirements were invalidated for both trucks and trailers.

It is therefore the agency's view that the "no lockup" portions of S5.3.1 and S5.3.2 insofar as they apply to trucks and trailers are invalid, along with the related stopping distances of 293 feet for service brake capability and 613 for emergency brake capability (720 for truck-tractors in the unloaded condition) established for 60-mph loaded and unloaded stopping tests under S5.3.1 and S5.7 for trucks. For those trucks with a speed attainable in 2 miles of less than 60 mph, the agency believes that the "top speed" stopping distance specified by S5.3.1.1 for both service brake and emergency brake stopping tests are invalid.

The agency does not believe that any requirements of standard No. 121 are invalidated for buses because of the court's statement in footnote 1 that "[t]he part of the standard that regulates air-braked buses is not at issue here." It is clear that the court was aware of the experience of buses built to conform to the standard, as evidenced by the court's reliance on statements by bus operators (footnote 43) and discussion of the rulemaking history for buses (text following footnote 25). The court's explicit removal of bus requirements from its consideration seems a clear intent to limit the ambit of its decision to trucks and trailers.

The agency concludes that only the actual stopping distances from 60 mph (or top speed) are invalidated and not other requirements that bear on performance of the vehicle. This understanding of the court decision fulfills the court holding cited above, while it does not disturb braking characteristics which do not present potential adverse handling characteristics. Thus, the stopping test sequence in which the truck or trailer must remain within a 12-foot lane from 60 mph (or top speed) is not invalid, while the requirement to stop within a specified distance is invalid.

The dynamometer requirements of S5.4 for trucks and trailers also were not affected by the court's holding. It does appear that the requirement for 90 p.s.i. air pressure in the trailer control line during the stop constitutes a portion of the "no lockup" requirement and is therefore invalidated by the court. Collateral requirements such as air reservior volume that may be indirectly based on "no lockup" performance are not affected by the court decision.

A secondary reason to conclude that the testing from 60 mph remains in the test sequence is that manufacturers must continue to certify compliance with 20-mph stops and a parking brake test following certain 60-mph stops. The 60-mph stops affect the brake linings and could affect results of other portions of the testing if they are dropped from the test sequence.

With regard to the invalidated portions of the standard, the agency expects to publish a Federal Register notice shortly that sets forth its plans.

"Due Care" Certification

The court expressed concern about the certification responsibilities of the "final stage" manufacturers that mount the body or specialized equipment on mass-produced truck chassis built by other manufacturers. Section 114 of the Vehicle Safety Act (15 U.S.C. 1403) specifies that the manufacturer or distributor of a motor vehicle shall certify that its product conforms to all applicable Federal motor vehicle safety standards. The agency has issued regulations that divide the responsibility for certification of "multistage" vehicles among the "incomplete vehicle manufacturers" of the chassis, any "intermediate stage" manufacturer involved, and the "final stage" manufacturer that completes the vehicle (49 CFR Parts 567, 568).

Standard No. 121 sets forth performance requirements that air-braked vehicles must conform to, and further sets forth the testing conditions under which the performance must be met (par. S6, *Conditions*). The requirements include a specification that certain stopping and wheel control capabilities be available under certain conditions, including stops from 60 mph and 20 mph in the unloaded and loaded conditions. The standard does

not require that manufacturers subject their vehicles to these stops. It is accepted that the smaller final-stage manufacturers may not in all cases have the resources and capabilities to conduct such testing. The agency has regularly stated that a manufacturer may meet its statutory certification requirements either through demonstration of the specified stops or by any other chosen means that fulfills the related statutory requirement that a manufacturer must exercise "due care" in certification (15 U.S.C. 1397(b)(2)). The agency has not stated to any final-stage manufacturer what its "due care" responsibility might consist of, in recognition of the reality that "due care" is essentially a judicial concept that is determined on a case-by-case basis in light of the factual situation facing the particular manufacturer at the time of certification. Because the engineering and financial resources available to a particular manufacturer are not fixed, what constitutes "due care" would vary among manufacturers, and even vary from day-to-day for the same manufacturer, making such a statement by the agency impracticable.

The court was sympathetic to the situation of the smaller final-stage manufacturer in holding that:

> * * * Since NHTSA has admitted that road testing is beyond the practical and financial reach of the final stage manufacturers, it must propose some alternative method for those manufacturers which, if followed, it will recognize as fulfilling the due care requirement. 573 F2d at 645.

Fortunately, an alternative to road testing does exist that would constitute "due care" in certification by any final-stage manufacturer that adopted it, whatever its resources and engineering expertise. Parts 567 and 568 obligate the incomplete vehicle manufacturer to provide a basis for complete certification (the "incomplete vehicle document") with each vehicle, which can be used for certification as long as the final-stage manufacturer does not violate an "envelope" of conditions listed in the document as the reasonable limits to which the incomplete vehicle manufacturer has already tested. A final-stage manufacturer can avoid any road testing simply by a "passthrough" of this incomplete vehicle document. Of course, it would be a logical impossibility for the agency to specify what constitutes "due care" for the infinite number of configurations that exceed the "envelope" of conditions in advance of the manufacturer's decision to do so.

The problem, as noted by the court, is that the final-stage manufacturer only had assurances from the agency in the past that conformity to the incomplete vehicle document would constitute the exercise of due care in complying with standard No. 121. What is required by the court's holding, in the agency's view, is the modification of standard No. 121 itself to state that a certification of compliance based on adherence to the incomplete vehicle document would constitute the exercise of due care. This is accomplished by this notice.

It is recognized that trailers and buses other than school buses are typically manufactured in one stage and this alternative method is unavailable to these vehicles. However, the court's holding discusses only the obligations of final-stage manufacturers that, by definition, only exist in the case of multistage manufacture.

In accordance with Department of Transportation policy for the analysis of regulatory actions, it is found that the amendment concerning due care does not constitute a significant regulation that requires regulatory analysis. Evaluation of the change indicates that it will have no economic effects other than a potential reduction of certification costs for some final-stage manufacturers.

Findings. Because the amendment constitutes an alternative method of compliance and creates additional requirements for no person, it is found for good cause shown that notice and opportunity for comment are unnecessary and that an effective date sooner than 30 days from the date of publication is in the public interest. The court's holding with regard to "no lockup" and stopping distances take effect independently of administrative action by the agency.

In consideration of the foregoing, paragraph S6 of standard No. 121 (49 CFR 571.121) is amended by the addition of a sentence at the end of the text to read as follows:

"Compliance of vehicles manufactured in two or more stages may, at the option of the final-stage manufacturer, be demonstrated to comply with this standard by adherence to the instructions of the incomplete vehicle manufacturer and any intermediate-stage manufacturer provided with the vehicle in accordance with § 568.4(a)(7)(ii) and § 568.5 of Title 49, Code of Federal Regulations."

The program official and lawyer principally responsible for the development of this document are Duane Perrin and Tad Herlihy, respectively.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on October 13, 1978.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 78-29421 Filed 10-13-78; 4:43 pm]

[4310-55-M]

Title 50—Wildlife and Fisheries

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

PART 26—PUBLIC ENTRY AND USE

Merritt Island National Wildlife Refuge, Fla.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule establishes regulations to restrict boat speeds in two locations within the boundaries of Merritt Island National Wildlife Refuge to protect the endangered West Indian Manatee (*Trichechus manatus*). Research has shown that boat-related accidents are responsible for 34 percent of the manatee mortalities where cause of death could be determined. These regulations will protect manatees in heavily traveled boat channels.

EFFECTIVE DATES: Effective November 20, 1978 through December 31, 1979.

ADDRESS: Send comments to: Donald J. Hankla, Area Manager, U.S. Fish and Wildlife Service, 900 San Marco Boulevard, Jacksonville, Fla. 32207, telephone 904-791-2267.

FOR FURTHER INFORMATION CONTACT:

Stephen R. Vehrs, Refuge Manager, Merritt Island National Wildlife Refuge, P.O. Box 6504, Titusville, Fla. 32780, telephone 305-867-4820.

SUPPLEMENTARY INFORMATION: The primary author of this document is Stephen R. Vehrs.

BACKGROUND

Most of the waters within Merritt Island National Wildlife Refuge have been designated as critical habitat for the endangered West Indian Manatee. Research by the U.S. Fish and Wildlife Service has shown that boat-related accidents are responsible for 34 percent of those manatee mortalities where cause of death could be determined. Therefore, to reduce manatee mortality from collision with boats or boat propellers, boat speed will be regulated to "Minimum Wake/Slow-Speed" on Merritt Island National Wildlife Refuge in two separate locations where there is a high probability of boat-manatee collision. These two areas are locally known as "Haulover Canal" and "Hangar AF Turnbasin and Channel." The restricted zone in each location is approximately 10,000 feet in length. Maps delineating the

restricted areas are available at the Refuge headquarters. Both restricted areas will be conspicuously posted with signs which read "Warning Manatee Area" "Minimum Wake/Slow-Speed". Boating shall otherwise be in accordance with all applicable State and Federal regulations.

The provisions for these special regulations supplement the regulations which cover boating on National Wildlife Refuge areas which are set forth in Title 50, Code of Federal Regulations, § 27.32. Part 27 of 50 CFR provides that U.S. Coast Guard Regulations, Titles 33 and 46 CFR are also applicable on navigable waters.

SUMMARY OF PUBLIC COMMENT AND SERVICE RESPONSES

On June 27, 1978 (FR Doc. 78-17956) proposed special regulations were published restricting boat speeds on Merritt Island National Wildlife Refuge. Comments were received from two agencies and four individuals. All comments supported the proposed regulations. Two individuals suggested more restrictive regulations.

The National Fish and Wildlife Laboratory suggested using the common name West Indian Manatee instead of Florida Manatee. The laboratory also suggested changing the mortality statistics to reflect more recent figures. Both of these changes are implemented in this final rule.

The Marine Mammal Commission quoted the more accurate mortality statistics and suggested adding a definition for Minimum Wake/Slow-Speed. These changes have also been made.

As provided by 50 CFR 26.34 the Service hereby issues the following special regulations:

§ 26.34 Special regulations concerning public access, use, and recreation for individual national wildlife refuges.

FLORIDA

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Boat speed is limited to "Minimum Wake/Slow-Speed" in two areas locally known as "Haulover Canal" and "Hanger AF Turnbasin and Channel". The restricted zone in each location is approximately 10,000 feet in length. These areas will be posted with signs which read, "Warning Manatee Area" "Minimum Wake/Slow-Speed". In addition all boating is subject to the regulations in 50 CFR 27.32.

For the purposes of this regulation the term "Minimum Wake/Slow-Speed" is defined as that speed which permits good steerage but produces little or no wake. Boats that are "planing" are not at slow speed. A boat that is not planing, but is "squatting" is not making a minimum wake. A boat that has slowed enough to level out is making "minimum wake".

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal which would require the preparation of an economic impact statement under executive order 11949 and OMB Circular A-107.

Dated: October 6, 1978.

DONALD J. HANKLA,
Area Manager.

[FR Doc. 78-29464 Filed 10-18-78; 8:45 am]

[4310-55-M]

PART 32—HUNTING

Opening of Shiawassee National Wildlife Refuge, Saginaw, Mich., to Archery Deer Hunting

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening of archery deer hunting of Shiawassee National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: December 1, 1978, to December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert G. Johnson, Refuge Manager, 6975 Mower Road, Saginaw, Mich. 48601, telephone 517-777-5930.

SUPPLEMENTARY INFORMATION:

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

Hunting of deer with bow and arrow is permitted on the entire refuge area from 6 a.m. to 7 p.m. e.s.t. each day from December 1, 1978, through December 31, 1978, only.

Hunting shall be in accordance with all State regulations covering the hunting of deer, subject to the following conditions:

(1) All bow and arrow hunters must possess a valid Federal permit. These permits must be carried by the hunter whenever on refuge lands.

(2) Applications for Federal permits must be received at the refuge office on or before October 31, 1978.

(3) All hunters must exhibit their hunting license, Federal permit, deer tag, game, and vehicle contents to Federal and State officers upon request.

(4) Bow hunters are prohibited from constructing or using any permanent blind, platform or scaffold.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in title 50, Code of Federal Regulations, part 32, and are effective through December 31, 1978. The public is invited to offer suggestions and comments at any time.

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

ROBERT G. JOHNSON,
Refuge Manager, Shiawassee National Wildlife Refuge, Saginaw, Mich.

OCTOBER 9, 1978.

[FR Doc. 78-29463 Filed 10-18-78; 8:45 am]

proposed rules

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

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 913]

[Docket No. AO-353-A2]

GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Decision of Proposed Further Amendment of the Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision would amend the Federal marketing agreement and order for fresh grapefruit grown in the Interior District in Florida. Growers of such fruit will vote in a referendum to determine if they favor the proposed changes in the order. The proposed amendment would: (1) Make provision for selecting an administrative committee separate from order 905 (7 CFR Part 905), and provide for a public member on such committee; (2) change the definition of the standard unit of measure; and (3) provide for including offshore export shipments in the computation of handlers' prorate bases.

DATE: The representative period for purposes of the referendum herein ordered is August 1, 1977, through July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of hearing, issued March 30, 1978; published April 5, 1978 (43 FR 14319); notice of recommended decision, issued August 1, 1978; published August 4, 1978 (43 FR 34483).

PRELIMINARY STATEMENT

A public hearing was held upon proposed further amendment of the marketing agreement, as amended, and order No. 913, as amended (7 CFR Part 913), (hereinafter referred to collectively as the "order") regulating the handling of grapefruit grown in the Interior District in Florida. The hearing was held, pursuant ot the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Lakeland, Fla., on April 20, 1978, pursuant to notice thereof issued on March 30, 1978.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Adminstrator, Marketing Program Operations, on August 1, 1978, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exception was filed.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision set forth in the FEDERAL REGISTER (FR Doc. 78-21775; 43 FR 34483) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and general findings of this decision as if set forth in full herein, subject to correction of inadvertent, grammatical or obvious errors.

Marketing Agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as further amended, regulating the handling of grapefruit grown in the Interior District in Florida", and "Order amending the order, as amended, regulating the handling of grapefruit grown in the Interior District in Florida", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with this decision.

Referendum order. It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 et seq.), to determine whether the issuance of the annexed order as amended and as hereby proposed to be amended, regulating the handling of grapefruit grown in the Interior District in Florida is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production area in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be August 1, 1977, through July 31, 1978.

The agents of the Secretary to conduct such referendum are hereby designated to be William C. Knope and John R. Toth, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 9, Lakeland, Fla. 33802, and Malvin E. McGaha, Chief, Fruit Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Signed at Washington, D.C. on: October 13, 1978.

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

Order [1] amending the order, as amended, regulating the handling of grapefruit grown in the Interior District in Florida.

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of the marketing agreement, as amended, and order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida.

Upon the basis of the record it is found that:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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

(2) The order, as amended, and as hereby further amended, regulates the handling of grapefruit grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of grapefruit shall be in conformity to an in compliance with the terms and conditions of the order, as hereby amended, as follows:

The provisions of the proposed marketing agreement and order, amending the order, contained in the recommended decision issued by the Deputy Administrator on August 1, 1978, and published in the FEDERAL REGISTER on August 4, 1978, shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

1. Section 913.6 is revised to read:

§ 913.6 Handle or ship.

"Handle" or "ship" means to sell or transport grapefruit, or in any other way to place grapefruit in the current of commerce between the regulation area and any point outside thereof.

2. Section 913.7 is revised to read:

§ 913.7 Carton or standard packed carton.

"Carton or standard packed carton" means a unit of measure equivalent to four-fifths (⅘) of a U.S. bushel of grapefruit, whether in bulk or in any container.

3. Sections 913.8 through 913.11 are redesignated as §§ 913.9 through 913.12 and new § 913.8 is inserted reading as follows:

§ 913.8 Producer.

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of grapefruit in the Interior District and who has a proprietary interest in the grapefruit so produced.

§§ 913.9 through 913.12 [Redesignated from §§ 913.8 through 913.11]

4. Section 913.20 is redesignated as § 913.15 and the following two new sections are inserted:

§ 913.13 Grower districts.

(a) "Grower District 1" shall include the Counties of Hillsborough, Pinellas, Pasco, Hernando, Citrus, Sumter, and Lake.

(b) "Grower District 2" shall include the Counties of Osceola, Orange, Seminole, Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, and Suwannee, and County Commissioner's Districts 1, 2, and 3 of Volusia County, and that part of the Counties of Indian River and Brevard which is included in the Interior District.

(c) "Grower District 3" shall include the Counties of Manatee, Sarasota, Hardee, Highlands, Okeechobee, Glades, De Soto, Charlottee, Lee, Hendry, Collier, Monroe, Dade, Broward, and the parts of the Counties of Palm Beach and Martin which are included in the Interior District.

(d) "Grower District 4" shall include the County of Polk.

§ 913.14 Redistricting.

(a) The committee may, with the approval of the Secretary, redefine the grower districts into which the Interior District is divided or reapportion or otherwi]se change the grower membership of grower districts, or both: *Provided*, That the membership shall consist of at least six but not more than seven grower members, and any such change shall be based, so far as practicable, upon the respective averages for the immediately preceding five fiscal periods of (1) the volume of grapefruit shipped from each grower district; (2) the total number of acres of grapefruit in each such district; and (3) the volume of grapefruit produced in each such district.

(b) The committee shall consider such redistricting and reapportionment during the 1980–81 fiscal period, and only in each fifth fiscal period thereafter, and each such redistricting or reapportionment shall be announced on or before March 1 of the then current fiscal period.

5. Redesignated § 913.15 is revised to read as follows:

§ 913.15 Establishment and membership.

(a) There is hereby established an Interior Grapefruit Marketing Committee consisting of at least 6 but not more than 7 grower members, and 6 shipper members. Grower members shall be persons who are not shippers or employees of shippers. Shipper members shall be shippers or employees of shippers. The committee may be increased by one non-industry member nominated by the committee and selected by the Secretary. The committee, with the approval of the Secretary, shall prescribe qualifications, term of office, and the procedure for nominating the non-industry member.

(b) Each member shall have an alternate who shall have the same qualifications as the member for whom he or she is an alternate.

6. Insert the following new sections:

§ 913.16 Term of office.

The term of office of members and alternate members shall begin on the first day of August and continue for 1 year and until their successors are selected and have qualified. The consecutive terms of members shall be limited to three terms. The consecutive terms of office of alternate members shall not be so limited. Members, their alternates, and their respective successors shall be nominated and selected by the Secretary as provided in § 913.17.

§ 913.17 Nominations.

(a) *Grower members.* (1) The committee shall give public notice of a meeting of producers in each grower district to be held not later than July 10 of each year, for the purpose of making nominations for grower members and alternate grower members. The committee, with the approval of the Secretary, shall prescribe uniform rules to govern such meetings and the balloting thereat. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated, and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July.

(2) Each nominee shall be a producer in the grower district from which he is nominated. In voting for nominees, each producer shall be entitled to cast one vote for each nominee in each of the districts in which he or she is a producer. At least two of the nominees for member and their alternates shall be affiliated with a bona fide cooperative marketing organization, and at least two member nomi-

nees and their alternates shall not be so affiliated.

(b) *Shipper members.* (1) The committee shall give public notice of a meeting for bona fide cooperative marketing organizations which are handlers, and a meeting for other handlers who are not so affiliated, to be held not later than July 10 of each year, for the purpose of making nominations for shipper members and their alternates. The committee, with the approval of the Secretary, shall prescribe uniform rules to govern each such meeting and balloting thereat. The chairman of each such meeting shall publicly announce at the meeting the names of the persons nominated and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes cast, the weight by volume of those shipments voted, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July.

(2) Nominations of at least two members and their alternates shall be made by bona fide cooperative marketing organizations which are handlers. Nominations of at least two members and their alternates shall be made by handlers who are not so affiliated. In voting for nominees, each handler or his or her authorized representative shall be entitled to cast one vote, which shall be weighted by the volume of fruit shipped by such handler during the then current fiscal period.

§ 913.18 Selection.

(a) The initial members of the committee and their respective alternates shall be the members and alternates of the Citrus Administrative Committee under Order No. 905 (7 CFR Part 905) who are representing the Interior District and who are serving on the effective date of this amendment. Each member and alternate shall serve until a successor has been selected and qualified.

(b) *Successor grower members.* From the nominations made pursuant to § 913.17(a) or from other qualified persons, the Secretary shall select one member and one alternate member each to represent Grower Districts 2 and 3, two members and two alternates to represent Grower District 1, three members and three alternates to represent Grower District 4, or such other number of members and alternate members from each district as may be prescribed pursuant to § 913.14. At least two such members and their alternates shall be affiliated with bona fide cooperative marketing organizations, and at least two such members and their alternates shall not be so affiliated.

(c) *Successor shipper members.* From the nominations made pursuant to § 913.17(b) or from other qualified persons, the Secretary shall select members and alternates of the committee. At least two members and their alternates shall represent bona fide cooperative marketing organizations which are handlers, and at least two members and their alternates shall represent handlers who are not so affiliated.

§ 913.19 Failure to nominate.

In the event nominations for a member or alternate member of the committee are not made pursuant to the provisions of § 913.17, the Secretary may select such member or alternate member without regard to nominations.

§ 913.20 Acceptance of membership.

Any person selected by the Secretary as a member or alternate member of the committee shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

§ 913.20 [Redesignated as § 913.15]

7. Section 913.21 is revised to read:

§ 913.21 Inability of members to serve.

(a) An alternate for a member of the committee shall act in the place and stead of such member (1) in his or her absence, or (2) in the event of his or her removal, resignation, disqualification, or death, and until a successor for his or her unexpired term has been selected.

(b) In the event of the death, removal, resignation, or disqualification of any person selected by the Secretary as a member or an alternate member of the committee, a successor for the unexpired term of such person shall be selected by the Secretary. Such selection may be made without regard to the provisions of this part as to nominations.

8. Section 913.31 is revised to read:

§ 913.31 Assessments.

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped to destinations outside the regulation area but within the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period: *Provided,* That if the computation of the prorate bases of handlers includes all fruit handled as specified pursuant to § 913.43(e), each handler's pro rata share shall be the proportion his or her total shipments bear to the total shipments of all handlers. The Secretary shall fix the rate of assessment per standard packed carton of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped to the applicable destinations during the given fiscal period. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

9. Sections 913.41 and 913.42 are revised to read:

§ 913.41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled to destinations outside the regulation area but within the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico during the next succeeding week: *Provided,* That volume regulations shall not be recommended after such regulations have been effective for an aggregate of 14 weeks during any fiscal period.

(b) In making its recommendation, the committee shall give due consideration to the following factors:

(1) Market prices for grapefruit;

(2) Supply, maturity, and conditions of grapefruit in the production area;

(3) Market prices and supplies of citrus fruits from competitive producing areas, and supplies of other competitive fruits;

(4) Trend and level in consumer income; and

(5) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 913.42, has fixed the quantity of grapefruit which may be so handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommenda-

tion, shall be submitted promptly to the Secretary.

§ 913.42 Issuance of volume regulation.

Whenever the Secretary finds, from information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled to destinations outside the regulation area but within the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided,* That such regulations during each fiscal period shall not in the aggregate limit the volume of grapefruit shipments for more than 14 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price of grapefruit specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

10. Section 913.43 is revised to read:

§ 913.43 Prorate bases.

(a) Each person who desires to handle grapefruit shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 913.44.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of grapefruit to destinations outside the regulation area in the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico in the current season and his shipments to such destinations in the immediately preceding seasons, if any, within the representative period, in which he shipped grapefruit and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 51 weeks for each of such immediately preceding seasons within the representative period in which the handler so shipped grapefruit. For purposes of this section "representative period" means the three preceding seasons together with the current season; the term "season" means the 51 week period beginning with the first full week in August of any year; and the term "current season" means the period beginning with the first full week in August of the current fiscal period through the fourth full week preceding the week of regulation: *Provided,* That when official shipping records are available to the committee the term "current season" shall extend through the third full week preceding the week of regulation.

(e) If the committee determines that it is desirable and appropriate to include in the computation of prorate bases of handlers all grapefruit handled during the representative period by each handler applicant, it may, upon the approval of the Secretary, include all such fruit in such computation.

§ 913.12 [Redesignated from § 913.11 and Amended]

11. Section 913.11 *Interior district or district* (herein redesignated as § 913.12 *Interior district or district*) contains two erroneous references to "Township 18"; such references are corrected to read "Township 15".

§ 913.45 [Amended]

12. In § 913.45 *Overshipment* the references to "500 boxes" and "1,000 boxes", respectively, are changed to "1,000 cartons" and "2,000 cartons", respectively.

[FR Doc. 78-29507 Filed 10-18-78; 8:45 am]

[1505-01-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 1, 21, 23, and 135]

[Docket No. 18315; Notice 78-14]

AIRWORTHINESS STANDARDS: RECIPROCATING AND TURBOPROPELLER POWERED MULTIENGINE AIRPLANES

Increase in Approved Takeoff Weights and Passenger Seating Capacities

Correction

In FR Doc. 78-27489 appearing at page 46734 in the issue for Tuesday, October 10, 1978, on page 46820, in the third column, the sentence immediately above the signature should read: "Issued in Washington, D.C., on September 26, 1978.".

[4910-13-M]

[14 CFR Part 71]

[Airspace Docket No. 78-CE-26]

TRANSITION AREA, FAIRBURY, NEBR.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Fairbury, Nebr., to provide controlled airspace for aircraft executing a new instrument approach procedure to the Fairbury Municipal Airport, Fairbury, Nebr., which is based on a non-directional radio beacon (NDB) navigational aid installed on the airport.

DATES: Comments must be received on or before November 22, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel Central Region, Federal Aviation Administration, room 1558, 601 East 12th Street, Kansas City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before Nov. 22, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Subpart G, section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Fairbury, Nebr. To enhance airport usage by providing instrument approach capability to the Fairbury Municipal Airport, the City of Fairbury, Nebr., has installed an NDB on the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails the designation of a transition area at Fairbury, Nebr., at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to insure segregation of aircraft using the approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR). Accordingly, the Federal Aviation Administration proposes to amend Subpart G, section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by adding the following new transition area:

FAIRBURY, NEBR.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Fairbury Municipal Airport (latitude 40°10'59" N, longitude 97°90'54" W). Within 3 miles each side of the 173° course, extending 3 miles north from the 5-mile radius; within 2 miles each side of the 192° course extending 3 miles north, from the 5-mile radius.

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

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

Issued in Kansas City, Mo., on October 6, 1978.

JOHN E. SHAW,
Acting Director, Central Region.

[FR Doc. 78-29334 Filed 10-18-78; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 419]

GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES

Proposed Amendment of Trade Regulation Rule To Modify Hiatus Provision

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed amendment of trade regulation rule.

SUMMARY: The Commission is proposing to amend the existing trade regulation rule for games of chance for the food retailing and gasoline industries by modifying paragraph (f) commonly known as the "Hiatus Provision." This provision currently requires that no new game can be promoted or used without a break in time between the new game and the game previously used in the same establishment equal to the duration of the game previously used.

The Commission's proposed modification will limit the length of the hiatus to thirty (30) days or the duration of the previous game, whichever is less.

This notice sets out the procedures to be followed, the text of the proposed rule, a list of general questions and issues upon which the Commission particularly desires comment and testimony, an invitation for written comments, and instructions for prospective witnesses and other interested persons who desire to testify or otherwise participate in the proceedings.

DATES: Notification of interest on or before November 15, 1978. Written comments and available exhibits on or before November 30, 1978. Prepared statements on or before December 15, 1978. Public hearings commence January 3, 1979, in Washington, D.C.

ADDRESSES: Send comments to the Federal Trade Commission, Cleveland Regional Office, Suite 500, The Mall Building, 118 St. Clair Avenue, Cleveland, Ohio 44114. Public hearing: The public hearing will commence at 9 a.m. in Room 332 of the Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. Persons desiring to present oral views at the hearing should advise Mr. Dennis Hynes, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Noble Jones, Consumer Protection Specialist, Federal Trade Commission, Suite 500, the Mall Building, 118 St. Clair Avenue, Cleveland, Ohio 44114, 216-522-5207.

SUPPLEMENTARY INFORMATION: The Commission is proposing to modify the "hiatus provision" (16 CFR 419.1(f)) requirement of the Trade regulation rule on games of chance for food retailing and gasoline industries. The primary reason for modifying this provision is the lack of support for the underlying rationale of the provision as it currently operates. In addition, the Commission has granted petitions for an exemption from the "Hiatus Provision" and is persuaded at this time to consider an amendment to the rule.

SECTION A. PROPOSED AMENDMENT OF TRADE REGULATION RULE

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of part I, subpart B of the Commission's procedures and rules of practice, 16 CFR 1.7, et seq., and section 553 of subchapter II, chapter 5, title 5 of the United States Code (Administrative Procedure) has initiated a proceeding for the amendment of the Trade regulation rule for games of chance in the food retailing and gasoline industries. The Commission has determined, pursuant to 16 CFR 1.20, to follow the procedures set forth in this notice for this proceeding.

Accordingly, the Commission has proposed the following amendment to 16 CFR 419 by replacing old § 419.1(f) with new § 419.1(f) as follows:

§ 419.1 The Rule.

* * * * *

(f) Promote or use any new game without a break in time between the new game and any game previously employed in the same establishment equivalent to the duration of the game previously employed, or 30 days, whichever is less.

SECTION B. REASONS FOR AMENDMENT OF THE RULE

Section 419.1(f) of the Trade regulation rule for games of chance in the food retailing and gasoline industries prohibits the promotion or use of any new game without a break in time between the new game and any game previously employed in the same establishment equal to the duration of the previously employed game. During the course of the hearings on the rule, there was very little evidence dealing directly with problems addressed by the "Hiatus provision." Nevertheless, at he time of the promulgation of the rule in October 1969, the Commission was of the opinion that a potential for confusion and deception existed in the consecutive use of games by a retail establishment, with no interval between the games. The Commission stated:

> With games running on the heels of each other, participants could easily become confused as to the prize structure, odds, and redemption right of the game then in progress.[1]

In August of 1972, the Commission, in response to a request from a member of the games-producing industry, issued an interpretation of the "Hiatus provision." At that time the Commission ruled that repetition of the same game as previously employed would not be inconsistent with § 419.1(f) of the rule. Further, the Commission was convinced that:

> Repetition of the identical game without an interval would not confuse the participants as to the prize structure, odds, and redemption rights.[2]

In July of 1976, the Federal Trade Commission received from Fox Grocery Co. ("Fox") a petition for a one-time exemption from § 419.1(f) of the Commission's Trade regulation rule for games of chance in the food retailing and gasoline industries (16 CFR 419.1).[3] The petition requested that the Commission grant a waiver of the "hiatus provision" in order to enable a group of independently-owned food stores to enter into a game promotion simultaneously.

[1] Statement of basis and purpose of trade regulation rule for games of chance in the food retailing and gasoline industries, 34 FR 13310 (1969).

[2] Federal Trade Commission News Release, August 1, 1972 (copy attached).

[3] A copy of the petition can be obtained from Public Reference Branch, Room 130, Federal Trade Commission, Washington, D.C. 20580.

The Commission concluded that more than a 30 day hiatus period between games was not required to eliminate confusion and deception in the consecutive use of games by Fox or its participating establishments under the circumstances.[4] The Commission has granted a similar petition to FNK Enterprises.[5] Most recently, the Commission has granted a temporary blanket exemption to the operation of paragraph (f) to all marketers and users of supermarket games pending the outcome of this proceeding.

SECTION C. INVITATION TO COMMENT ON AMENDMENT OF THE TRADE REGULATION RULE

All interested parties are hereby notified that they may submit to the Federal Trade Commission, Cleveland Regional Office, Suite 500, The Mall Building, 118 St. Clair Avenue, Cleveland, Ohio 44114, written data, views, or arguments on any issues of fact, law or policy, which may have some bearing on the proposed modification of 16 CFR 419.1(f).

The Commission requests that persons commenting on this subject address the following issue:

> Should the proposed amendment be changed in any way? Specifically, should the hiatus period be eliminated?

In all comments, the Commission particularly welcomes empirical evidence.

Written comments will be accepted until November 30, 1978. To assure prompt consideration of all comments, it should be identified as "Games of Chance Amendment Comment" and, when feasible and not burdensome, submitted in five copies.

SECTION D. PUBLIC HEARINGS

Public hearings will be held commencing on January 3, 1979, at 9 a.m. in Room 332 of the Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. Persons desiring to present their views orally at the hearings should so advise Dennis Hynes, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580, no later than November 15, 1978.

SECTION E. INSTRUCTIONS TO WITNESSES

1. Advance notice. If you wish to testify at the hearings, you must notify the presiding officer of your desire to appear and file with him your complete, word-for-word statement no later than December 15, 1978. This advance notice is required so that other interested persons can determine the need for examination and have an opportunity to prepare. Any examination which is permitted will be conducted with regard to the written testimony, which will be entered into the record exactly as submitted. Consequently, it will not be necessary for you to repeat this statement at the hearing. You may simply appear to answer questions with regard to your written statement or you may deliver a short summary of the most important aspects of that statement within time limits to be set by the presiding officer. As a general rule, such oral summaries should not exceed 10 minutes.

2. *Use of exhibits.* Use of exhibits during oral testimony is encouraged, especially when they are to be used to help clarify technical or complex matters. If you plan to offer documents as exhibits, file them as soon as possible during the period for submission of written comments so they can be studied by other interested persons. Such documents that may be unavailable to you during this period must be filed as soon as possible thereafter and not later than the deadline for filing prepared statements. Mark each of the documents with your name, and number them in sequence, e.g., Jones exhibit 1. The presiding officer has the power to refuse to accept for the public record any hearing exhibits that are not furnished by the deadline.

3. *Expert witnesses.* If you are going to testify as an expert witness, you must attach to your statement a curriculum vita, biographical sketch, résumé or summary of your professional background and a bibliography of your publications. It would be helpful if you would also include documentation for the opinions and conclusions you express by footnotes to your statements or in separate exhibits. If your testimony is based upon or chiefly concerned with one or two major scientific works, copies should be furnished. The remaining citations to other works can be accomplished by using footnotes in your statement referring to those works.

4. *Results of surveys and other research studies.* If in your testimony you will present the results of a survey or other research study, as distinguished from simple references to previously published studies conducted by others, you must also present as an exhibit or exhibits in compliance with paragraph 2, above, the following:

(a) A complete report of the survey of other research study and the information and documents listed in (b) through (e) if they are not included in that report.

(b) A description of the sampling procedures and selection process including the number of persons contacted, the number of interviews completed, and the number of persons

[4] 41 FR 48516 (1976).

[5] 43 FR 25336 (1978).

who refused to participate in the survey.

(c) Copies of all completed questionnaires or interview reports used in conducting the survey or study if respondents were permitted to answer questions in words of their choice rather than to select an answer from one or more answers printed on the questionnaire or suggested by the interviewer.

(d) A description of the methodology used in conducting the survey or other research study including the selection of and instructions to interviewers, introductory remarks by interviewers to respondents and a sample questionnaire or other data collection instrument.

(e) A description of the statistical procedures used to analyze the data and all data tables which underlie the results reported.

Other interested persons may wish to examine the questionnaires, data collection forms and any other underlying data not offered as exibits and which serve as a basis for your testimony. This information along with punch cards or computer tapes which were used to conduct analyses should be made available (with appropriate explanatory data) upon request of the presiding officer. The presiding officer will then be in a position to permit their use by other interested persons or their counsel.

5. *Identification, number of copies, and inspection.* To assure prompt consideration, all materials filed by prospective witnesses pursuant to the instructions contained in paragraphs 1–4, above, should be identified as "games of chance statement" ("and exhibits," if appropriate), and submitted in five copies when feasible and not burdensome.

Copies of all materials filed by witnesses will be made available for examination in Room 130, Public Reference Room, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C.

6. *Reason for requirements.* The foregoing requirements are necessary to permit us to schedule the time for your appearances and that of other witnesses in an orderly manner. Other interested parties must have your expected testimony and supporting documents available for study before the hearing so they can decide whether to examine or cross-examine your file rebuttals. If you do not comply with all of the requirements, the presiding officer has the power to refuse to let you testify.

7. *General procedures.* These hearings will be informal and courtroom rules of evidence will not apply. You will not be placed under oath unless the presiding officer so requires. You are also not required to respond to any question outside the area of your written statement, although, if such questions are permitted, you may respond if you feel you are prepared and have something to contribute. The presiding officer will assure that all questioning is conducted in a fair and reasonable manner and will allocate time according to the number of parties participating, the legitimate needs of each group for full and true disclosure, and the number and nature of the factual issues discussed. The presiding officer further has the right to limit the number of witnesses to be heard if the orderly conduct of the hearing so requires.

The deadlines established by this notice will not be extended and hearing dates will not be postponed unless hardship to participants can be demonstrated.

SECTION F. NOTIFICATION OF INTEREST

Interested persons who wish to avail themselves of the opportunity to question witnessed must, by October 31, 1978, notify the presiding officer of their position with respect to the porposed rule and each individual provision thereof. This notification must be in sufficient detail to enable the presiding officer to identify groups with the same of similar interests respecting the proposed rule and the presiding officer may require the submission of additional information from any applicant whose notification is inadequate. Failure to file an adequate notification in sufficient detail may result in the applicant not being considered for purposes of direct and cross-examination.

Before the hearing commence, the presiding officer will identify groups with the same or similar interests in the proceeding. Such groups will be required to select a single representative for the purpose of conducting direct or cross-examination and, if unable to make this selection, the presiding officer may select a representative of each such group. The presiding officer will notify all interested persons of the identity of the group representatives at the earliest practicable time.

SECTION G. POSTHEARING PROCEDURES

Interested persons will be afforded 30 days after the close of the hearings to file rebuttal submissions. Rebuttal presentations shall be permitted only if the presiding officier determines that the presentation of rebuttal submissions is required for a full and true disclosure with respect to any disputed issue of fact that is material and necessary to resolve. Rebuttal submissions must be based only upon identified, properly cited matters already in the record. The presiding officer will reject all submissions which are essentially additional written comment in contrast to rebuttal. The 30-day rebuttal period is intended to include the time consumed in securing a complete transcript.

SECTION H. RULEMAKING RECORD

In view of the substantial rulemaking records that have been established in prior trade regulation rulemaking proceedings (and the consequent difficulty in reviewing such records), the Commission urges all interested persons to consider the relevance of any material before placing it on the rulemaking record. While the Commission encourages comments on its proposed rule, the submission of material that is not generally probative of the issues posed by the proposed rule merely overburdens the rulemaking record and decreases its usefulness, both to those reviewing the record and to interested persons using it during the course of the proceeding. The Commission's rulemaking staff has received similar instructions. Material that the staff has obtained during the course of its investigation prior to the initiation of the rulemaking proceeding that is not placed in the rulemaking record will be made available to the public, to the extent that it is considered to be nonexempt from disclosure under the Freedom of Information Act, 5 U.S.C. Section 552.

SECTION I. COMPENSATION FOR REPRESENTATION IN RULEMAKING PROCEEDINGS

Pursuant to section 18(h) of the FTC Act, funds may be available for reimbursement of public participation costs incurred in this proceeding to those who satisfy the requirements of section 1.17 of the Commission's rules. For further information, contact Bonnie Naradzay, Special Assistant for Public Participation, Office of the General Counsel, Federal Trade Colmmission, Sixth Street and Pennsylvania Avenue, NW., Washington, D.C. 20580, 202—523-3520.

Issued: October 10, 1978.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-29487 Filed 10-18-78; 8:45 am]

[1505-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[Docket No. 9107]

HARNISCHFEGER CORP., ET AL.

Consent Agreement With Analysis To Aid Public Comment

Correction

In FR Doc. 78-27873 appearing at page 45593 in the issue for Tuesday, October 3, 1978, in the third column of page 45594, under paragraph IV, the last two lines should have read ". . . change which may affect compliance obligations arising out of this order."

[7040-01-M]

SUSQUEHANNA RIVER BASIN COMMISSION

[18 CFR Part 801]

FREEDOM OF INFORMATION

Proposed General Policies

AGENCY: Susquehanna River Basin Commission.

ACTION: Proposed rule and opportunity for written comment.

SUMMARY: The Susquehanna River Basin Commission proposes to amend its regulations by adding freedom of information policy provisions. Under the proposed amendment, records and materials of the Commission, other than those specifically exempted by the regulation, may be inspected and copied by members of the public, and a procedure is established governing the method of making requests, the charging of fees, the denial of access to records, and appeals from denial of access to records. The regulation is intended to assure the public availability of Commission records, consistent with the Susquehanna River Basin compact and the policies of the signatory parties.

DATE: Written comments must be submitted no later than Friday, November 10, 1978.

ADDRESSES: 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.

Written comments are invited and may be submitted to the address given above no later than the date given above. The Commission does not anticipate holding a public hearing on the proposed policy.

Dated: October 11, 1978.

ROBERT J. BIELO,
Executive Director.

It is proposed to amend 18 CFR Part 801 by adding new §§ 801.21-801.25 and centerhead to read as follows:

FREEDOM OF INFORMATION POLICY

Sec.
801.21 Purpose and scope.
801.22 Responsible officials.
801.23 Procedure for requests.
801.24 Schedule of fees.
801.25 Denial of access to records and appeals.

AUTHORITY: Secs. 3.1, 3.5(1), and 15.2, Pub. L. 91-575 (84 Stat. 1509 et seq.)

FREEDOM OF INFORMATION POLICY

§ 801.21 Purpose and scope.

(a) This policy is to assure the public availability of Commission records, consistent with the Susquehanna River Basin compact and the policies of the signatory parties thereto. It does not apply to publications and materials prepared for routine distribution to the public.

(b) Records and materials other than those exempted herein may be inspected and copied according to the procedure described in § 801.23. This policy does not apply to matters which are:

(1) Related solely to the internal personnel rules and practices;

(2) Specifically exempted from disclosure by statute;

(3) Trade secrets and commercial or financial information obtained from a person and priviledged or confidential;

(4) Interagency or intraagency memorandums or letters which would not be available by law to a party other than a private party or an agency in litigation with the Commission;

(5) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(6) Investigatory records compiled for law enforcement purposes but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, or (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the indentity of a confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or safety of law enforcement personnel;

(7) Geological and geophysical information and data, including maps, concerning wells; and

(8) Records and data which would impair present or imminent contract awards.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

§ 801.22 Responsible officials.

(a) The Executive Director is responsible for insuring appropriate agency response to public requests for access to records.

(b) The Chief Administrative Officer shall insure that personnel:

(1) Assist the requester in identifying requested records, if necessary.

(2) Upon locating the records, take one of the following actions:

(i) Make records available for inspection; or

(ii) Deny access to the records in whole or in part and explain in writing the reasons therefor.

(3) Upon request for copies of records:

(i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with § 801.24; or

(ii) Permit the requester to copy those records.

(4) Upon request, certify that a record is a true copy.

(c) The designation of the Chief Administrative Officer shall not be construed to prohibit employees who have in the past been authorized to make records or information available to the public from continuing to do so.

§ 801.23 Procedure for requests.

(a) A member of the public who requests records or materials from the Commission must provide a reasonable description of the records or materials sought so that such records or materials may be located without undue search or inquiry. A written request may be required, but oral requests may be accepted when records are readily available.

(b) Requests which reasonably describe the records or materials sought should be directed to the Executive Director, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, Pa. 17102.

(c) A response shall be given promptly regarding any request reasonably describing the record or records sought. If the requester is not provided or denied access to the record sought within a reasonable period of time, a written acknowledgment of the request shall be furnished the requester along with a statement of the approximate date when the request will be granted or denied. If access to records is neither granted nor denied within 10 business days after the date of written acknowledgment of a request, the request may be construed as a denial of access that may be appealed.

(d) Records or materials will be available for inspection and copying in person during normal business hours.

(e) Requests for records which originate in or concern matters which originate in another department or agency may be forwarded to the department or agency primarily concerned and the requester so notified.

§ 801.24 Schedule of fees.

(a) Fees will be charged in the case of requests which are determined by the Chief Administrative Officer to involve a burden on staff or facilities significantly in excess of that normally accepted by the Commission in handling routine requests for information.

(b) In all instances where the Chief Administrative Officer determines that a request for information can be considered as primarily benefiting the general public, such request shall be met either without cost wherever practicable or at a reduced cost to the requester. Any such reduction shall be determined by the Chief Administrative Officer on the basis of the balance between the benefit to the general public and the cost to the Commission.

(c) The Commission reserves the right to limit the number of copies of any document that will be provided to any one person.

§ 801.25 Denial of access to records and appeals.

(a) Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal as provided in (c) below.

(b) If requested records are not provided promptly, such failure shall also be deemed a denial of access.

(c) Appeals shall be submitted in writing to the Executive Director within a reasonable time after denial identifying:

(1) The date of the appeal;

(2) The date of the request for records;

(3) The records to which the requester was denied access;

(4) Whether the denial of access was in writing or due to failure to provide records promptly; and

(5) The name and return address of the requester.

(d) Appeals for denial of access to records shall be evaluated by the Executive Director and General Counsel.

(e) An appeal decision shall be transmitted to the requester in writing within 7 business days following the next Commission meeting.

[FR Doc. 78-29533 Filed 10-18-78; 8:45 am]

[4910-22-M]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 625]

[FHWA Docket No. 78-10, Notice 2]

DESIGN STANDARDS FOR HIGHWAYS

Extension of Comment Period

AGENCY: Federal Highway Administration, DOT.

ACTION: Extension of comment period.

SUMMARY: This document extends the period for comments on the proposed rulemaking published August 23, 1978 (43 FR 37556), requesting views by October 23, 1978, on establishing geometric design standards for resurfacing, restoration, and rehabilitation (R-R-R) projects. The comment period is extended in order to provide interested parties additional time to analyze the proposal and prepare comments for submission.

DATE: Comments will be received until January 4, 1979.

ADDRESS: FHWA Docket No. 78-10, Notice 2, Room 4205, HCC-10, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Seppo I. Sillan, Highway Design Division, Office of Engineering, 202-426-0321; or Lee J. Burstyn, Office of the Chief Counsel, 202-426-0790, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday.

Issued on October 16, 1978.

JOHN S. HASSELL, Jr.,
Deputy Administrator.

[FR Doc. 78-29534 Filed 10-18-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 990-5; OPP-300017]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Exemption From the Requirement of a Tolerance for an Inert Ingredient in Pesticide Formulations

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that the inert ingredient 1,3-benzisothiazolin-3-one in pesticide formulations be exempted from tolerance requirements. The proposal was submitted by ICI United States. This regulation would permit the use of the exempted inert ingredient in pesticide products.

DATE: Comments must be received on or before November 20, 1978.

ADDRESS COMMENTS TO: Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. David Ritter, Toxicology Branch, Hazard Evaluation Division (TS-769), Office of Pesticide Programs, EPA, 202-426-2680.

SUPPLEMENTARY INFORMATION: At the request of ICI United States, Inc., Wilmington, Del. 19897, the Administrator is proposing to amend 40 CFR 180 by exempting from tolerance requirements the inert ingredient 1,2-benzisothiazolin-3-one in pesticide formulations of *O,O*-diethyl *O*-(2-diethylamino-6-methyl-4-pyrimidinyl) phosphorothioate when applied to the raw agricultural commodity melons at no more than 0.1 percent of the formulation.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c) and includes, but is not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): Solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and the toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Inert ingredient	Firm	Bases for approval
1,3-Benzisothiazolin-3-one.....	ICI United States, Inc., Wilmington, Del. 19897.	90-d dog and rat studies. Little likelihood of conversion to saccharin under the proposed use and 0.1 pct limit.

This amendment to 40 CFR part 180 pertains to a specific inert ingredient for which there is a prescribed use pattern. This inert cannot be used in any other manner except as specified in the regulation and as determined in a specific product registered by the Agency in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) et seq.).

Based on the above information, available information on the chemistry of this substance, and a review of its use, it has been found that, when used in accordance with good agricultural practice, this substance is useful and does not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains the ingredient listed herein may request, on or before November 20, 1978, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP7E1935/P90." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m., Monday through Friday.

Dated: October 12, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

It is proposed that part 180, subpart D, be amended by adding the new section 180.1044 to read as follows:

§ 180.1044 1,3-Benzisothiazolin-3-one; exemption from the requirement of a tolerance.

1,3-Benzisothiazolin-3-one is exempt from the requirement of a tolerance when used as a preservative-stabilizer in formulations of *O,O*-diethyl *O*-(2-diethylamino-6-methyl-4-pyrimidinyl) phosphorothioate when applied to the raw agricultural commodity melons at no more than 0.1 percent of the formulation.

[FR Doc. 78-29435 Filed 10-18-78; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21313; RM-2646; RM-2717; RM-3038; RM-3039; RM-3040; FCC 78-638]

AM STEREOPHONIC BROADCASTING

Proposed Rulemaking

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: Federal Communications Commission proposes rules for AM stereo broadcasting. Public interest in AM stereo prompts Commission to consider adoption of standards for service.

DATES: Comments must be received on or before December 29, 1978, and reply comments must be received on or before January 31, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Gordon W. Godfrey, Broadcast Bureau, 202-632-9660.

Greg DePriest, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: September 14, 1978.

Released: October 19, 1978.

In the matter of AM stereophonic broadcasting, docket Nos. 21313, RM-2646, RM-3039, RM-2717, RM-3040, and RM-3038.[1]

1. On June 22, 1977, the Commission adopted a notice of inquiry in this proceeding. It was released in response to petitions for rulemaking filed by Kahn Communications, Inc. (RM-2717), and the Association for AM Stereo, Inc. (RM-2646). These petitions sought changes in the rules to permit the transmission of stereophonic programming by AM broadcast stations. Rather than propose specific rule changes as requested by these petitions, the Commission sought to determine the interest in, and the need for, stereophonic broadcasting by AM stations through a notice of inquiry. A list of questions attached to the inquiry solicited information on the economic, operational, and technical aspects of AM stereo broadcasting. It was hoped that responses to these questions would indicate if the service were practical and if a notice of proposed rulemaking should be issued.

2. In response to the notice, a substantial record has been developed. Comments were filed by over 90 parties, including members of the public, AM broadcast station licensees, broadcast networks, equipment manufacturers, trade organizations, and the Department of Commerce. A list of those filing comments is attached as appendix A below. Two parties, Belar Electronics Laboratory, Inc. and Harris Corp., submitted additional information after the deadline for reply comments. The Commission is accepting these filings despite their lateness and making them a part of the public record. They offer technical observations and data previously unavailable.

3. Four parties submitted complete technical descriptions of systems for AM stereophonic transmissions and each petitioned the Commission to adopt its particular system. The four were Harris Corp. ("Harris") (RM-3040), Belar Electronics Laboratory, Inc. ("Belar"), Motorola, Inc. ("Motorola") (RM-3039), and Magnavox Consumer Electronics Co. ("Magnavox") (RM-3038). In addition to these, comments were submitted regarding the system proposed by Kahn Communications, Inc. ("Hahn/Hazeltine"), one of the two original petitioners.[1a] Partial descriptions of three other systems were submitted by William A. Hayes, Dorchester Laboratories, and Joe Rice. While these latter three systems were alleged to be capable of AM stereo transmission, test data and adequate technical descriptions were not submitted. This prevented serious analysis of them and comparison with the other systems. For this reason they are not discussed further in this document and will not be given further consideration.

4. In addition to the information filed by system proponents, the National AM Stereophonic Radio Committee (NAMSRC) submitted its

[1] See 43 FR 5571, Feb. 9, 1978.

[1a] Hazeltine Corp. acquired exclusive licensing rights under the patents and patent applications of Leonard B. Kahn covering the independent sideband AM stereo system in September of 1977. Hazeltine has licensed Kahn Communications, Inc., to manufacture and sell broadcast transmission equipment using the Kahn AM stereo transmission method. Because of this arrangement, the Commission will henceforth refer to the Kahn AM stereo system as the Kahn/Hazeltine system.

report on tests and analyses of the systems proposed by Magnavox, Motorola, and Belar. The NAMSRC was jointly sponsored by the Electronic Industries Association, the National Radio Broadcasters Association, National Association of Broadcasters, and the Institute of Electrical and Electronics Engineers.

5. Responses to the notice of inquiry express the view that FM stereophonic radio service is inadequate in automobiles and at fairly long distances from broadcast stations. It is further noted that many small communities have only AM stations and thus are lacking local stereophonic radio service. Regarding the possible impact of AM stereo on the continuing development of FM broadcasting, it is reported that in many markets FM stations have already surpassed AM stations in audience and revenue. Many AM licensees claim that AM stereo is needed to keep their stations competitive. Additionally, it is claimed that the stereo performance of FM broadcasts in automobiles is poor due primarily to fading and multipath which should not be a problem with AM stereo.

6. While a few claims were submitted that AM stereophonic broadcasting could become a high fidelity medium, it was generally conceded that the FM broadcasting service has inherent advantages in signal-to-noise ratio and noise rejection. It was felt that while FM would remain the high fidelity medium of choice in most urban homes, many areas without FM stereophonic radio service could receive stereophonic programing for the first time.

7. Each of the AM stereo systems proposed to the Commission is basically similar in that the radio frequency carrier is angle modulated with the difference information of the left and right channels (L−R). The RF carrier containing this information is then amplitude modulated to convey the sum information of the left and right channels (L+R). Theoretically, the structure of the stereo signal is such that monophonic receivers will demodulate the L+R information contained in the envelope of the radiated (angle modulated) carrier in a normal manner. The L−Rstereo information contained in the carrier should be transparent to the monophonic receiver, having no effect on its operation.

8. A brief description of each of the five AM stereo systems follows:

Belar: The Belar system frequency modulates the RF carrier with a preemphasized (100 μsec) L−R signal. A maximum frequency deviation of 1250 Hz is specified. The L+R signal amplitude modulates the carrier in the normal fashion. The Belar system is called an "AM-FM" system.[2]

Harris: The Harris system amplitude modulates two carriers separated in phase by 30°. The left channel modulates one carrier and the right channel modulates the other. The two signals are linearly added to produce a resultant signal. This system is known as a "modified quadrature" type.

Kahn/Hazeltine: The Kahn/Hazeltine system phase modulates the RF carrier with the L−R signal in such a manner that amplitude modulation of the carrier with the L+R signal yields left channel stereo information primarily on the lower sideband and right channel stereo information on the upper sideband. The Kahn/Hazeltine system is known as an "independent sideband" system.

Magnavox: The Magnavox system uses the L−R signal to phase modulate the RF carrier and the L+R signal to amplitude modulate the phase modulated RF carrier. This type of system is known as an "AM-PM" system.

Motorola: The Motorola system amplitude modulates two RF carriers separated in phase by 90°. The L+R signal modulates one and the L−R signal modulates the other. The two signals are then added together, processed by a clipping circuit, and amplitude modulated by the L+R signal. Motorola calls this system a "compatible quadrature" system.

9. The Commission has examined the submissions of all parties filing comments and has concluded that rules should be proposed for the transmission of AM stereo. We are persuaded a great interest in this service exists on the part of broadcasters, and manufacturers of both transmitting and receiving equipment. The body of information developed is sufficient to warrant further investigation of the technical means of providing this service. This should not imply, however, that the Commission is totally committed to adopting standards for AM stereo transmission. Despite the technical submissions, doubts remain concerning the overall compatibility of an AM stereo signal with the present allocation structure and emission requirements. Resolution of these matters to the Commission's satisfaction is necessary before any standards are to be adopted.

10. The purpose of this notice of proposed rulemaking is to propose standards for the transmission of AM stereo by considering the five systems submitted. Comments are requested on the alternative rule amendments (contained in app. B) that are necessary for one of the five systems to be adopted. These comments should address the technical merits of each of the systems with particular emphasis on mathematical and engineering analysis, test data, and the dictates of practical engineering experience. With the exception of the Harris Corp. and rule amendments contained in the appendix are primarily those submitted by the proponents. These have been modified only where typographical or other obvious errors have been detected. Harris failed to submit proposed rule changes and those for its system have been developed by the Commission.

11. Further evaluation of the proposed systems by the Commission will place particular emphasis on the ability of the stereo signal to exist within the present allocation framework, meet present emission requirements, and furnish a compatible signal to existing monophonic receivers. It is the Commission's belief that AM stereo should provide a service of as high a quality as possible while minimizing degradation of the present AM service. Proponents are alerted that at the same time it is appropriate that we consider the performance of these systems under modified AM operational constraints (as discussed in paragraph 22).

12. The remainder of this notice identifies Commission concerns that should be addressed by interested parties, particularly each of the five proponents whose systems are being considered.

13. Of these five, the Commission wishes to express its overall concern with certain characteristics of the Harris and Belar systems. Specifically, filings indicate that the stereo service area of a representative AM station employing the Harris system would encompass only 40 percent of the monophonic service area. The reduced stereo service area appears to be an inherent characteristic of the Harris system which could not be overcome through subsequent advances in technology. We question the desirability of adopting standards for an AM stereo system which offers only a restricted stereo service. (The other systems under consideration do not impose as severe a reduction in the stereo service area versus monophonic service area.)

14. In addition, the Commission notes that the stereo separation achieved by the Harris system during the over-the-air testing was minimal for many portions of the audio spectrum. Our analysis indicates this may also be an inherent characteristic of reduced quadrature systems. Comments are requested on these characteristics of the Harris system in addition to the more specific areas outlined below.

15. Concerning the Belar proposal, we note that the system tested by the NAMSRC caused a considerable reduction in the cochannel protection level associated with monophonic transmissions. Such a reduction violates one of the Commission's guidelines for considering the various proposals, i.e., that the stereo signal must exist within the present allocation framework. However, it appears that this

[2] In late-filed comments Belar suggests that the deviation and preemphasis of this system be changed. See discussion of recommended changes in par. 15.

drawback has been overcome. In a late-filed submission, Belar states that modification of its system's preemphasis time constant and low frequency deviation yield improved performance in this area.[3] The Commission acknowledges these claims. Nonetheless, data should be submitted to verify the improvement in the protection ratio. Other areas in which the change in system parameters affects the results of the tests conducted by the NAMSRC should be discussed. Additional data should be submitted to indicate what new performance is achieved.

16. One of the tests conducted by the NAMSRC sought to determine the effect stereo transmissions would have on protection now afforded AM monophonic stations under the Commission's rules. These tests indicate that the second adjacent channels appear to receive less protection with the AM stereo systems proposed by Magnavox, Motorola, and Belar than with monophonic transmissions. No comparable data is available for the Kahn/Hazeltine system (through similar characteristics are expected) or the Harris system (which is not expected to exhibit this characteristic). It has been alleged that normal transmitter distortion products will mask the higher order emissions of the stereo transmitter in the second adjacent channel though no data is submitted to support this conclusion. Comments concerning the decreased second adjacent channel protection ratios, their significance, and the practical effects of such a decrease are solicited from all parties.[4] Data is also requested concerning the protection ratios that may be expected for two AM stations when each is transmitting in stereo for both cochannel and adjacent channel situations. The same signal strength contours used in the NAMSRC stereo-to-monophonic station tests should be used. Protection ratio test data for the Kahn/Hazeltine and Harris systems should be submitted which will permit comparison with that for the Magnavox, Motorola, and Belar systems. Both the stereo-to-monophonic and stereo-to-stereo cases should be covered. In addition to the reduction in the second adjacent channel protection ratio, both cochannel and first and third adjacent channels received less protection in the NAMSRC tests when pairs of tones were transmitted in each channel. These test results and their significance should also be addressed. Again, comparable test data should be submitted for the Kahn/Hazeltine and Harris systems.

17. The receiver compatibility tests conducted by the NAMSRC and by Hazeltine on the Kahn system are a matter of concern to the Commission. (No comparable data was submitted for the Harris system.) None of the tests were conducted at modulation levels above 85 percent though most broadcasters consistently utilize higher levels. The Commission further notes that (excluding L-only and R-only testing) the compatibility tests were conducted with transmitters being either angle modulated, or amplitude modulated, but not both at the same time. The Commission's confidence regarding the ultimate compatibility of these systems with existing monophonic receivers would be greatly increased if tests were conducted with simultaneous amplitude and angle modulation of the test carrier at levels greater than 85 percent. The Commission also desires more information concerning the possibility of increased distortion in band-limited monophonic receivers as a result of AM stereo transmissions.

18. In filings, all proponents except Harris cite stereo separation figures that should be proposed for their individual systems. Motorola suggests 20 dB separation over the audio frequency range from 50 Hz to 7500 Hz. Magnavox and Belar suggest 26 dB separation in the audio frequency range from 100 Hz to 5 kHz. Kahn suggests a minimum separation of 20 dB from 100 Hz to 5 kHz. Significantly, however, the NAMSRC report indicates that none of the systems it tested met the suggested requirements (when measured at the transmitter) during over-the-air tests conducted at WGMS and WTOP. Data submitted by Hazeltine for the Kahn system indicates that it also fails to meet the separation specified by Kahn. (Harris system test data shows that it fails to achieve the minimum separation proposed by the other proponents over the frequency range from 100 Hz to 5 kHz.) Comments concerning this anomaly are requested. These comments should also address the minimum separation that is desirable for AM stereo and that which may reasonably be obtained by AM station licensees. We note that the systems tested by the NAMSRC displayed different stereo separations at WGMS and at WTOP. Comments are requested on this performance inconsistency. The Commission is concerned that the nonuniform transmitter response to these proponents' stereo exciter equipment indicates AM station licensees may experience difficulty in meeting any but a reduced stereo separation requirement with any of the systems under consideration. An analysis of the theoretical maximum separation possible for each of the five systems would also be useful.

19. The notice of inquiry stated that one of the Commission's concerns was the compatibility of AM stereophonic transmissions with existing international radio regulations and other agreements to which the United States is a party. For example, we note that the five AM stereo systems under consideration use emissions which are specifically not covered in the United States-Mexican agreement on AM broadcasting. Nor are they contained in the North American Regional Brodcasting Agreement. This concern is raised again to point out that even if rules are adopted to permit AM stereo broadcasting, satisfactory agreements would have to be reached before stereo operation could begin.

20. In citing international concerns that could affect AM stereo broadcasting in the United States, the notice also contained a discussion of the change in the channel spacing for medium frequency stations located in regions 1 and 3. The separation between adjacent channels for AM stations operating in these regions will be 9 kHz effective November 1978. While there are no plans for such a changeover in region 2, the notice requested information on the effect such a switch would have on AM stereo transmissions whose standards were adopted under a wider spacing. The somewhat common reply was that special consideration would not be required for stereo broadcasting as opposed to monophonic broadcasting. The operation of the encoding and decoding devices would remain independent of the carrier frequency. A number of parties pointed out that AM stereo receivers produced to operate with assignments separated by 10 kHz would, however, suffer degraded performance under the narrower spacing. This would occur primarily because of increased adjacent channel interference. "Whistle" filters based upon 10 kHz channel separation would not function effectively. Worse, digitally tuned receivers with designs based upon the 10 kHz channel spacing would simply not be usable.

21. At this time, the Commission is not aware of a proposal to reduce the channel spacing in region 2. Nevertheless there is the possibility that such a proposal might be made at the 1979 World Administrative Radio Conference. Therefore system proponents and other commenting parties should seriously analyze the impact its adoption would have on the systems under consideration. In addition, the Commission notes that should a serious

[3] The preemphasis time constant has been modified from 100 μsec to 400 μsec. The low-frequency deviation has been changed from 1250 Hz to 312.5 Hz.

[4] The second and third adjacent channel strength contours specified in § 73.37(a) were not created to afford protection to the service areas of the two AM stations involved. Nonetheless, by their existence they do afford a level of protection that could change should AM stereo transmissions be permitted.

proposal to narrow the spacing be advanced in the immediate future, it could affect the timing of a decision in this proceeding. We do not believe it is in the public interest to finalize AM stereo standards based upon 10 kHz channel spacing if a change to 9 kHz spacing is contemplated. Our reasoning is that a delay would spare licensees additional equipment modifications and consumers would avoid investing in AM stereo receivers which could be rendered obsolete. Further comments and analysis are requested on this topic.

22. At some future time, the Commission may find that the public interest would be served by reducing the allowable bandwidth for standard broadcast transmissions from the present ±15 kHz to something less. This may be necessary as an adjunct to reduced channel spacing, or simply as a means of reducing adjacent channel interference with the present channel spacing. The commission considers it extremely important that the option to reduce bandwidth not be foreclosed by the adoption of AM stereo standards. Therefore, analysis and test data are necessary to assure the Commission that such a reduction will not be precluded by the presence of the higher order sidebands inherent in angle modulation. Comments should also address the quality of stereo reproduction possible if bandwidths were limited to ±5 kHz, ±7.5 kHz, or ±10 kHz. We note that the NAMSRC tests indicated out-of-band emissions in excess of those permitted by the Commission's rules occur under certain stereophonic conditions. It appears that the probability of this happening may be eliminated by imposing a requirement that the maximum frequency response of the L−R channel be limited. Comments on the desirability of requiring this as opposed to simply relying on the present requirements of § 73.40 are requested. We also note that the Kahn/Hazeltine system used a 5 kHz low pass filter in its L−R channel and request information on its necessity and purpose.

23. The notice requested information on the effect stereo operation would have on skywave reception by listeners who depend upon skywave service, and on the reception possible in the fading zone between groundwave and skywave propagation areas. Little information was received in response to this question. The NAMSRC did conduct some skywave propagation listening observations using the WBT transmitter in Charlotte, N.C., and a receiving site in Bethesda, Md. For this one observation there appeared to be no degradation to monophonic reception of the skywave signal due to the presence of the stereo information. Additional data and information concerning the reception of stereo skywave signals in both the monophonic and stereophonic reception modes are solicited from all proponents.

24. Information was also requested in the notice on the effect directional antennas would have on an AM stereo signal. This concern was raised due to the number of AM stations operating with directional arrays. It was thought that the AM station antenna system would limit the audio response of the station's transmission. Tests conducted by the NAMSRC, however, seemed to indicate that high "Q" antenna systems will have little effect on the tranmitted signal. This area is one in which the Commission still has lingering doubts and additional comments and data are requested. Of particular concern is the effect the stereo signal will have, if any, on protection afforded by the nulls of the antenna pattern.

25. The notice requested estimates of the expected price differential between AM stereo and AM monophonic receivers. Most of the price difference is due to the need for an additional audio channel and loudspeaker. These costs vary widely depending on the level of audio quality desired. Motorola estimates that redesigning an AM monophonic receiver to an AM stereo unit would result in a price increase between 25 and 70 percent over that of the monophonic receiver. Redesigning AM mono-FM stereo receivers to AM stereo-FM stereo operation would not involve the addition of another audio channel or loudspeaker. Estimates for the price increases involved in this conversion were estimated by Motorola and Harris to range from less than 10 percent to approximately 35 percent. These estimates are based upon the necessary decoder circuitry being produced on a single integrated circuit chip. National Semiconductor Corp. estimated the cost of these IC chips produced in high volume would add approximately $2 to the manufacturing cost of a stereo receiver for the Magnavox system and approximately $4 to the manufacturing cost for the Motorola system. They did not furnish cost figures for the Harris, Belar, and Kahn/Hazeltine receiver chips. Comments from the general public are requested on the estimates given. The Commission is interested in the potential number of consumers likely to purchase AM stereo receivers assuming a cost differential for all proponents' receivers along the lines estimated above. Additionally, we are interested in any more recent cost estimates for the proponents' decoding circuitry as determined by either the proponents or integrated circuit manufacturers.

26. AM stations operating transmitters by remote control may amplitude modulate the carrier with low frequency tones under provision of § 73.67(c). These tones are permitted to allow transmitter meter readings to be relayed to the remote control point. The effect of the stereo indicating tones of the Motorola, Magnavox, and Harris systems on the ability of AM licensees to use this low frequency tone capability should be addressed.

27. The Commission encourages further over-the-air testing of the five systems, especially during normal station operating hours. We are prepared to issue temporary authorizations to permit this. It is our hope that the proponents will use the time between issuance of this notice and the closing date for comments to obtain and submit additional data from over-the-air operation of the systems.

28. Further, as was of concern during the FM stereophonic proceeding (docket No. 13506), here also the Commission requests that the proponents whose systems are included in this notice submit information concerning the identity of persons or organizations applying for, or holding patents on AM stereophonic broadcast transmission and reception systems and apparatus. And, in addition, we are requesting information with respect to the arrangements that will be employed for the licensing of patents for competitive distribution and use of such systems and apparatus.

29. Finally, the Commission wishes to call attention to the increased demand for studio-to-transmitter link (STL) microwave channels that adoption of AM stereo standards may be expected to produce. Because the present STL allocation is quite crowded in many areas of the country, it cannot satisfy present demands for service. These demands are expected to increase should AM stereo transmissions be approved. The possibility of making additional spectrum available to meet these requests is slight. Therefore, licensees of remotely controlled AM stations seeking to transmit in stereo may find it necessary to use transmission lines leased from a common carrier to relay their signals from the studio to the transmitter site. We feel they should be aware of this.

30. Accordingly, it is proposed to amend part 73 of the Commission's rules and regulations as set forth in appendix B.

31. Authority for the actions taken herein is contained in sections 4(i), and 303 (g) and (r) of the Communication's Act of 1934, as amended.

32. Pursuant to procedures set out in § 1.4, 1.415, and 1.419 of the Commission's rules and regulations, interested parties may file comments on or before December 29, 1978, and reply comments on or before January 31, 1979. All submissions by parties to this proceeding or persons acting on behalf

of such parties must be made in written comments, reply comments, or other appropriate pleadings.

33. In accordance with § 1.419 of the Commission's rules and regulations, an original and five copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. Members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying docket No. 21313.

34. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
William J. Tricarico,
Secretary.

APPENDIX A

The following parties submitted comments in this proceeding:

Albrecht, Al.
American Broadcasting Co., Inc.
Association for AM Stereo, Inc.
Association for Broadcast Engineering Standards, Inc.
Baker, Ruth.
Baxter, Paul.
Belar Electronics Laboratory, Inc.
Bock, Richard.
Boonton Electronics.
Brooks, Norman.
Clear Channel Broadcasting Service.
Continental Electronics Manufacturing Co.
Crawford Broadcasting Co.
Crisman Audiovision.
Department of Commerce.
Dorchester Laboratory.
Doubleday Broadcasting Co., Inc.
DuPage County Broadcasting, Inc.
Electronics Industries Association.
Ellis, Ron.
Ford Aerospace & Communications Corp.
General Motors Corp.
Harris Corp.
Hayes, William A.
Hazeltine, Inc.
Hester, Robert G.
Hewlett-Packard Co.
Joint Broadcast Licensees.
Kahn Communications, Inc.
Keller, Robert G.
Kenwood Electronics, Inc.
KARN.
KBIM.
KDRS.
KDWN.
KEX.
KOQT.
KPLS.
KRSY.
KWIL.
KPOW.
KRBC, KEND, KENM.
KVNU.
KYME.
Lee, Paul H.
Lenamon, Jerry.
Lyon Radio Stations.
Magnavox Consumer Electronics Co.
Matshushita Communications Industrial Co.
Matshushita Electric Industrial Co., Ltd.
Maurice, Claude.
McKay Dymek Co.
McMartin Industries, Inc.
Mitchel, Henry.
Mount Wilson FM Broadcasters, Inc.
Motorola, Inc.
Moura, Brian A.
Moyer, Steven K.
Muiller, Don.
National AM Stereophonic Radio Committee.
National Association of Broadcasters.
National Broadcasting Co., Inc.
National Radio Broadcasters Association.
National Semiconductor Corp.
Orban, Robert A.
Pioneer Electronics Corp.
Rackley, Ronald D.
Rice, Joe.
Rudko, Jay.
Sansui Electronic Co., Ltd.
Scherer, Paul.
Steckel, David J.
Steel, Andrus & Associates.
Strahar, John M., Jr.
Sugimoto, Hank.
Swanson Broadcasting.
Time & Frequency Technology, Inc.
Westinghouse Broadcasting Co., Inc.
Woods Communications.
WAUG.
WELK, Inc.
WFBR.
WFSO.
WFWR.
WGN Continental Broadcasting Co.
WILS.
WINU.
WPWC.
WRFC.
WSRF.
WTHE.
WWCA.
WWCH.
Zenith Radio Corp.

APPENDIX B

It is proposed to amend part 73 of the Commission's rules and regulations as follows:

NOTE.—Italic material denotes additions to existing rules.

I. The following rule changes are necessary for all five proposed AM stereo systems.

1. It is proposed to amend § 73.3 to read as follows:

§ 73.3 AM broadcast channel.

The term "AM broadcast channel" means the band of frequencies occupied by the carrier and the *upper and lower sidebands* of a broadcast signal with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. The 107 carrier frequencies assigned to standard broadcast stations shall begin at 540 kHz and be in successive steps of 10 kHz.

2. It is proposed to amend § 73.14 to read as follows:

§ 73.14 Technical definitions.

* * * * *

(j) *AM* modulator stage. *"AM* modulator stage" means the last amplifier stage of the modulating wave which *amplitude* modulates a radiofrequency stage.

(k) *AM* modulated stage. *"AM* modulated stage" means the radiofrequency stage to which the modulator is coupled and in which the *carrier wave* is modulated in accordance with the system of *amplitude* modulation and the characteristics of the modulating wave.

* * * * *

(u) *Stereophonic broadcasting.*

Crosstalk. An undesired signal occurring in one channel caused by an electrical signal in another channel.

Left (or right) signal. The electrical output of a microphone or combination of microphones placed so as to convey the intensity, time, and location of sounds originating predeominantly to the listener's left (or right) of the center of the performing area.

Left (or right) stereophonic channel. The left (or right) signal as electrically reproduced in reception of AM stereophonic broadcasts.

Stereophonic separation. the ratio of the electrical signal caused in the right (or left) stereophonic channel to the electrical signal caused in the left (or right) stereophonic channel by the transmission of only a right (or left) signal.

AM stereophonic broadcast. The transmission of a stereophonic program by a single AM broadcast station utilizing the main channel and a stereophonic channel.

Main channel. The band of frequencies from 50 to 7500 Hertz which amplitude modulates the carrier.

Stereophonic channel. The band of frequencies from 50 to 7500 Hertz containing the stereophonic information which modulates the radiofrequency channel.

3. It is proposed to amend *73.40 to read as follows:*

§ 73.40 Transmitter; design, construction, and safety of life requirements.

(a) * * *

(2) The equipment is capable of satisfactory operation at the authorized operating power or the proposed operating power with *amplitude* modulation of at least 85 to 95 percent with no more distortion than given in subparagraph (3) of this paragraph.

* * * * *

(6) The carrier hum and extraneous noise level, unweighted r.s.s. (exclusive of microphone and studio noises) over

the frequency band 30 to 20,000 Hz is at least 45 dB below the level of a 400 Hz sinusoidal tone, producing 100 percent *amplitude* modulation of the carrier.

* * * * *

4. It is proposed to amend § 73.47 to read as follows:

§ 73.47 Equipment performance measurements.

(a) * * *

(6) Each licensee engaging in stereophonic broadcasting must also make equipment performance measurements utilizing left only and right only input signals to yield the following information:

(i) The same information required by subparagraphs (1), (2), and (4) of this paragraph.

(ii) Data and curves showing audio frequency stereophonic separation for fundamental frequencies of 50, 100, 400, 1000, 5000, and 7500 Hz for 25, 50, and 85 percent amplitude modulation of the carrier.

* * * * *

5. It is proposed to amend § 73.50 to read as follows:

§ 73.50 Requirements for approval of modulation monitors.

* * * * *

(d) The specifications that a modulation monitor must meet before it will be type approved for monitoring stereophonic operation are as follows:

(1) A means for measuring the amplitude modulation percentage of the carrier produced by the main channel signal. For this purpose the instrument must comply with the provisions of paragraph (b) of this section.

(2) A means for measuring the modulation percentage of the carrier produced by the stereophonic channel signal. For this purpose the instrument must comply with the provisions of paragraph (b) of this section.

(3) A means for measuring individually the amplitudes of the left and the right stereophonic channels with a capability of reading stereophonic channel separation of at least 32 dB with an accuracy of ±3 dB.

(4) A means for accurately indicating crosstalk from the main channel into the stereophonic channel, and from the stereophonic channel into the main channel. For this purpose the monitor must have:

(i) A provision for indicating a crosstalk ratio of at least 50 dB.

(ii) A characteristic not exceeding 42 dB of internal crosstalk for any single main channel signal or for any single stereophonic channel signal that modulates the carrier 85 percent.

(5) The requirements of subparagraphs (3) and (4) of this paragraph contemplate the use of sinusoidal test signals.

(6) The stereophonic channel modulation display may be a part of the main channel modulation display. However, if switching of functions is utilized, the peak preset indicator or main channel modulation must be independent of this switching and afford a continuous display of the main channel modulation.

6. It is proposed to amend § 73.55 to read as follows:

§ 73.55 Modulation.

(a) The percentage of *amplitude* modulation shall be maintained at as high a level as is consistent with good quality of transmission and good broadcast service. In no case shall it exceed 100 percent on negative peaks of frequent recurrence, or 125 percent on positive peaks at any time. Generally, modulation should not be less than 85 percent on peaks of frequent recurrence, but where such action may be required to avoid objectionable loudness, the degree of modulation may be reduced to whatever level is necessary for this purpose, even though, under such circumstances, the level may be substantially less than that which produces peaks of frequent recurrence at a level of 85 percent.

7. It is proposed to amend § 73.56 to read as follows:

§ 73.56 Modulation monitors.

(a) Each station shall have installed either at the transmitter site, the extension meter location, or at the remote control point from which the transmitter is controlled, a properly operating modulation monitor of a type approved by the Commission. Except for stations that are operating with an automatic transmission system (ATS), the monitor shall be in continuous operation with the modulation level meter indications available to the operator on duty in charge of the transmitter. *Each station, engaged in stereophonic operation as contemplated by § 73.61, must have in operation a modulation monitor of a type approved by the Commission for monitoring stereophonic operation.*

* * * * *

8. It is proposed to add a new § 73.61 to read as follows:

§ 73.61 Stereophonic broadcasting.

An AM broadcast station may, without further authority from the FCC, transmit stereophonic programs upon installation of type accepted stereophonic transmitting equipment and a type approved stereophonic modulation monitor.

II. The following rule changes are proposed for the Magnavox system:

1. It is proposed to amend § 73.14 to read as follows:

§ 73.14 Technical definitions.

* * * * *

(u) Stereophonic broadcasting.

Nominal (carrier) phase. The angular time variation of the carrier without modulation, expressed as (20f±20) radians.

Phase modulation. A system of modulation where the instantaneous phase of the radio frequency carrier varies from nominal phase in proportion to the instantaneous amplitude of the modulating signal. The instantaneous amplitude of a phase-modulated radio frequency carrier is independent of the modulating signal frequency and amplitude.

Phase deviation. The change in phase of the emitted wave from a nominal phase.

Percentage modulation (phase). The radio of the actual phase deviation expressed in percentage to the phase deviation defined as 100 percent modulation. A phase deviation of ±1 radian peak is defined as 100 percent phase modulation.

Stereophonic identification signal. A sub-audio signal transmitted at a nominal frequency of 5 Hz which identifies the broadcast signal as being stereophonic in nature. Such a signal may, but need not, be sinusoidal.

2. It is proposed to amend § 73.55 to read as follows:

§ 73.55 Modulation.

(a) * * *

(b) Each station transmitting in stereo must comply with the following requirements:

(1) In no case shall amplitude modulation exceed 95 percent on negative peaks of frequent recurrence.

(2) The sub-audio signal will be such as to generate a maximum peak frequency deviation of 18 Hz and a minimum peak frequency deviation of 15 Hz. The modulating signal may be sinusoidal (or a rectangular wave) with a period of 200 milliseconds ±20 milliseconds.

(3) AM and PM modulation percentage must be equal.

* * * * *

3. It is proposed to amend § 73.59 to read as follows:

§ 73.59 Frequency tolerance.

The operating frequency of each station shall be maintained within 20 Hz of the assigned frequency *including the deviations created by the sub-audio frequency modulated signal for those stations transmitting in stereo.*

4. It is proposed to add a new § 73.62 to read as follows:

§ 73.62 Stereophonic transmission standards.

(a) The modulating signal for the main channel shall consist of the sum of the left and right signals.

(b) The modulating signal for the stereophonic channel shall be equal to the difference of the left and right signals (L−R).

(c) The transmitter must comply with the requirements of Section 73.40(a)(2), including 95 percent phase modulation.

(d) The transmitter must comply with the requirements of Section 73.40(a)(3), both for phase and amplitude modulation modes of broadcast.

(e) The transmitter must comply with the requirements of Section 73.40(a)(4), both for phase and amplitude modulation modes of broadcast.

(f) The stereophonic channel modulated hum and extraneous noise, unweighted r.s.s. over the frequency band 30 to 20,000 Hz shall be at least 45 dB below 1 radian phase deviation. The residual frequency modulation noise, unweighted r.s.s. over the band 1 to 30 Hz shall be less than 2 Hz.

(g) At 85 percent amplitude modulation with a 400 Hz modulating signal, the phase modulation shall not exceed 2 percent. At 85 percent phase modulation with a 400 Hz modulating signal, the amplitude modulation shall not exceed 2 percent.

(h) The transmitter shall be capable of generating a frequency modulated signal of ±20 Hz deviation. This system shall accept modulating signals from d.c. to 20 Hz and shall attenuate frequencies above 20 Hz at a rate approaching 12 dB per octave.

(i) At the instant when only a left signal is applied and the modulating voltage is increasing, the main channel modulation envelope shall increase and the stereophonic channel modulation shall phase advance relative to nominal phase.

(j) The AM and PM broadcast signal components shall be transmitted so that the time delay between related amplitude and phase modulation components is less than 5 microseconds.

(k) The transmitter shall contain a device to limit the percentage of negative amplitude modulation so as not to exceed 95 percent on negative peaks of frequent recurrence.

(l) The stereophonic separation between left and right channels shall be better than 26 dB at audio modulating frequencies between 100 and 5000 Hz up to 85 percent both AM and PM modulation.

* * * * *

III. The following rule changes are proposed for the Motorola system:

1. It is proposed to amend § 73.14 to read as follows:

§ 73.14 Technical definitions.

* * * * *

(u) Stereophonic broadcasting.

Percentage modulation (phase). Phase modulation is defined with signals applied to left and right inputs in phase opposition (no amplitude modulation).

In a positive direction:

$$M_p = 1.27\,(+\theta_{cmax}) \times 100$$

In a negative direction:

$$M_p = 1.27\,(-\theta_{cmax}) \times 100$$

where:

M_p = phase modulation level in percent

$+\theta_{cmax}$ = peak positive phase modulation level

$-\theta_{cmax}$ = peak negative phase modulation level

and where:

$$\phi_c \text{ is defined as } \tan^{-1}\left[\frac{m(L(t)-R(t))}{1+m(L(t)+R(t))}\right]$$

* * * * *

2. It is proposed to amend § 73.40 to read as follows:

§ 73.40 Transmitter: Design, construction, and safety of life requirements.

(a) * * *

(3) * * *

(i) When stereophonic transmission is used, the distoration defined in paragraph (3) must be measured in each channel separately.

The distoration measurements for the right channel are to be made with a signal in the right channel only and measured at the right output terminal of the monitor. The distortion measurements for the left channel are to be made with a signal in the left channel only. The distoration measurement for 95 percent modulation is omitted on the left and right only modulation conditions. The signal is then applied to both left and right channels and the distortion is measured at the monitor L+R output terminal.

(ii) When measuring the output at the monitor terminals under the conditions of left and right only input signal, the output when measured on the unused channel of the monitor shall be 20 dB below the channel being measured, or should have a value as defined in subparagraph 6 of this Section, whichever is greater.

(4) The audio frequency transmitting characteristics of the equipment from the microphone terminals (including microphone amplifier unless microphone frequency correction is included, in which event proper allowance shall be made accordingly) to the antenna output does not depart more than 2 decibels (dB) from that at 1000 cycles between 100 and 5000 Hz. *When sterophonic transmission is used the indicated values apply to each channel separately.*

(5) * * *

(6) The carrier hum and extraneous noise level, unweighted r.s.s. (exclusive of microphone and studio noises) over the frequency band 30 to 20000 Hz is at least 45 dB below the level of a 400 Hz sinusoidal tone producing 100 percent amplitude modulation of the carrier. *The values of hum and noise when measured for stereophonic transmission are measured in each channel separately.*

* * * * *

3. It is proposed to add a new § 73.62 to read as follows:

§ 73.62 Stereophonic transmission standards.

(a) The modulating signal for the main channel shall consist of the sum of the left and right signals.

(b) The stereophonic information is transmitted by varying the phase of the carrier in accordance with the following relationship:

$$\phi_c = \tan^{-1}\left[\frac{m(L(t)-R(t))}{1+m(L(t)+R(t))}\right]$$

where:

$L(t)$ = audio signal left channel

$R(t)$ = audio signal right channel

m = modulation factor

and

$m(L(t)+R(t))=1$ for 100 percent amplitude modulation

$m(L(t)-R(t))=$ for 100 percent phase modulation

(c) θ_{cmax} occurs on negative peaks of left or right signals only and should have a maximum value of 1.46 radians (83.66°) when $L(t)=0.9$, $R(t)=0$ or $R(t)=0.9$, $L(t)=0$.

(d) The composite signal contains a pilot tone for indicating the presence of a stereophonic transmission. The 25

Hz tone modulates the carrier phase ±0.04 radians peak (±2.29°). The tone modulates the carrier phase according to the relation:

$$\theta_{pilot} = \tan^{-1}\left[\frac{(0.04 \pm 0.01)\sin 50\pi t}{1 + L(t) + R(t)}\right]$$

where θ is the angular deviation from the pilot unmodulated carrier phase, produced by the tone.

(1) The tone shall produce 0.04±0.01 radian of phase deviation when the carrier unmodulated.

(2) The frequency of the tone shall be 25 Hz.

(3) The tone frequency shall have a tolerance of 1% (±½%).

(e) The radiated signal is given as:

$$E_c = A_c(1+m(L(t)+R(t)))\cos\left[w_c t + \tan^{-1}\left[\frac{m(L(t)-R(t))}{1+m(L(t)+R(t))}\right]\right]$$

* * * * *

IV. The following rule changes are proposed for the Kahn/Hazeltine system:

It is proposed to add a new § 73.62 to read as follows:

§ 73.62 Stereophonic transmission standards.

(a) The modulating signal for the main channel shall consist of the sum of the left and right signals.

(b) An AM stereophonic broadcast signal shall consist of a carrier frequency component and upper and lower sidebands. The lower sideband channel transmits left hand stereo information and the upper sideband shall transmit the right hand stereo information.

(c) The stereophonic wave shall equal or better the following standards:

(1) When L=R, a conventional monophonic AM wave shall be produced.

(2) The AM stereo wave shall be fully compatible in terms of distortion and frequency response with conventional, monophonic AM receivers.

(3) The AM stereo wave's monophonic characteristic specification shall be identical with the AM broadcast standards contained in Section 73.40.

(4) When either the L or R signals are absent and the remaining signal is fully modulated:

(i) the phase modulation component should have a peak phase deviation of 31° ± 3°with approximately 4° representing the second harmonic of the audio signal, and the envelope modulation should have a peak modulation of 50 percent ± 1 percent, and

(ii) The ratio of energy between the two sidebands shall equal or exceed 100 to 1 in power (20 dB) for modulation frequencies from 100 to 5000 Hz and shall exceed 400 to 1 in power (26 dB) for 250 to 3000 Hz and 1000 to 1 in power (30 dB) at 1000 Hz.

* * * * *

V. The following rule changes are proposed for the Belar system:

1. It is proposed to amend § 73.14 to read as follows:

§ 73.14 Technical definitions.

* * * * *

(u) Stereophonic broadcasting.

Center frequency. The term "center frequency" means:

(1) The average frequency of the emitted wave when modulated by sinusoidal signal.

(2) The frequency of the emitted wave without modulation.

Frequency modulation. A system of modulation where the instantaneous radio frequency varies in proportion to the instantaneous amplitude of the modulating signal (amplitude of modulating signal to be measured after preemphasis) and the instantaneous radio frequency is independent of the frequency of the modulating signal.

Frequency swing. The instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

Percentage modulation. The ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation, expressed in percentage. For AM stereophonic broadcast stations, a frequency swing of ◊312.5 Hz is defined as 100 percent modulation.

2. It is proposed to amend § 73.55 to read as follows:

§ 73.55 Modulation.

(a) * * *

(b) For stations transmitting in stereo:

(1) The AM and FM modulation percentage must be equal.

(2) The percentage of amplitude modulation shall not exceed 95 percent on negative peaks of frequent recurrence.

3. It is proposed to amend § 73.59 to read as follows:

§ 73.59 Frequency tolerance.

The operating *center* frequency of each station shall be maintained within 20 Hz of the assigned frequency.

4. It is proposed to add a new § 73.62 to read as follows:

§ 73.62 Stereophonic transmission standards.

(a) The modulating signal for the main channel shall consist of the sum of the left and right signals.

(b) The modulating signal for the stereophonic channel shall be equal to the difference of the left and right signals (L−R).

(c) The stereophonic channel shall be pre-emphasized according to a 400-microsecond time constant.

(d) Amplitude modulation of the carrier shall be used for the main channel.

(e) Frequency modulation of the carrier shall be used for the stereophonic channel.

(f) At the instant when only a positive left signal is applied, the main channel modulation envelope shall increase (positive modulation) and the stereophonic channel modulation shall cause the carrier frequency to increase.

(g) The AM and FM broadcast signal components shall be transmitted so that the time delay between related amplitude and frequency modulated components is less than 2.5 microseconds.

(h) The transmitter shall contain a device to limit the percentage of negative amplitude modulation so as not to exceed 95 percent on negative peaks of frequent recurrence.

(i) The stereophonic separation between left and right stereophonic channels shall be at least 26 dB at audio modulating frequencies between 100 and 5,000 Hz up to 85 percent modulation.

(j) The transmitter must comply with the requirements of § 73.40(a)(2)

including 95 percent frequency modulation.

(k) The transmitter must comply with the requirements of § 73.40(a)(3) for both the frequency and amplitude modulation modes of the transmitter.

(l) The transmitter must comply with the requirements of § 73.40(a)(4) for both the frequency and amplitude modulation modes of the transmitter.

(m) (1) The transmitter must comply with the requirements of § 73.40(a)(6).

(2) In addition, the stereophonic channel modulated hum and extraneous noise, unweighted r.s.s. over the frequency band 30 to 20,000 Hz shall be at least 45 dB below 100 percent FM modulation (312.5 Hz peak deviation or 5.21 radians phase deviation at 60 Hz).

(n) At 85 percent amplitude modulation with a 400 Hz modulating signal, the equivalent frequency modulation shall not exceed 2 percent. At 85 percent frequency modulation with a 400 Hz modulating signal, the amplitude modulation shall not exceed 2 percent.

VI. The following rule changes are proposed for the Harris system:

1. It is proposed to amend § 73.14 to read as follows:

§ 73.14 Technical definitions.

* * * * *

(u) Stereophonic broadcasting.

Phase modulation. A system of modulation where the instantaneous phase of the radio frequency carrier varies from nominal phase in proportion to the instantaneous amplitude of the modulating signal. The instantaneous amplitude of a phase-modulated radio frequency carrier is independent of the modulating signal frequency and amplitude.

Stereophonic identification signal. A subaudio signal transmitted at a nominal frequency of 25 Hz at 9 percent phase modulation. This tone identifies the broadcast signal as being stereophonic in nature.

Phase deviation. The change in phase of the transmitted wave from a nominal phase.

Nominal (carrier) phase. The angular time variation of the carrier without modulation, expressed as $(2\pi f \pm 2\pi)$ radians.

Percentage modulation (phase). The ratio of the actual phase deviation expressed in percentage to the phase deviation defined as 100 percent modulation. A phase deviation of 100 percent is defined as giving the same sideband amplitude as 26.8 percent envelope modulation.

2. It is proposed to amend § 73.40 to read as follows:

§ 73.40 Transmitter; design, construction, and safety of life requirements.

* * * * *

(a) * * *

(3) The total audio frequency distortion from microphone terminals, including microphone amplifier, to antenna output does not exceed 5 percent harmonics (voltage measurements of arithmetical sum or r.s.s.) when modulated from 0 to 84 percent, and not over 7.5 percent harmonics (voltage measurements of arithmetical sum or r.s.s.) when modulating 85 percent to 95 percent (distortion shall be measured with modulating frequencies of 50, 100, 400, 1000, 5000, and 7500 Hertz (Hz) up to the 10th harmonic or 16,000 Hz, or any intermediate frequency that readings on these frequencies indicate is desirable). *When stereophonic transmission is used, the distortion must be measured in each channel separately. The distortion measurements for the right channel are to be made with a signal in the right channel only and measured at the right output terminal of the monitor. The distortion measurements for the left channel are to be made with a signal in the left channel only. The distortion measurement for 95 percent modulation is omitted on the left and right only modulation conditions. The signal is then applied to both left and right channels and the distortion is measured at the monitor L+R output terminal.*

(4) The audio frequency transmitting characteristics of the equipment from the microphone terminals (including microphone amplifier unless microphone frequency correction is included, in which event proper allowance shall be made accordingly) to the antenna output does not depart more than 2 decibels (dB) from that at 1000 cycles between 100 and 5000 Hz. *When stereophonic transmission is used the indicated values apply to each channel separately.*

(5) * * *

(6) The carrier hum and extraneous noise level, unweighted r.s.s. (exclusive of microphone and studio noises) over the frequency band 30 to 20,000 Hz is at least 45 dB below the level of a 400 Hz sinusoidal tone producing 100 percent amplitude modulation of the carrier. *The values of hum and noise when measured for stereophonic transmission are measured in each channel separately.*

* * * * *

3. It is proposed to add a new § 73.62 to read as follows:

§ 73.62 Stereophonic transmission standards.

(a) The main channel information is transmitted by varying the amplitude of the carrier in accordance with the following relationship:

$$V_c(t) = [[1 + (L(t) + R(t)) \cos \theta]^2 + [(L(t) - R(t)) \sin \theta]^2]^{1/2}$$

where $\theta = 15°$.

(b) The stereophonic channel information is transmitted by varying the phase of the carrier in accordance with the following relationship:

$$\phi_c(t) = \tan^{-1}\left[\frac{(L(t)-R(t))\sin\theta}{1+(L(t)+R(t))\cos\theta}\right]$$

where $\theta = 15°$.

(c) The stereophonic separation between left and right channels shall be a minimum of 20 dB at audio modulating frequencies between 100 Hz and 5000 Hz up to 85 percent modulation.

(d) The amplitude and phase modulation signal components shall be transmitted so that the time delay between related amplitude and phase modulation components is less than 5 microseconds.

(e) The composite signal contains a pilot tone for indicating the presence of a stereophonic transmission. The 25 Hz tone phase modulates the L − R channel at 9 percent modulation.

[FR Doc. 78-29560 Filed 10-18-78; 8:45 am]

[6712-01-M]

[47 CFR Part 76]

[CT Docket No. 78-233; FCC 78-544]

NETWORK NONDUPLICATION RULES

Proposed Rulemaking

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking in CT docket No. 78-233.

SUMMARY: The Federal Communications Commission proposes to amend its regulations to eliminate network nonduplication protection for programs of less than 30 minutes duration. The protection is afforded to

local television broadcast stations carried on a cable television system and showing network programs which are being broadcast simultaneously by a more "distant" television station. The amendment would relieve an undue burden imposed on cable operators who must engage in program switching to "block out" the distant signal for the duration of the duplicate network programing.

DATES: Comments must be received on or before December 18, 1978, and reply comments on or before January 17, 1979.

ADDRESS: Office of the Secretary, Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Jim Ewalt, Cable Television Bureau, 202-632-6468.

SUPPLEMENTARY INFORMATION:

Adopted: July 27, 1978.

Released: October 11, 1978.

By the Commission: Commissioners Lee, Washburn, and White concurring in the result.

In the matter of amendment of part 76 of the Commission's rules and regulations concerning the network nonduplication rules, CT docket No. 78-233.

1. The Commission's rules [1] provide that "local television broadcast stations carried on a cable television system, are entitled to receive nonduplication protection against network programs broadcast simultaneously by a more "distant" television station. Nonduplication protection is afforded to broadcast stations in order to prevent fragmentation of their audiences by distant stations imported by the cable system and not otherwise available to the viewers within the market. Operators of cable television systems therefore, upon proper notification from a local broadcaster, are obligated to provide the requested protection by "blacking-out" the distant signal for the duration of the duplicate network programing. The Commission believes this obligation fails to serve its intended purpose and becomes unduly burdensome when applied so as to require cable operators to engage in program switching more than every half-hour and therefore should be eliminated in its application to programs of short duration. For this reason notice of proposed rulemaking is hereby given in this matter.[2]

2. We believe elimination of network nonduplication protection for programs of short duration would not impact adversely a station's local audience share and would eliminate an undue burden currently imposed on cable operators. Network programing falling within the exemption appears to be minimal, and that which does is most often of considerably shorter duration than 30 minutes.[3] Additionally, much of this programing would not be affected because it is surrounded by enough other network programing so that the total programing sequence exceeds 30 minutes. Loss of audience during these infrequent, short periods would be minimal. From the cable operator's standpoint, we note that affording protection for these shorter intervals imposes an additional burden. The operator must purchase and install switching equipment capable of being programed for less than the standard 30-minute intervals, or provide for manual switching by system personnel. His alternative, to afford protection throughout the entire 30-minute time period, would deprive subscribers of the other, nonduplicated programing broadcast during the 30-minute period.

3. We wish, in proposing this action, to make it clear that it is not our intention to exempt cable operators from compliance when a particular half-hour is occupied by more than one network program such as a 25-minute program and a 5-minute "news-break" or when the program is 28 minutes long with 2 minutes of associated advertising. Comment is requested on the following two possible formulations of the rules:

A. § 76.95 *Exceptions.*

(e) Nothwithstanding the requirements of §§ 76.92 and 76.94, a community unit need not delete reception of any program which, from the beginning to the end of the network-fed material, is of less than (alternatively, 10, 15, or 20) minutes duration.

B. § 76.95 *Exceptions.*

(e) Nothwithstanding the requirements of §§ 76.92 and 76.94, a community unit need not delete reception of any programing sequence which, including programing, associated network and local commercials, and other nonprogram material, lasts less than 30 minutes.

In addition to comments on the specific rules involved, it would also be useful to have information relating to the frequency with which nonduplication problems of this type occur including an identification of particular cable operators who have encountered the problem, the cost and difficulty of complying with nonduplication protection requests of this type, and the impact failure to provide such protection would have on local broadcasters. If it appears that this is an isolated problem, parties may wish to comment on whether ad hoc relief granted in particular circumstances would be a desirable alternative to a change in the rules. Finally, comments are requested on the rationale for this change in the rules, which is that the cost of providing nonduplication protection for these short programs is unduly expensive and complicated when compared to the benefits the rule provides.

Authority for the rulemaking proposed herein is contained in sections 1, 2, 3, 4 (i) and (j), 301, 303, 307, 308, 309, and 403 of the Communications Act of 1934, as amended. All interested parties are invited to file written comments on or before December 18, 1978, and reply comments on or before January 17, 1979. In reaching a decision on this matter, we may take into account any other relevant information before us, in addition to the comments invited by this notice.

In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and five copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. Participants filing the required copies who also wish each Commissioner to have a personal copy of the comments may file an additional six copies. Members of the general public who wish to express their interest by participating informally in the rulemaking proceeding may do so by submitting one copy of the comments, without regard to form, provided only that the docket number is specified in the heading. Responses will be available for public inspection during regular business hours in the Commission's Docket Reference Room at its Headquarters, 1919 M Street NW., Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-29482 Filed 10-18-78; 8:45 am]

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[1] Secs. 76.92 and 76.94.

[2] In *TelePrompTer of Florida, Inc.*, FCC 78-250, FCC 2d (1978), we denied a petition for special relief, and ordered the cable operator to afford protection for a network program of only 5 minutes duration. Of course, that was not the proper forum for us to amend our rules and therefore, we have instituted sua sponte, this proceeding.

[3] The networks currently schedule 9 regular programs of short duration (ABC, 4; CBS, 4; NBC, 1). The subject matter of all of the programs is news, with the exception of ABC Minute Magazine and School House Rock. Of course, for many of these programs there is a longer but nevertheless shorter than 30-minute program which occupies the rest of the half-hour involved, such as Love of Life which precedes the CBS Midday News.

[4910-59-M]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 570]

[Docket No. 73-9; Notice 13]

VEHICLE IN USE INSPECTION STANDARDS

Notice of Docket Entry

AGENCY: National Highway Traffic Safety Administration.

ACTION: Rulemaking status report.

SUMMARY: This notice advises the public of the entry in the docket of a report concerning the use of spacers in the suspension systems of motor vehicles.

ADDRESS: Copies of the report are available from: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

William Ostapenko, Office of State Vehicle Programs, Traffic Safety Programs, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-1597, or Frederic Schwartz, Jr., Office of Chief Counsel, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-1834.

SUPPLEMENTARY INFORMATION: On September 23, 1976, the National Highway Traffic Safety Administration (NHTSA) issued a Notice of Proposed Rulemaking which proposed permitting the use of two resilient spacers per spring in the suspension system of vehicles with a GVWR of 10,000 pounds or less (Docket No. 73-9; Notice 11, 41 FR 43191, September 30, 1976. The proposal was in response to a petition from JAMCO International, Inc.

In response to this proposal, a number of comments were received. None, however, addressed themselves to whether the use of spacers presented a potential degradation of safety. For this reason, the NHTSA contracted for research to be carried out on the effects of spring sag on vehicle handling and braking. The final report of the contractor has been placed in the docket. So that public comment on the report may be received, the NHTSA will not take final rulemaking action until after November 1, 1978.

The principal author of this notice is Frederic Schwartz, Jr., of the Office of Chief Counsel.

Issued on October 13, 1978.

CHARLES F. LIVINGSTON,
Acting Associate Administrator, Traffic Safety Programs.

[FR Doc. 78-29615 Filed 10-18-78; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 226]

CRITICAL HABITAT OF ENDANGERED AND THREATENED FISH AND WILDLIFE

Proposed Determination of Critical Habitat for Kemp's Ridley and Loggerhead Sea Turtles

AGENCY: National Marine Fisheries Service.

ACTION: Proposed designation of Critical Habitat; correction.

SUMMARY: In FR Doc. 78-28018 appearing at page 45905 in the issue for Wednesday, October 4, 1978, in the third column of page 45906, lines two and three of the first paragraph now reading "perature and possible shell passively at the surface." Should have read "perature and become highly susceptible to predation or may die while drifting passively at the surface. Lastly, turtles captured during the surveys exhibited shell damage that may have been caused by contact with trawl doors or collisions with vessels."

ADDRESS: Assistant Administrator for Fisheries,. National Marine Fisheries Service, National Oceanic and Atmospheric Administration, 3300 White- haven Street, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard B. Roe, Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, 202-634-7287.

Dated: October 13, 1978.

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

[FR Doc. 78-29556 Filed 10-18-78; 8:45 am]

[1505-01-M]

[50 CFR Part 226]

CRITICAL HABITAT OF ENDANGERED AND THREATENED FISH AND WILDLIFE

Proposed Determination of Critical Habitat for Kemp's Ridley and Loggerhead Sea Turtles

Correction

In FR Doc. 78-27979 appearing at page 45905 in the issue for Wednesday, October 4, 1978, make the following corrections:

(1) In the heading on page 45905, the word "Porposed" should read "Proposed".

(2) On page 45096, in the first column, in the fourth line from the top, "gulf" should be capitalized to read "Gulf".

(3) On page 45906, in the middle column, in the first and second lines, the word "undistributed" should be "undisturbed".

(4) On page 45906, in the third column, the the last paragraph, in the 10th line, the word "draown" should read "drawn".

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

Official Designation of the Lewiston Grain Inspection Service, Lewiston, Idaho, and Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and request for comments.

SUMMARY: This notice announces the designation of the Lewiston Grain Inspection Service, Lewiston, Idaho, as an official agency to perform grain inspection services under the authority of the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.). This notice also proposes a geographic area within which that agency will operate, and announces a name change for that agency as a result of their incorporation.

DATE: Comments by November 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Edith A. Christensen, Federal Grain Inspection Service, Compliance Division, Delegation and Designation Branch, 201 14th Street SW., Room 2405, Auditors Building, Washington, D.C. 20250, 202-447-8525.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 et seq., hereinafter the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to sections 7 and 7A of the Act, the Administrator of the Federal Grain Inspection Service (FGIS), has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services (7 U.S.C. 79 and 79a). Such designation shall terminate triennially (7 U.S.C. 79(g)(1) and 79a(c)).

The Lewiston Grain Inspection Service, an existing official agency, made application to be officially designated under the Act, as amended, to perform official inspection functions, not including official weighing.

This is to announce that the FGIS conducted the required investigation of the Lewiston Grain Inspection Service which included an onsite review of the inspection point and a determination of the nature of any proscribed conflicts of interest that might have existed. The investigation showed that the inspection functions of that agency were in compliance with the Act and that no conflict of interest situations existed.

As a result, the Lewiston Grain Inspection Service was deemed eligible for designation to perform official inspection functions (other than appeal inspection), not including official weighing. A documnt designating the Lewiston Grain Inspection Service as an official agency was signed on July 24, 1978. Said designation also included an interim assignment of geographic area within which the official agency shall officially inspect grain. The geographic area assigned on an interim basis pending final determination in this matter is: The State of Idaho north of the counties of Adams, Valley, and Lemhi.

Interested persons may obtain a map of the proposed geographic area from the Compliance Division, Delegation and Designation Branch.

NOTE: Section 7(f)(2) of the Act (7 U.S.C. 79(f)) generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

The specified service point of this agency is Lewiston, Idaho, located within the proposed geographic area. The designation document provides for the inclusion of additional service points which may be established in the future, within the agency's geographic area.

Publication of this notice does not preclude future amendment of this designation consistent with the provisions and objectives of the Act.

Notice is also given that the Lewiston Grain Inspection Service has changed its name, effective September 1, to the Lewiston Grain Inspection Service, Incorporated. This name change was made because the owners of that agency formed a corporation. This change in name does not involve a change in management or ownership.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to this agency. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, 201 14th Street SW., Room 2405, Auditors Building, Washington, D.C. 20250. All materials should be mailed to the Director not later than November 20, 1978. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments and so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made with respect to this matter.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79); sec. 9, Pub. L. 94-582, 90 Stat. 2875 (7 U.S.C. 79a); sec. 27, Pub. L. 94-582, 90 Stat. 2889 (7 U.S.C. 74 note).)

Done in Washington, D.C., on October 13, 1978.

DAVID C. MANGUM,
Acting Administrator.

[FR Doc. 78-29508 Filed 10-18-78; 8:45 am]

[3410-11-M]

Forest Service

ROADLESS AREA REVIEW AND EVALUATION (RARE II)

Amendment to the Inventory List

Notice is hereby given of amendment to the inventory of roadless and undeveloped areas within the National Forests and Grasslands. The inventory as published in the FEDERAL REGISTER Friday, November 18, 1977, pages 59690-59715, was amended Tuesday, February 14, 1978, pages 6291-6292, Thursday, June 8, 1978, pages 24876-24881, and Tuesday, October 3, 1978, pages 45754-45755.

The inventory is subject to adjustments from time to time as corrected data become available, as areas are modified or areas are added or deleted

from the list. This amendment contains two changes to delete private land from an inventoried area, the size of one area is increased to include additional acreage found to meet inventory criteria, and six changes reflect a recalculation of acreage.

The amendments are listed by State and National Forest in the same order as the original list. Acreages shown are gross acres.

States: Alabama—
National Forests in Alabama: Change 8212, Big Bay, to 2,686 acres (reflects reduction of 311 acres to exclude private land).
State: Montana—
Flathead National Forest: Change 1485, Bear-Marshl-Scapegt-Swan, to 245,179 acres.
Helena National Forest: Change 1616, Camas Creek, to 40,800 acres; change 1617, Mount Baldy, to 16,800 acres; change 1618, Grassy Mountain, to 5,600 acres (reflects recalculation of acreage).
Lewis and Clark National Forest: Change 1485, Bear-Marshl-Scapegt-Swan, to 329,600 acres (corrects acreage for contiguous portion of the administration endorsed Great Bear Wilderness).
State: North Carolina—
National Forests in North Carolina: Change 8203, Birkhead Mountains, to 5,759 acres (reflects reduction of 1,051 acres to exclude private land).
State: New Mexico—
Cibola National Forest: Change 3013, Apache Kid, to 131,810 acres (adds 14,180 acres which have been found to meet inventory criteria).
State: Utah—
Manti LaSal National Forest: Change 4436, Park-Woodenshoe Canyon, to 43,400 acres (reflects recalculation of acreage).

Dated: October 12, 1978.

THOMAS C. NELSON,
Acting Chief.

[FR Doc. 78-29500 Filed 10-18-78; 8:45 am]

[3410-11-M]

ROGUE NATIONAL WILD AND SCENIC RIVER

In accordance with Pub. L. 90-542, enclosed are the boundary descriptions for the portion of the Rogue Wild and Scenic River administered by the Forest Service.

The Rogue Wild and Scenic River is jointly administered by the Bureau of Land Management, U.S. Department of the Interior and the Forest Service, U.S. Department of Agriculture. The boundary description of the portion of the Rogue administered by the Bureau of Land Management appeared in the July 7, 1972, FEDERAL REGISTER.

THOMAS C. NELSON,
Acting Chief.

OCTOBER 12, 1978.

Enclosure.

DESCRIPTION OF ROGUE RIVER NATIONAL WILD AND SCENIC RIVER

The Rogue River National Wild and Scenic River shall include all the parcels of land described below: (Willamette Meridian).

T. 33 S., R. 10 W.,
Sec. 9, lots 5 and 6, and E½SW¼SW¼;
Sec. 16, lots 1, 2, 3, 4, 5, 6, 7, and 8, and NW¼NE¼; E½NW¼NW¼; SW¼NW¼NW¼; W½SW¼ NE¼; NE¼NE¼SW¼; W½NE¼SW¼;
Sec. 17, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and W½NW¼NE¼; S½NE¼NW¼; S½NW¼NW¼; SE¼NW¼; W½SW¼ NE¼; SE¼SW¼NE¼; SW¼SE¼NE¼; E½SE¼NE¼; NW¼SE¼;
Sec. 18, lots 3, 4, 5, 6, 7, 8, 11, 13, 14, 15, 16, 17, 18, 19, and 20, and E½NW¼SW¼; E½W½NW¼SW¼; S½NE¼NE¼; S½ NW¼NE¼; S½NE¼NW¼; S½SE¼;
Sec. 19, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and NE¼SE¼NE¼; SW¼NE¼; NW¼ SE¼; W½SW¼SE¼; NE¼SW¼SE¼;
Sec. 20, lots 1, 2, 3, 4 and N½SW¼NW¼; N½SE¼NW¼; N½SW¼NE¼; NW¼SE¼ NE¼;
Sec. 21, lot 4;
Sec. 30, lots 1 and 2, and NE¼NE¼NW¼; W½NE¼NW¼.
T. 33 S., R. 11 W.,
Sec. 24, SE¼SE¼SE¼;
Sec. 25, lots 1, 2, 3, 4, 5, and 6, and E½NW¼NE¼; SW¼NW¼NE¼; S½NE¼ NW¼; NW¼SE¼NW¼; E½SE¼NW¼; NW¼SE¼SE¼; E½SE¼SE¼;
Sec. 34, lots 1 and 2, and S½NE¼SE¼; S½NW¼SE¼;
Sec. 35, lots 1, 2, 3, 4, 5, and 6, and NE¼NE¼; E½NW¼NE¼; SW¼SW¼ NE¼; E½SW¼NE¼; SE¼NE¼; E½NE¼ SW¼; SW¼NE¼SW¼; S½NW¼SW¼;
Sec. 36, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and S½NE¼NE¼; S½NW¼NE¼; S½ NE¼NW¼; W½NW¼.
T. 34 S., R. 10½ W.,
Sec. 6, lot 3.
T. 34 S., R. 11 W.,
Sec. 1, lots 1, 2, 3, and 4;
Sec. 2, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, and N½SE¼NE¼; NW¼NW¼SE¼; N½NE¼ SW¼; W½SW¼SW¼;
Sec. 3, lots 5, 6, 7, 8, 9, and 10, and SW¼SE¼NE¼; E½SE¼NE¼; NW¼ SE¼; SE¼NE¼SW¼; SW¼SW¼SW¼; E½ SW¼SW¼;
Sec. 4, S½SE¼SE¼;
Sec. 7, E½NE¼SE¼; E½SE¼SE¼;
Sec. 8, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, and S½NE¼SE¼;
Sec. 9, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, 10, and 11, and NW¼NE¼; SE¼NE¼NW¼; E½SW¼NW¼; N½NE¼SE¼; NW¼SW¼SE¼;
Sec. 10, lots 1, 3, 4, and 5, and NW¼NE¼NE¼; NE¼NW¼NE¼; W½ NW¼NE¼; NW¼SE¼NW¼; E½SW¼NW¼;
Sec. 16, lot 1 and W½NE¼NW¼;
Sec. 17, lots 1, 2, 3, 4, 5, 6, and 7, and NE¼NW¼; W½SE¼NW¼; W½SW¼ SW¼;
Sec. 18, lots 5, 6, and 7, and E½NE¼NE¼; E½SE¼NE¼; SE¼SW¼SE¼;
Sec. 19, lots 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, and 15, and NW¼SW¼SE¼;
Sec. 30, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10;
Sec. 31, lots 1, 3, 4, 5, 6, 7, 8, 11, 12, 13, and 14, and W½SW¼NE¼; W½NW¼SE¼; W½SW¼SE¼.
T. 35 S., R. 11 W.,
Sec. 5, lot 7;
Sec. 6, lots 2, 3, 4, 5, 6, 7, 8, 9, and 10, and SW¼SE¼NE¼;
Sec. 7, lots 1, 2, 3, 4, 5, 6, 7, 9, and 10, and W½SE¼NE¼; NE¼SE¼;
Sec. 8, lot 1;
Sec. 18, lots 1, 2, 3, 10, 11, and 14, and NW¼NW¼NE¼.
T. 35 S., R. 12 W.,
Sec. 10, lots 1, 2, 3, 4, 5, 6, 7, and 16, and NW¼SE¼;
Sec. 11, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, 18, and 19, and N½SW¼SE¼;
Sec. 12, lots 1, 2, 3, 4, 5, 6, and 7, and SW¼NE¼SE¼; S½NW¼SE¼; SE¼NE¼ SW¼;
Sec. 13, lots 1, 2, 3, 4, 5, and 6;
Sec. 14, E½NE¼NE¼; NW¼NE¼NE¼; N½NE¼NW¼; N½NW¼NW¼;
Sec. 15, lots 1, 2, and 3, and N½NE¼NE¼; N½NW¼NE¼; NE¼NW¼; NW¼SE¼ NW¼; NW¼NW¼SW¼;
Sec. 16, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, and SE¼NW¼NE¼; SE¼SE¼NW¼; NE¼ SE¼; SE¼NW¼SW¼; W½SE¼SE¼;
Sec. 20, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, and SW¼SW¼NE¼; E½SW¼NE¼; E½NE¼ SW¼; SW¼NE¼SW¼; SW¼SW¼SW¼; E½SW¼SW¼; W½SE¼SE¼; NE¼ SE¼SE¼;
Sec. 21, lots 1, 2, 3, 4, 6, and 10, and SE¼NW¼;
Sec. 29, lots 1, 2, and 3, and NW¼NE¼; W½SE¼NW¼; NE¼SE¼NW¼; N½SW¼ NE¼; NW¼SW¼; NW¼SW¼SW¼;
Sec. 30, lots 5, 6, 7, 8, 9, 10, and 11, and E½NE¼NE¼; SW¼NE¼NE¼; S½NE¼ SW¼; SE¼SW¼;
Sec. 31, lots 1, 2, 3, 4, 5, 6, and 7, and W½SW¼NE¼; NE¼SW¼NE¼; NW¼ NE¼SW¼.
T. 35 S., R. 13 W.,
Sec. 31, lots 4, 5, 6, and 7, and N½SW¼SE¼; N½SE¼SE¼; and that portion of lot 3 east of the Lobster Creek Road; and that portion of lot 8 east of a line running due south from the intersection of the centerline of the Lobster Creek Bridge with the south end of the bridge; and that portion of the N½SE¼SW¼ east of a line running due south from the intersection of the centerline of the Lobster Creek Bridge with the south end of the bridge;
Sec. 32, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, and N½SW¼SW¼; N½SE¼SW¼; N½SW¼ SE¼;
Sec. 33, lots 1, 2, 3, 4, 5, 6, 7, and 8, and S½SW¼NW¼;
Sec. 34, lots 1, 2, 3, 4, 5, 6, and 7, and SE¼SE¼NW¼; S½SW¼NE¼; W½NE¼ SE¼;
Sec. 35, S½SW¼SW¼;
Sec. 36, lots 1, 2, 3, 4, and 5, and E½NE¼NE¼; SW¼NE¼NE¼; E½NE¼ SW¼; E½SE¼SW¼; N½SE¼SE¼.
T. 36 S., R. 13 W.,
Sec. 1, lots 1, 2, 4, 5, 6, 7, and 8, and NW¼SE¼; NE¼SW¼;
Sec. 2, lots 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, and 14;
Sec. 3, lots 1, 2, 3, 16, and 17.

[FR Doc. 78-29501 Filed 10-18-78; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket 33617; Order 78-10-60]

AMERICAN AIRLINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of October, 1978.

On September 1, 1978, American Airlines, Inc. (American), filed fare increases for effect October 16, 1978, in most of its United States-Caribbean/Bermuda markets. First-class and economy-class fares would be increased 5 percent and round-trip Super Saver fares between interior U.S. points and Bermuda would be increased $6. Individual and group inclusive-tour fares would not increase nor would excursion fares between Aruba/Curacao and Baltimore, New York, Philadelphia and Washington.

In support of the filing, American says that even with the proposed increases its operations would produce a rate of return far below permitted levels.[1] It argues that its forecast of 1979 costs is reasonable; the proposed fares are related to experienced and contracted cost increases only; and since the forecast is premised on continued high load factors,[2] the increases are fully justified.

The Board concludes that the proposed increases in first-class fares between the United States and Barbados, Fort de France, and Pointe a Pitre may be unlawful and should be investigated.[3] We find that the proposed increases in these first-class fares would result in increased excess-baggage charges from points where weight-based baggage systems apply. The Board explored the merits of a weight-based baggage system in our formal investigation in Docket 24869.[4] We concluded that space, not weight, is the principal factor determining the cost of baggage services; weight may not be the sole determinant of the amount of baggage a passenger may carry without additional charge; and excess-baggage charges assessed at the rate of one percent of the one-way first-class fare per kilogram are unjust and unreasonable, in violation of section 404(a) of the Federal Aviation Act of 1958.[5] We have reaffirmed these findings in subsequent orders.[6] Because use of the weight system subjects passengers to unjustified baggage allowance restrictions and exorbitant excess-baggage charges tied to first-class fares, we will not permit increases in these fares.[7]

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204(a), 403, 801 and 1002(j), thereof,

1. We institute and investigation to determine whether the fares and provisions set forth in Appendix A, and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, we suspend the tariff provisions specified in Appendix A[8] and their use is deferred from October 16, 1978, to and including October 16, 1979, unless otherwise ordered by the Board, and no changes shall be made therein during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President[9] and it shall become effective on October 16, 1978.

4. We will file copies of this aforesaid tariffs and serve it on American Airlines, Inc.

We will publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[10]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-29551 Filed 10-18-78; 8:45 am]

[1505-01-M]

[Order 78-10-53; Dockets 30697, et al.]

CARIBBEAN AREA SERVICE INVESTIGATION, ET AL.

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of October 1978.

In the matter of Caribbean Area Service Investigation (Docket 30697); Applications of Puerto Rico Airlines Corp. (Docket 29702); Conner Air Lines, Inc. (Docket 31120); National Airlines, Inc. (Docket 31136); Southern Airways, Inc. (Docket 31137); Eastern Air LInes, Inc. (Docket 31140); North Central Airlines, Inc. (Docket 31144); Evergreen International Airlines (Docket 31146); American Airlines, Inc. (Docket 31152); Trans Carib Air, Inc. (Docket 31153); Western Air Lines, Inc. (Docket 32438); Braniff Airways, Inc. (Docket 32448); Air Florida, Inc. (Docket 32450); Southeast Airlines, Inc. (Docket 32453); Ozark Air Lines, Inc. (Docket 32467); J. N. Lillard d.b.a. Trans-Continent Airlines (Docket 32779).

By Order 77-4-28, April 6, 1977, the Board instituted this proceeding and requested comments on its scope. After receiving comments from numerous carriers and civic parties, the Board issued Order 78-3-112, March 23, 1978; it defined the scope of the *Caribbean Area Service Investigation* to include the issue of the need for additional air transportation "between any point or points in the United States and any point or points in the Caribbean area (footnote omitted) and between or among any points in the Caribbean area * * *."[1] That order also granted various petitions for intervention and outstanding motions to consolidate applications which conformed to the scope of the proceeding as there defined. The Board set 20 days for the filing of any additional applications and motions to consolidate.

In response to the scoping order, applications and/or amendments to applications, together with motions to consolidate were filed by Puerto Rico Airlines, Docket 29702; Conner Air Lines, Docket 31120; National Airlines, Docket 31136; Southern Airways, Docket 31137; Eastern Air Lines, Docket 31140; North Central Airlines, Docket 31144; Evergreen International

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[1] American forecasts returns on investment of 3.2 percent and 8.4 percent under existing and proposed fares, respectively, for calendar year 1979.

[2] American's forecast costs assume an average load factor of 63.9 percent. For the 12 months ended June 30, 1978, American experienced an average load factor of 64.6 percent in its mainland United States-Caribbean operations.

[3] American has demonstrated a need for additional revenue so the other fares will be permitted to take effect.

[4] *Baggage Allowance Tariff Rules in Overseas and Foreign Air Transportation* case, Order 76-3-81, Mar. 12, 1976.

[5] In Order 76-3-81, we found the carriers' baggage costs more closely approximate seven-tenths of one percent of the one-way economy fare per kilogram.

[6] See, for example, Orders 78-4-80, Apr. 14, 1978, 78-1-68, Jan. 17, 1978, 77-4-97, Apr. 20, 1977, 77-3-36, Mar. 7, 1977, and 76-5-26, May 10, 1976.

[7] See, for example, Orders 78-7-112, July 21, 1978, 78-2-106, Feb. 23, 1978, 78-8-25, July 25, 1978, and 76-10-108, Oct. 15, 1976.

[8] Appendix A was filed as a part of the original document.

[9] We submitted this order to the President on October 5, 1978.

[10] All members concurred.

[1] The Caribbean area was defined to include 32 destinations, including Puerto Rico and the U.S. Virgin Islands. The Boston/New York/Philadelphia/Washington/Baltimore-Puerto Rico/Virgin Islands markets are also at issue in Docket 32293, and we generally do not institute proceedings that consider markets that are already at issue in pending cases. We did so here, however, in order to respond quickly to a pressing need for improved service in the Northeast Points-Puerto Rico/Virgin Islands markets and, at the same time, provide all interested airlines with a fair opportunity to prosecute applications for new or improved Caribbean authority. As it turns out, one carrier (Puerto Rico Airlines) was unable to meet the expedited procedural schedule established in Docket 32293 and has requested that we consolidate its application for New York-Puerto Rico authority into this case. We will grant its request.

Airlines, Docket 31146; American Airlines, Docket 31152; Trans Carib Air (formerly Caribbean International Airlines), Docket 31153; Western Air Lines, Docket 32438; Braniff Airways, Docket 32448; Air Florida, Docket 32450; Southeast Airlines, Docket 32453; Ozark Air Lines, Docket 32467; J. N. Lillard d.b.a. Trans-Continent Airlines, Docket 32779.[2] With the exception of Trans-Continent's application, we will consolidate all these applications into Docket 30697.[3]

In addition to these route applications, Air Florida filed an "amended application", asking for Board approval of certain control and interlocking relationships.[4] Air Florida is, in effect, asking us to place a new issue in this case. We will consolidate the application. Consideration of these issues will not unduly burden or delay the proceeding, since the evidentiary presentation required will virtually duplicate that relating to the fitness issue.

Finally, petitions for leave to intervene have been filed by the St. Louis Airport Authority-City of St. Louis, the St. Louis Regional Commerce and Growth Association, the City of Atlanta, Atlanta Chamber of Commerce, the Norfolk Port and Industrial Authority, the Port Authority of New York and New Jersey, the Cayman Islands Hotel Association, Ltd., and the Cayman Islands Chamber of Commerce. We find that these petitioners have sufficient economic interest in the proceeding to justify their participation as parties and will grant their petitions.

Accordingly, the Board: 1. Amends ordering paragraph 3 of Order 73-3-112 to include the following issue:

(c) Does the grant of any application give rise to any control or interlocking relationships which are prohibited by section 408 or 409 of the act in the absence of Board approval? If so, does the public interest warrant approval or exemption of such relationships subject to any necessary terms, conditions and limitations?

2. Consolidates into Docket 30697 the applications, and/or amended applications of Puerto Rico Airlines (Docket 29702), Conner Air Lines (Docket 31120), National Airlines (Docket 31136), Southern Airways (Docket 31137), Eastern Air Lines (Docket 31140), North-Central Airlines (Docket 31144), Evergreen International Airlines (Docket 31146), American Airlines (Docket 31152), Trans Carib Air (Docket 31153), Western Air Lines (Docket 32438), Braniff Airways (Docket 32448), Air Florida (Docket 32450), Southeast Airlines (Docket 32453), and Ozark Air Lines (Docket 32467), to the extent that they conform to the scope of that proceeding;[5]

3. Grants the motion of Trans-Continent Airlines for dismissal of its application in Docket 32779;

4. Grants the motions for leave to file late of Trans-Continent Airlines, Southeast Airlines, Ozark Air Lines, and Conner Air Lines;

5. Grants the petitions for leave to intervene filed by St. Louis Airport Authority-City of St. Louis, St. Louis Regional Commerce and Growth Association, City of Atlanta, Atlanta Chamber of Commerce, Norfolk Port and Industrial Authority, Port Authority of New York and New Jersey, Cayman Islands Hotel Association, Ltd., and Cayman Islands Chamber of Commerce;

6. Denies all petitions, motions, applications, and requests, except to the extent granted.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-29549 Filed 10-18-78; 8:45 am]

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[2]Southeast's and Ozark's amended applications and motions and Conner's motion were all filed late, accompanied by motions for leave to file late. We will grant these motions.

[3]By a letter filed August 16, 1978, Trans-Continent requested dismissal of its application in Docket 32779.

[4]Air Florida's pleading was late and was not accompanied by either a motion for leave to file late or a motion to consolidate. We emphasize to all interested persons that pleadings must be filed in accord with Board regulations, and all late filings must be supported by good cause.

[5]We delegate to the presiding administrative law judge the authority to consolidate by order any new applications which conform to the scope of this proceeding.

[6]All Members concurred except for Member Cohen who did not participate.

[6320-01-M]

[Order 78-10-61; Docket 33622]

PAN AMERICAN WORLD AIRWAYS, INC., ET AL.

Transatlantic Fare Increases; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of October 1978.

On August 17 and 18, 1978, British Airways (BA) and Pan American World Airways, Inc. (Pan American), proposed revised basic-season transatlantic fares for effectiveness November 1, 1978. Aerlinte Eireann Teoranta (Irish) and Transportes Aereos Portugueses (TAP) filed similar tariff revisions on September 1, and 5 days later British Calendonian Airways (BCAL) requested special tariff permission to file its new winter-season fares on short notice, for effectiveness October 31, 1978. On September 14, the Swiss Air Transport Co., Ltd. (Swissair), also filed a new transatlantic fare package for effect November 1, 1978.[1]

Pan American proposes to increase first-class fares by 2 to 7 percent, normal economy by 5 percent, 22/45-day excursion, APEX, GIT, and affinity/incentive group fares by as much as 10 percent, super-APEX by about 6 percent, and budget and standby by 5 to 13 percent, with standby taking larger increases than budget; 14/21-day excursion fares would remain at current winter-season levels, and youth fares would be canceled. The proposal would also restrict budget and standby fares to round trip travel (they are now available both one way and round trip) but permit standby fares to be converted to budget, and vice versa, provided reservations for the budget fare are still open.[2]

BA's proposal would leave first-class fares unchanged, but increase normal economy by 5 percent and discount fares by 9 to 13 percent, with budget and standby taking larger increases than APEX. The 14/21-day and 22/45-day excursion fares would be combined into a single 14/45-day excursion priced at the level of the 22/45-day fare—in effect, a 14-percent price reduction for travelers using the present 14/21-day. The new excursion fare would allow one stopover in each direction, at a charge of $30. BA also plans to reduce its super-APEX fares slightly, cancel its U.S.-U.K. youth and 14/21-day GIT, and eliminate weekend surcharges for excursion, 7/8-day GIT, and affinity/incentive group fares.

Both Irish and TAP propose a 5-percent increase in their basic-season normal economy charges. Irish also plans to raise first-class by 5 percent, excursion fares by 5 to 20 percent, and GIT by 10 percent. TAP's proposal includes a 25-percent increase in first-class fares, a 10-percent increase in excursion, and 8- to 26-percent increases in APEX.[3] Swissair proposes 5-percent increases in first-class and normal economy, and 5- to 10-percent increases in excursion, group, and youth fares.

BCAL proposes to increase first-class by 3 percent, normal economy ("executive full facilities") by 6.5 percent, and APEX, bottom dollar, and other discount fares by 2 to 26 percent; cancel its executive-class fares; estab-

[1]Revisions to Air Tariffs Corp., Agent, CAB No. 71.

[2]Appendix A presents a comparison of current and proposed winter-season fares for selected U.S.-Europe markets. Appendixes A through B-3 were filed as a part of the original document.

[3]The large increases in first-class and APEX fares represent reversions to the previous IATA levels, with increases, compared to the lower local fares TAP now has in effect. TAP also proposes a new $30 weekend surcharge on its APEX fares.

lish a new 14/45-day excursion, priced $20 higher than its current 22/45-day but below the 14/21-day level, with a separate $30 stopover charge; and cancel the present 14/21-day and 22/45-day fares, as well as the incentive group, youth, 7/8-day winter GIT, and regular GIT. Finally, the carrier plans to offer a special one-way "introductory offer fare" between Houston and London, at $99 eastbound and £50 westbound, to introduce its new B-747 service; this would be effective for only 1 week, from October 31 through November 6, 1978.

In support of its proposal, Pan American states that in conjunction with a dramatic upsurge in North Atlantic traffic—particularly low-fare traffic—it has experienced a deterioration in overall passenger yield, an increase in operating costs, and a decline in its rate of return on investment;[4] its need for increased revenue is so acute that all fare categories must contribute, as its marketing judgment considers feasible; the present proposal is designed to retain the low fares which have proved so popular and generative, and at the same time narrow the gap between normal and promotional fares by increasing normal, where possible, less than the promotional; more than 30 percent of its U.S.-Europe traffic is expected to travel on APEX, standby, or budget fares in the forecast year; if normal fares were held unchanged, much greater increases in promotional fares would be required;[5] such precipitous increases would end the traffic growth in this vast and very price-sensitive segment and cause a major disruption of the market; the wide use of normal economy fares (forecast at 24 percent of total U.S.-Europe traffic) is evidence that they are properly matching demand with the costs and value of the service provided; with a 50-percent load factor for normal economy traffic, its forecast normal economy yield under the proposed fares will not be sufficient to provide a 12-percent return element; the Board has not approved an increase in normal winter economy fares since November 1, 1974;[6] the proposed increases are expected to produce only a modest revenue gain, far short of the carrier's full revenue need, and the forecast rate of return under the proposed fares (3.37 percent) is "grossly inadequate" even when measured against the Board's "low" historical guideline of 12 percent; but the proposal will nevertheless provide much needed revenue improvement, and benefit passengers by preserving low-fare alternatives in the transatlantic fare structure.

British Airways also submitted justification of its proposal, and specifically defends the proposed 5-percent increase in normal economy fares. Citing the "disastrous" rise in the inflation rate since 1975, BA argues that normal economy fares have remained at present levels for more than three years, while operating costs for the industry have risen substantially; the 5-percent increase is an attempt to compensate, at least in part, for this "slowly worsening cost experience"; and the increase is further justified on quality-of-service grounds, since BA plans to introduce its three-class service on transatlantic flights on October 29, with new "club class" service which will greatly benefit normal economy fare passengers.[7]

We find that the proposed increases in normal economy fares may be unlawful and should be suspended pending investigation. We will take no action on the proposed increases in first-class and promotional fares.

In a long series of carrier agreements, normal transatlantic economy fares have been set at levels high enough not only to cover the cost of basic, point-to-point transportation, but to protect generally high-cost carriers, provide liberal stopover allowances, and incorporate a 20-percent mileage circuity. Although we have held the line on increases, normal economy fares continue to exceed the costs of providing direct, point-to-point transportation, and passengers who require on-demand service must pay a single premium fare, priced to cover extra services which many passengers neither need nor use. A more competitive industry might base normal economy fares on the cost of basic, point-to-point service, with separate, unbundled charges for stopovers and circuitous routings. The proposals now before us include no move toward a more competitive, innovative pricing strategy for normal economy fares; they would merely retain the present structure, with a 5-percent increase in price. We have no desire to deny the carriers the opportunity to recover their costs and a reasonable return, but we are reluctant to allow revenue improvement at the expense of passengers who already pay an unwarranted premium for basic, on-demand service.[8] Pan American's contention that the wide use of normal economy fares indicates that they are properly matching demand with the cost and value of the service provided is specious: passengers who require on-demand service have no alternative, since the restrictions attached to excursion and discount fares effectively bar many nondiscretionary passengers from using anything but the normal economy service.

We believe there should be a greater reliance on market forces to determine not only the quality and quantity but the price of air services; in principle, government intervention should be required only to prevent predation, unjust discrimination, or abuse of monopoly power. This policy has contributed to significant new price competition in the lower range of the North Atlantic fare structure, to the clear benefit of the more price-elastic segment of the market. Price competition in normal economy service, however, is still very limited. In this range, the structure remains essentially oligopolistic, with little or no realistic threat of new entry into the market for on-demand scheduled service and little or no incentive for incumbent carriers to compete on the basis of price.

We expressed these conclusions in detail in Order 78-9-38, August 23, 1978, dealing with a similar North Atlantic fare proposal by Trans World Airlines, Inc. (TWA). We said there that under these market conditions it would be be naive to hope that competition would operate to prevent or temper increases in normal economy fares; if approved, the increases would likely be adopted by most other carriers and the normal economy passenger would continue to be excluded from the benefits of an improving competitive regime. We noted our responsibili-

[4] Pan American reports a return on investment (ROI) of 10.11 percent in its North Atlantic operations for the year ended March 31, 1978, and forecasts ROI's of 3.37 and 2.47 percent, with and without the proposed fare increases, for the year ending March 31, 1979.

[5] Pan American forecasts $7.6 million in incremental revenue from the proposed fare increases, of which $4.5 million would be produced by the increases in normal economy fares.

[6] On November 1, 1978, however, the three-season fare structure (winter, shoulder, peak) was changed to two seasons (basic, peak), and the higher shoulder fares became the new basic-season levels.

[7] BA's "club class" service will provide normal economy-fare passengers with seating in a separate forward section of the aircraft, free drinks, free in-flight entertainment, improved meal service, and a high level of seat access on last-minute reservations; travelers using the various promotional fares will be seated in a separate "discount class" section. Pan American has proposed a similar "clipper class" for normal economy fare passengers, with similar in-flight amenities, separate seating, and separate check-in facilities when airport space and staffing permit. Both carriers' proposals were filed on August 15, for effectiveness October 29, 1978. Pan American, however, does not contend that the proposed increase in normal economy fares is justified on the basis of the improved quality of that service.

[8] This does not mean we conclude that no revenue improvement is warranted. With the full increases proposed, Pan American forecasts an ROI of 3.37 percent, compared to a return of 10.11 percent in the historical period; much of the decline is due to increased costs. The increases in normal economy fares which we are disapproving would account for approximately 60 percent of the total revenue gain projected by the carrier.

ty, in this transition period, to intervene in the fare-setting process when market forces are as yet too weak to do the job, and we reluctantly concluded that TWA's proposd increases in normal economy fares must be suspended. For the same reasons, we are now compelled to suspend the increases in normal economy fares proposed by Pan American, BA, BCAL, Irish, Swissair, and TAP. Again, we view this intervention as a temporary measure, to be abandoned as quickly as possible once the natural forces of competition develop.

We will not disapprove the increases sought in first-class and discount fares. We have historically permitted the carriers discretion in pricing first-class services, and the other increases are at the lower end of the fare structure, where the forces of price competition appear to be working. Indeed, both BA and BCAL have incorporated a welcome innovation in their winter-season fare proposals: consolidation of their 14/21-day and 22/45-day excursion fares into a single, 14/45-day fare, priced at or near the lower 22/45-day level, with a separate stopover charge. The new fares will not only provide passengers with some relief from the confining minimum/maximum-stay restrictions on the present excursion fares, but permit a sizable price reduction for travelers who would have used the 14/21-day fare and allow passengers to purchase point-to-point excursion fares without paying a hidden stopover charge.

The various adjustments the carriers have proposed in the relative levels of budget, standby, and APEX fares represent precisely the sort of active managerial pricing strategies which a competitive market fosters. In general, the proposed fare cancellations also reflect a productive exercise of managerial discretion, removing little-used fares and simplifying the overall structure.[9] We see no reason to intervene in such decisions, given the competitive forces at work in the market.

Accordingly, under the Federal Aviation Act of 1958, as amended, particularly sections 102, 204(a), 403, 801, and 1002(j) thereof,

1. We shall institute an investigation to determine whether the fares and provisions set forth in Appendix B hereof, and rules and regulations or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if we find them to be unlawful, we shall take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, we shall suspend the tariff provisions specified in the attached Appendix B-1 and defer their use from October 31, 1978, to and including October 30, 1979, suspend the tariff provisions specified in the attached Appendix B-2 and defer their use from November 1, 1978, to and including October 31, 1979, and suspend the tariff provisions specified in Appendix B-3 and defer their use from December 5, 1978, to and including December 4, 1979, unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President [10] and it shall become effective on October 31, 1978;

4. We shall file a copy of this order in the aforesaid tariff, and serve copies upon Pan American World Airways, Inc.; Aerlinte Eireann Teoranta; British Airways Board carrying on business under the firm name and style of British Airways; British Caledonian Airways, Ltd; Swissair, Swiss Air Transport Co., Ltd.; and Transportes Aereos Portugueses, S.A.R.L.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[11]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-29550 Filed 10-18-78; 8:45 am]

[9] We are troubled, however, by BCAL's proposed cancellation of its executive-class fare, one of the very few partially unbundled transatlantic economy fares now available. The cancellation would leave BCAL's passengers no alternative to the full normal ("executive full facilities") fare for unrestricted, on-demand service. Certainly, the carriers should have maximum flexibility in experimenting with new fares in this transition; we recognize that cancellations are part of the process of change. We urge the carriers, however, to continue to develop innovative pricing strategies, with particular attention to the merits of unbundled fares, and not simply to return to the old fare structure if a particular experiment proves unsuccessful.

[10] This order was submitted to the President on October 6, 1978.

[11] All members concurred.

[3510-25-M]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

DEPARTMENT OF COMMERCE—NATIONAL BUREAU OF STANDARDS, BOULDER, COLO.

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket No.: 78-00258. Applicant: Department of Commerce, National Bureau of Standards, 325 South Broadway, Boulder, Colo. 80303. Article: Model A7 Automatically Balanced Precision Resistance Bridge and accessories. Manufacturer: Automatic systems Lab., United Kingdom. Intended use of Article: The article is intended to be used for the investigation of thermodynamic properties of pure fluid and fluid mixtures. The bridge will automatically balance itself to provide very accurate temperature readings of a platinum resistance thermometer thermally attached to the cell of a pressure-volume-temperature apparatus. The readings will be used as input to a computerized data taking system and will also allow the computer to very accurately stabilize and control the temperature of the sample cells.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability of making rapid accurate (±0.04 percent pressure-volume-temperature measurements. The National Bureau of Standards advises in its memorandum dated September 7, 1978, that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

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

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

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

[FR Doc. 78-29447 Filed 10-18-78; 8:45 am]

[3510-25-M]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket No. 78-00283. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Calorimetric Experimental Furnace and Accessories. Manufacturer: International Flame Research Foundation, The Netherlands. Intended use of article: The article is intended to be used to form the basis of a comprehensive Combustion Research Facility which will be used to evaluate the combustion techniques and conditions required for the successful utilization of alternate fuels such as coal, coal derived liquids, shale oil, and synthetic fuels in large industrial fuel burning plant. The Department of Chemical Engineering Graduate and Undergraduate programs in Fuel Engineering and Principles of Combustion will involve laboratory and experimental courses which make use of the Combustion Research Facility.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 3, 1976). Reasons: This application is a resubmission of Docket No. 78-00045 which was denied without prejudice to resubmission on April 13, 1978, for informational deficiencies. The foreign article provides a variable swirl generator with interchangeable burner heads for different fuels (fully calibrated for swirl number and pressure drop), individual water-cooled calorimetric furnace sections with variable heat sink capability, center line access parts for insertion of sampling probes into the flame with integral sample probe traversing gear, unique sampling and measurement probes for in-flame measurements, and an afterburner system for incineration of unburned carbonoceous species to prevent emission into the atmosphere. The National Bureau of Standards (NBS) advises in its memorandum dated August 28, 1978, that (1) all the capabilities of the foreign article described above are pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use which was available at the time the foreign article was ordered.

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

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

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

[FR Doc. 78-29448 Filed 10-18-78; 8:45 am]

[3510-25-M]

NORTHEASTERN OHIO UNIVERSITIES COLLEGE OF MEDICINE

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket No.: 78-00115. Applicant: Northeastern Ohio Universities College of Medicine, 4209 State Route 44, Rootstown, Ohio 44272. Article: NMR Spectrometer, Model WP-80 and Accessories. Manufacturer: Bruker, West Germany. Intended use of article: The article is intended to be used for studies of: (a) the molecular interactions between phospholipid bilayer membranes and proteins, (b) the effect of heat on phospholipid bilayer membranes, and (c) the interaction of bile acids, drugs, anesthetics, and carcinogens with phospholipid bilayer membranes. The interactions of model phospholipid membranes with added protein, drug, etc., will be determined by measuring the changes in molecular ordering of the fatty acid chains and the polar head groups, that occurs on incorporation of proteins into, or addition of drug, anesthetic, etc., to the membrane. The extent of molecular ordering of the fatty acid chains of polar head groups in an aqueous multibilayer dispersion of phospholipids is determined by measuring the ^{2}C-^{2}H quadrupole splitting multibilayer dispersions prepared from selectively ^{2}H-labelled phospholipids. The changes in the quadrupole splittings on interactions with proteins, drugs, carcinogens, etc., will be measured for a variety of positions in the phospholipid in order to give a complete description of the order profile for the molecule.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 29, 1976). Reasons: This application is a resubmission of Docket No. 77-00217, which was denied without prejudice to resubmission on September 14, 1977, for informational deficiencies. The foreign article provides a spectral width of 50 kilohertz. The Department of Health, Education, and Welfare advises in its memorandum dated August 13, 1978, that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use at the time the foreign article was ordered.

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

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

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

[FR Doc. 78-29449 Filed 10-18-78; 8:45 am]

[3510-25-M]

NORTHWESTERN UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

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

the regulations issued thereunder as amended (15 CFR Part 301).

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

Docket No.: 78-02239. Applicant: Northwestern University, 2299 Sheridan Road, Evanston, Ill. 60201. Article: Tycoon Micro-Electrode Puller, Model EH-12 20V with auto timer and volt slider. Manufacturer: Takahashi Seiki Kogyo Co., Ltd., Japan. Intended use of article: The article is intended to be used to produce very long shanked, slender electrodes with extremely fine tip diameter (less than 0.1 μm). Intracellular potentials are recorded from the hair cells of the mammalian cochlea during research to gain understanding of the functional properties of the receptor cells of the ear.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability of producing electrodes with tip diameters of 0.1 micron. The Department of Health, Education, and Welfare advises in its memorandum dated August 24, 1978, that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

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

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

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

[FR Doc. 78-29450 Filed 10-18-78; 8:45 am]

[3510-25-M]

PACIFIC NORTHWEST LABORATORIES

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket No.: 78-00279. Applicant: Pacific Northwest Laboratories, Department of Energy, P.O. Box 999, Richland, Wash. 99352. Article: COSPEC Model IVB including Single Gas IVB High Sensitivity Correlation Spectrometer with accessories. Manufacturer: Barringer Research, Canada. Intended use of article: The article is intended to be used for the study of sulfur dioxide and nitrogen dioxide emissions from power plants or any other source. Dispersion and conversion from gas to particular tracking flume over long distances will be investigated.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability to remotely measure in real time the total quantity of either sulfur dioxide or nitrogen dioxide. The article is a unique instrument with no other commercial counterpart. Further, its capabilities cannot be met by options to other instruments. The National Bureau of Standards (NBS) advises in its memorandum dated September 19, 1978, (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

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

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

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

[FR Doc. 78-29451 Filed 10-18-78; 8:45 am]

[3510-25-M]

REGENTS OF THE UNIVERSITY OF CALIFORNIA, ET AL.

Applications For Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with repect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before November 8, 1978.

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

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

Docket No. 78-00442. Applicant: The Regents of the University of California, Department of Pathology, UCSF Medical Center-595HSW, San Francisco, Calif. 94143. Article: ASID-4D Ultra High Resolution Scanning System for JEOL 100CX EM and accessories. Manufacturer: JEOL LTD., Japan. Intended use of article: The article is an accessory to an existing electron microscope manufactured by the same manufacturer which is being used for diagnosis of many renal, hepatic, and lymphoproliferative disease, for identification of certain poorly differentiated neoplastic cells of origin, and for identification of viral particles, and certain environmental elements in lungs and livers of the affected patients. Experiments to be conducted will include identification of ultrastructural components of cells and/or morphological correlation to metallic elements. The article will also be used as an instructional tool for graduate students in the Department of Pathology and also for house staff (residents). Application received by Commissioner of Customs: September 27, 1978.

Docket No. 78-00443. Applicant: University of California—Lawrence Livermore Laboratory, P.O. Box 5012, Livermore, Calif. 94550. Article: 2 Stage static-mixers centrifugal-seperators with feed units and control systems, MEAB Model SISAK 2. Manu-

facturer: MEAB Metallextraktion AB, Sweden Intended use of article: The article is intended to be used for studies of the radioactive decay of short-lived (half lives of 10 sec. and less) fission products. Experiments to be conducted will consist of irradiation of U_{235} followed by a chemical purification to give one element. The isotope of interest is then observed by beta, gamma, and nutron spectroscopy. The elements of interest are those which give poor yield on mass separator instruments. Objectives pursued in the course of these experiments are: (a) accurate measurement of half lives and absolute decay energies to help the Nuclear Regulatory Commission to establish standards for loss of core coolant in nuclear reactors. Application received by Commissioner of Customs: September 27, 1978.

Docket No. 78-00444. Applicant: Emory University Clinic, 1365 Clifton Road, Atlanta, Ga. 30322. Article: Diathermy Unit (434 MHz). Manufacturer: ERBE Electro, West Germany. Intended use of article: The article is intended to be used to investigate the feasibility of the treatment of cancer by means of heat produced by 434 MHz radio waves. Tumor response will be evaluated by a physician during and after the heat therapy. Application received by Commissioner of Customs: September 27, 1978.

Docket No. 78-00445. Applicant: University of California—Lawrence Livermore Laboratory, P.O. Box 5012, Livermore, Calif. 94550. Article: Electronic Intensifying Streak/Framing Caméra System, Model 790/520/ELC and accessories. Manufacturer: John Hadland Photographic Instrumentation Ltd., United Kingdom. Intended use of article: The article is intended to be used to study shock-induced free surface motion and high-speed intensified flash X-ray diagnostics. Experiments to be conducted will include measurement of the thermodynamic properties of various materials under shock conditions, and measurements of the velocity-time history of material-air interfaces. Application received by Commissioner of Customs: September 27, 1978.

Docket No. 78-00446. Applicant: University of California—Lawrence Livermore Laboratory, P.O. Box 5012, Livermore, Calif. 94550. Article: Thomson-CSF Model TSN 660 4 gigahertz oscilloscope and accessories. Manufacturer: Thomson CSF, France. Intended use of article: The article is intended to be used for the study of very high-speed shock-wave physics. Some of the experiments to be conducted are: (1) shock wave risetime experiments were fundamental viscosity measurements of metals under very high pressure can be measured and (2) fundamental physical measurements of the reaction-zone thickness in chemical explosives measured using laser interferometry with very fast detectors to measure the initial velocity of metal plant in contact with the explosive to be studied. Application received by Commissioner of Customs: September 27, 1978.

Docket No. 78-00447. Applicant: University of Oklahoma, Purchasing Office, 660 Parrington Oval, Room 321, Norman, Okla. 73019. Article: Micromass 602 Double Collector Mass Spectrometer and accessories. Manufacturer: VG Micromass, United Kingdom. Intended use of article: The article is intended to be used for measuring the isotopic composition of biogenic carbonate cements, lipid material, and dissolved carbon gases in sediments. It allows examination and measurement of the carbon-13 to carbon-12 ratios of these various materials in order to determine their origins and fates. Sediment samples will be collected from the Gulf of Mexico and Enewetak Island as opportunities arise to be processed for analysis. Specific compounds of interest will be extracted or separated for inlet into the mass spectrometer and subsequent analysis. The objectives of these studies include an attempt to establish the origins and fates of these specific components of natural organic matter, and moreover, to assess the petroleum source rock potential of various sediments and rocks. The article will also be used for educational purposes in a Isotope Geochemistry course to expose advanced students to the tremendous research potential of stable isotope mass spectrometry. Application received by Commissioner of Customs: September 27, 1978.

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

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

[FR Doc. 78-29453 filed 10-18-78; 8:45 am]

[3510-25-M]

TUFTS UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket No.: 78-00301. Applicant: Tufts University, Dept. of Purchasing, Medford, Mass. 02155. Article: Gas Analysis Instrument; Experimental. Manufacturer: Rheinmetall, West Germany. Intended use of article: The article is intended to be used in the development of a continuous surface chromatographic instrument that will separate mixtures of gases of vapors for the purposes of purification or identification.

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

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

Reasons: The foreign article provides the capability to perform continuous surface chromatography. The National Bureau of Standards (NBS) advises in its memorandum dated September 6, 1978, that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

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

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

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

[FR Doc. 78-29452 Filed 10-18-78; 8:45 am]

[3510-22-M]

National Oceanic and Atmospheric Administration

CARIBBEAN FISHERY MANAGEMENT COUNCIL

Shallow-Water Reef Fishes

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of public meeting.

SUMMARY: The Scientific and Statistical Committee and the Advisory Panel of the Caribbean Fishery Management Council, established by section 302g(2) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet jointly to examine alternatives and provide writ-

ten recommendations to the Council for the first draft Fishery Management Plan for Shallow-Water Reef Fishes.

DATES: The meeting will convene at 9 a.m. on Thursday, November 2, 1978, and adjourn at approximately 3 p.m. This meeting is opened to the public.

ADDRESS: The meeting will take place at the Council's office located at Suite 1108, Banco de Ponce Building, Hato Rey, P.R.

FOR FURTHER INFORMATION CONTACT:

Mr. Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, P.R. 00918, telephone 809-753-4926.

SUPPLEMENTARY INFORMATION: For information on seating arrangements, changes to the agenda, and/or written comments, contact the Executive Director.

Dated: October 16, 1978.

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

[FR Doc. 78-29496 Filed 10-18-78; 8:45 am]

[3510-18-M]

Office of the Secretary

ADVISORY COMMITTEE ON FEDERAL POLICY ON INDUSTRIAL INNOVATION; ADVISORY SUBCOMMITTEE ON ECONOMIC AND TRADE POLICY

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 4 U.S.C. App. (1976), notice is hereby given that the Advisory Subcommittee on Economic and Trade Policy of the Advisory Committee on Federal Policy on Industrial Innovation will hold a series of three meetings with the following schedule:

Wednesday, November 1, 1978, Washington, D.C., Room 4121, Main Treasury Building.
Friday, November 17, 1978, Washington, D.C., Room 4121, Main Treasury Building.
Tuesday, December 5, 1978, Washington, D.C., Room 4426, Main Treasury Building.

All three meetings will start at 9:30 a.m. and will finish at 5 p.m.

The agenda for these meetings is as follows:

1. Review the work-to-date.
2. Develop the format and content of the final report.
3. At the final meeting (December 5, 1978) the final report will be reviewed and approved.

The Advisory Subcommittee on Economic and Trade Policy was established to examine the impact of Federal economic and trade policy on industrial innovation and to identify options that can be taken by the Federal Government to encourage industrial innovation through economic and trade policies with minimal negative effects on other important national goals.

The meetings will be open to public observation. A limited number of seats will be available to the public and press on a first-come, first-serve basis.

Copies of the minutes and materials distributed will be made available for reproduction, following certification by the Subcommittee Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Department of Commerce, Central Reference and Records Inspection Facility, Washington, D.C. 20230.

Further information may be obtained from Mr. John R. Heizer, Room 3868A, U.S. Department of Commerce, Washington, D.C., telephone 202-377-3648.

Dated: October 13, 1978.

JORDAN J. BARUCH,
Assistant Secretary for Science and Technology.

[FR Doc. 78-29537 Filed 10-18-78; 8:45 am]

[3510-25-M]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

REPUBLIC OF KOREA

Adjusting Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products

OCTOBER 16, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Granting increases for flexibility and carryforward in Categories 333/334/335, 340, 347/348, 433/434, 438, 440, 443, 444, 445/446, 447, 633/634/635, 638/639, 640, 641, 643, 645/646, and 647 during the agreement year which began on January 1, 1978. (A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 342), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773) and September 5, 1978 (43 FR 39408)).

SUMMARY: Paragraphs 8 and 9 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea provide, respectively, for percentage increases in certain specific category ceilings during an agreement year and for the borrowing of yardage from the succeeding year's levels, such amounts to be deducted from the affected category limits in the succeeding year. Pursuant to the foregoing paragraphs of the bilateral agreement, the import restraint levels established for Categories 333/334/335, 340, 347/348, 433/434, 438, 440, 443, 444, 445/446, 447, 633/634/635, 638/639, 640, 641, 643, 645/646, and 647 are being increased for the 12-month period which began on January 1, 1978 and extends through December 31, 1978.

EFFECTIVE DATE: October 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert C. Woods, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On December 30, 1977, a letter dated December 27, 1977, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the FEDERAL REGISTER (42 FR 65246), which established inmport restraint levels for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States during the 12-month period which began on January 1, 1978 and extends through December 31, 1978.

In the letter published below the Commissioner of Customs is directed, in accordance with the provisions of the bilateral agreement to adjust the levels of restraint previously established for Categories 333/334/335, 340, 347/348, 433/434, 438, 440, 443, 444, 445/446, 447, 633/634/635, 638/639, 640, 641, 643, 645/646, and 647 to the designated amounts.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretay for Domestic Business Development.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

OCTOBER 16, 1978.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: On December 27, 1977, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the 12-month period beginning on January 1, 1978 and extending through December 31, 1978 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chair-

man further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to paragraphs 8 and 9 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on October 16, 1978, to amend the 12-month levels of restraint established for the cotton, wool and man-made fiber textile products in the following categories to the indicatd amounts:

Category and Amended 12-Month Level of Restraint[2]

333/334/335—87,388 dozen of which not more than 49,724 dozen shall be in Category 333/334 and not more than 50,773 dozen shall be in Category 335.
340—154,248 dozen.
347/348—229,943 dozen of which not more than 162,373 dozen shall be in Cat. 347 and not more than 125,056 dozen shall be in Cat. 348.
433/434—18,169 dozen of which not more than 13,211 dozen shall be in Cat. 433 and not more than 6,775 dozen shall be in Cat. 434.
438—48,981 dozen.
440—220,299 dozen.
443—29,949 dozen.
444—4,252 dozen.
445/446—54,877 dozen.
447—87, 721 dozen.
633/634/635—1,357,978 dozen of which not more than 173,575 dozen shall be in Cat. 633; not more than 799,593 dozen shall be in Cat. 634; and not more than 588,508 dozen shall be in Cat. 635.
638/639—5,458,354 dozen.
640 [3]—4,405,465 dozen.
640 [4]—1,630,069 dozen.
641—1,014,273 dozen.
643—61,128 dozen.
645/646—3,209,054 dozen.
647—981,072 dozen.

The actions taken with respect to the Government of the Republic of Korea and with respet to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 78-29536 Filed 10-18-78; 8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of Dec. 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, which provide, in part, that (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arragements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The levels of restraint have not been adjusted to reflect any imports after Dec. 31, 1977.

[3] In Category 640, only T.S.U.S.A. numbers 380.0455 and 380.8435.

[4] In Category 640, all T.S.U.S.A. numbers except those listed in footnote 3.

[6355-01-M]

CONSUMER PRODUCT SAFETY COMMISSION

[Petition No. CP 78-8]

SERVICE DROP WIRES

Denial of Petition

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of Petition.

SUMMARY: The Commission denies a petition requesting it to establish a consumer product safety rule for service drop wires that would require all electrical service drop wires to residential homes to be electrically insulated, require the insulation to meet specified criteria, and require utility companies to replace existing wire which has exceeded a safe age or failed a periodic safety inspection. The Commission denies the petition because it has insufficient data to conclude that a mandatory safety standard is necessary.

FOR FURTHER INFORMATION CONTACT:

Irwin L. Greif, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6754.

SUPPLEMENTARY INFORMATION: Section 10 of the Consumer Product Safety Act (DPSA) (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission (CPSC) to begin a proceeding to issue, amend, or revoke a consumer product safety standard or ban. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the FEDERAL REGISTER.

On November 10, 1977, the Office of the Secretary received a petition (CP 78-8) from Mr. G. Judson Scott, requesting the Commission to issue a rule requiring that all electrical service drop wires to residential homes be electrically insulated; that the insulation have a specific rated maximum safe use life under normal conditions of use and environment; and that utility companies be required to replace existing wiring which has exceeded a safe age or has failed a periodic safety inspection. The petition alleged that hazards associated with service drop wires include electrical shock or electrocution due to persons contacting the service drop wire and residential fires caused by faulty service drop wires. All of the evidence presented by the petition concerned the electric shock hazard and consideration of the petition was limited to that alleged hazard.

SUMMARY OF INJURY DATA

In analyzing this petition, the Commission considered injury information submitted by the petitioner, its own investigation of injury data, economic and engineering data and applicable voluntary standards.

Although the Commission's data retrieval systems do not have specific product catagories for injuries involving service drop wires, the Commission searched those product codes considered likely to be involved in accidental contact with service drop wires. This investigation revealed 14 incidents, 11 of which were reported in newspaper clippings, 1 reported in the Commission's death certificate file begun in 1973, and 2 indepth investigations conducted since January 1976. The details of the 14 incidents indicate that persons made contact with service drop wires while painting their house, putting up antennas, or making house repairs. The 14 reported incidents involved 16 victims, 9 of whom were electrocuted, 4 hospitalized, 2 treated and released, and 1 injured without report of treatment.

The Commission's investigation into this matter reveals that the majority of single unit residential buildings constructed in the last 15 years (and older buildings for which service drop wires have been replaced) appear to use insulated wire known as triplex, or underground service wiring. Estimates place the safe use life of triplex wiring under normal conditions at approximately 30 years. The majority of the 30-40 million homes in existence constructed more than 15 years ago reportedly use pre-triplex insulated wire. The number of homes with uninsulated service drop wire is estimated to be relatively small and confined primarily to rural areas. A factor encouraging use of triplex wire today is that when the material and installation costs are combined, this wire is less expensive than uninsulated wire. Since the wire is installed by professionals and not do-it-yourself consumers, it appears unlikely that uninsulated wire would be used.

CONCLUSION

Based on the foregoing injury and economic data, the Commission notes that it appears that most service drop wire used today above ground is made of insulated wire known as triplex. The Commission is unable to determine whether there are any injuries of the type described in the petition associated with this (triplex) wire. The Commission, therefore, concludes that the available information is insufficient to determine that service drop wires generally used today present an unreasonable risk of injury to consumers and denies the petition. In this regard, it should be noted that any Commission action to establish a standard for service drop wires would apply only to products manufactured after the effective date of the standard, 15 U.S.C. 2058. Thus, the Commission could not as requested in the petition require utility companies to replace existing wire as part of a mandatory standard issued under the CPSA. In reaching its decision, the Commission has considered the relative priority of the risk of injury associated with service drop wires and the Commission's resources available for rulemaking for all consumer products.

Copies of the petition and the staff's briefing package to the Commission on the petition may be obtained from the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C. 20207.

Dated: October 13, 1978.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc. 78-29498 Filed 10-18-78; 8:45 am]

[3810-71-M]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on November 8-9, 1978, at the Pentagon, Washington, D.C. Sessions of the meeting will commence at 8:30 a.m. and terminate at 5:30 p.m. on both days. All sessions will be closed to the public.

The entire agenda will be devoted to discussions of sensitive strategic problems and programmatic planning and a review of intelligence developments. The agenda will consist of classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Commander Robert B. Vosilus, United States Navy, Executive Secretary of the CNO Executive Panel Advisory Committee, 1401 Wilson Boulevard, Room 405, Arlington, Va. 22209, telephone 202-694-3191.

Dated: October 16, 1978.

P. B. WALKER,
Captain, JAFC, U.S. Navy Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 78-29491 Filed 10-18-78; 8:45 am]

[6360-01-M]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLANS

Public Hearing

Notice is hereby given by the Delaware River Basin Commission that it will hold a public hearing on Wednesday, October 25, 1978, commencing at 2:30 p.m. The hearing will be a part of the Commission's regular October business meeting which is open to the public. Both the hearing and the meeting will be held in the Laurel Ballroom of the Pocono Hershey Resort near White Haven, Pa. (intersection of Interstate Route 80 and the Northeast Extension of the Pennsylvania Turnpike.) The hearing will be held on two subjects as follows:

Current Expense Budget. A proposed current expense budget for the fiscal year beginning July 1, 1979 in the aggregate amount of $1,750,400, and a capital budget for the same period in the amount of $27,000. The following amounts would be apportioned among the signatory parties, along with the additional appropriations by the Commission, to balance the current expense budget: Delaware $124,200; New Jersey $346,600; New York $273,000; Pennsylvania $381,100; and the Federal government $467,500. Copies of summaries of the current expense and capital budget are available from the Commission on request.

II. *Project Review Applications.* Applications for approval of the following projects are pending before the Commission as amendments to the Comprehensive Plan and/or as project approvals pursuant to Section 3.8 of the Compact:

1. *Dublin Water Company (D-76-63 CP).* A well water supply project to augment public water supplies in the company's service area in Upper Dublin township, Montgomery County, Pa. The application is for approval to withdraw 600,000 gallons per day from Well No. 5 and to increase the total average withdrawal from all sources to 1.2 million gallons per day. Adjudicatory hearings on this application have been held by the Commission and a report of the Hearing Officer filed on June 2, 1978. The application and the recommendations of the Hearing Officer will be considered by the Commission.

2. *Pequest Sewer Co. (D-78-24).* Expansion of the company's existing sewage treatment plant in Allamuchy Township, Warren County, N.J. Present capacity will be increased from the present 0.3 million gallons per day to between 600,000 gallons per day and 1.2 million gallons per day. About 95 percent of BOD will be removed prior to discharge of treated effluent to the Pequest River.

3. *Perduc, Inc. (D-78-5).* An industrial waste treatment facility at the poultry processing plant recently acquired from Swift & Co. in Georgetown, Sussex County, Del. Approximately 98 percent of BOD will be removed from a wastewater flow of 860,000 gallons per day. Treated effluent will discharge to Bloomington Ditch, a tributary of the Broadkill River.

4. *Public Service Electric & Gas Co. (D-78-57).* An industrial waste treatment project to the Company's Mercer Generating Station, Hamilton Township, Mercer County, N.J. The applicant proposes to construct facilities to treat boiler blowdown, demineralizer regenerant, boiler cleaning and other waste streams. Treated effluent will discharge to the Delaware River.

5. *Public Service Electric & Gas Co. (D-78-58).* An industrial waste treatment project to the Company's Burlington Plant, Burlington Township, N.J. The applicant proposes to construct facilities to treat boiler blowdown, demineralizer regenerant, boiler cleaning and other waste streams. Treated effluent will discharge to the Delaware River.

6. *Metropolitan Edison Co. (D-78-16).* A well water supply project to augment water supply to the Company's Portland Generating Station in Upper Mount Bethel Township, Northampton County, Pa. The new facility is designed to yield 140,000 gallons per day.

Documents relating to the above-listed applications may be examined at the Commission offices. For further information contact Mr. David B. Everett at the Commission.

Persons wishing to testify on the current expense budget or any of the applications listed above are requested to notify the Secretary to the Commission prior to the hearing.

OCTOBER 11, 1978.

W. BRINTON WHITALL,
Secretary.

[FR Doc. 78-29515 Filed 10-18-78; 8:45 am]

[3128-01-M]

DEPARTMENT OF ENERGY

CONDUCT OF EMPLOYEES

Waiver Pursuant to Section 602(c) of the Department of Energy Organization Act (Pub. L. 95-91)

Section 602(c) of the Department of Energy Organization Act (Pub. L. 95-91, the "Act") authorizes the Secretary of Energy to grant waivers from the divestiture requirements of section 602(a) of the Act to "supervisory employees" (as defined in section 601(a) of the Act) of the Department of Energy who has financial interests in "energy concerns" (as defined in section 601(b) of the Act), where exceptional hardship would result.

It has been established to my satisfaction that a time-limited waiver of the requirements of section 602(a) of the Act for the individual "supervisory employee" of the Department of Energy whose name is listed below is justified and I so find. This waiver shall expire on January 31, 1979.

Name and Energy Concern

Holsey G. Handyside—Bendix Corp., General Electric Co., Exxon Corp., Mobil Corp., Phillips Petroleum Co., Schlumberger Ltd., Standard Oil Co. of Ohio, and Texas Commerce Bankshares, Inc.

Mr. Handyside's official duties as Deputy Assistant Secretary for International Programs will require little if any involvement on his part in particular matters that could have a direct and predictable impact on any of the listed energy concerns; for the most part his responsibilities will be of a policymaking nature and will relate to the areas of nuclear energy, solar energy, and renewable resources. Nevertheless, he will be directed not to participate personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect on any of the listed energy concerns, unless his supervisor and the counselor agree that the financial interest in the particular matter is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of him.

Dated: October 10, 1978.

JAMES R. SCHLESINGER,
Secretary of Energy.

[FR Doc. 78-29455 Filed 10-18-78; 8:45 am]

[3128-01-M]

INDUSTRIAL ENERGY CONSERVATION

Workshops

The Department of Energy (DOE) hereby gives notice that it will hold a number of workshops on the industrial energy conservation program established by Part D (42 U.S.C. 6341-6346) of Title III of the Energy Policy and Conservation Act (EPCA). The workshops will be held at the following locations and times:

Washington, D.C., November 6 and 7, 1978, 8:30 a.m., Sheraton National Motor Hotel, Arlington, Va.
Atlanta, Ga., December 14 and 15, 1978, 8:30 a.m., Sheraton Biltmore Hotel.
Houston, Tex., January 4 and 5, 1979, 8:30 a.m., Sheraton Houston Hotel.
Chicago, Ill., January 25 and 26, 1979, 8:30 a.m., Sheraton Plaza Hotel.
New York, N.Y., February 12 and 13, 1979, 8:30 a.m., New York Sheraton Hotel.
San Francisco, Calif., February 22 and 23, 1979, 8:30 a.m., Sheraton Palace Hotel.

The purpose of the workshops is to improve the monitoring by DOE of industry's efforts in improving energy efficiency through energy conservation and consumption reports filed with DOE. To this end it is desirable that the workshops include participants from the various industrial organizations—both corporations and trade associations—currently reporting energy conservation and consumption information to DOE under the program because of their experience with DOE's current reporting requirements.

Each workshop will begin with a review of the current reporting effort and suggested topics for discussion in working groups. To encourage full discussion of each industry's particular concerns, the participants will be divided into working groups to present views concerning current reporting problems and improvements which might be made in future reporting efforts.

The views and information presented in each of these working groups will be recorded by its moderator who will present them in the plenary session at which there will be both panel and open floor discussion. The working group format is not intended to elicit consensus opinions from working groups but rather to be a forum where group members may make their views known to DOE and the other participants.

All workshops are open to the public. Anyone interested in obtaining an agenda and further information and/or participating should contact O. Cleveland Laird, Jr., DOE, 666 11th Street NW., Room 735, Washington, D.C. 20001, 202-724-3456 at least 10 days prior to the workshop. Any interested person may file written statements with the workshop director before or at the close of any workshop, and may make oral statements during the time set aside at the conclusion of each workshop.

Minutes of the workshops will be available for public review at the Freedom of Information Public Reading Room, Room 2107, DOE, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., October 13, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-29454 Filed 10-18-78; 8:45 am]

[3128-01-M]

PROPOSED NEW SOURCE PERFORMANCE STANDARDS

Public Meeting

A public meeting will be convened on October 24, 1978, commencing at 10 a.m. to discuss the issues related to EPA's proposed New Source Performance Standards to be promulgated under the Clean Air Act Amendments of 1977 (43 FR 42154, Sept. 19, 1978). The purpose of the meeting is to furnish the Department of Energy with the views of all interested parties to assist it in formulating its comments on the EPA rulemaking.

In order to focus the issues at the public meeting, workshops consisting of persons with related interests will convene on October 23, 1978, from 9 a.m. to 4 p.m. The public is invited to observe the proceedings. The meetings will be held in the Washington Hilton Hotel in Washington, D.C.

For additional information, all interested individuals are encouraged to contact Janet Cool, Division of Environmental Liaison, on 202-376-4449.

Issued in Washington, D.C. on October 16, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78- 29499 Filed 10-18-78; 8:45 am]

[3128-01-M]

DRAFT REPORT TO THE PRESIDENT BY THE INTERAGENCY REVIEW GROUP ON NUCLEAR WASTE MANAGEMENT

Availability

Notice is hereby given that the draft report to the President by the Interagency Review Group on Nuclear Waste Management will be available for public comment beginning October 19, 1978.

The Interagency Review Group (IRG) was established by President Carter on March 15, 1978, to develop recommendations for establishing an administration policy on long-term management of the Nation's nuclear waste. This includes waste from commercial nuclear power operations, and existing low-level, transuranic, and high-level defense waste.

The following organizations are members of the Interagency Review Group: Department of Energy (chair), Department of State, Department of Interior, Department of Transportation, Department of Commerce, Council on Environmental Quality, Environmental Protection Agency, National Aeronautics and Space Administration, Office of Managment and Budget, Office of Domestic Affairs and Policy, National Security Council, Arms Control and Disarmament Agency, Office of Science and Technology Policy and the Nuclear Regulatory Commission. The NRC participated in the activities of the IRG as a nonvoting member.

As part of the public participation process, the IRG held a series of small meetings in Washington with groups interested in nuclear waste management. Following these, public meetings were held in July and August in San Francisco, Denver, and Boston. Input from these meetings was used in preparing the Draft Report.

All interested agencies, organizations, or persons desiring to submit comments on the Draft Report are invited to do so. Copies are available for public inspection at the DOE public document room, located in the Library, Room 1223, Department of Energy, 20 Massachusetts Avenue NW., Washington, D.C. 20545. Copies are also available at the DOE Regional Offices in: Boston, Mass.; New York, N.Y.; Philadelphia, Pa.; Atlanta, Ga.; Chicago, Ill.; Dallas, Tex.; Kansas City, Mo.; Denver, Colo.; San Francisco, Calif.; and Seattle, Wash.

Requests for copies of the report and written comments may be sent to:

Interagency Review Group on Nuclear Waste Management, Department of Energy, 20 Massachusetts Avenue, NW., Room 8137, Washington, D.C. 20545, telephone 202-376-4036.

Comments will be received for a period of 30 days. Following that, the report will be revised as appropriate and submitted to the President.

Dated at Washinton, D.C., this 17th day of October 1978.

For the Department of Energy.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-29607 Filed 10-18-78; 8:45 am]

[3128-01-M]

Economic Regulatory Administration

COLORADO UTE ELECTRIC ASSOCIATION, INC., ET AL.

Prohibition Order

Docket No.	Owner/lessee and operator	Powerplant No.	Generating station	Location
DCU-164	Colorado Ute Electric Association, Inc.	1	W. N. Clark	Canon City, Colo.
	Southern Colorado Power Division, Central Telephone & Utilities Corp.			
DCU-165	do	2	do	Do.

Pursuant to section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, as amended, 15 U.S.C. 791 et seq. (ESECA), and Chapter II, Title 10 of the Code of Federal Regulations (CFR), Parts 303 and 305 [10 CFR Parts 303 and 305 (1976), as amended, 42 FR 23132 (1977)], the Department of Energy (DOE) hereby orders that the above listed powerplants shall be prohibited from burning natural gas or petroleum products as their primary energy source. Such prohibition shall become effective on the date stated in a Notice of Effectiveness to be served on the powerplants, pursuant to 10 CFR 303.10(b), 303.37(b) and 305.7, subsequent to issuance of this Prohibition Order.

Section 2 of ESECA requires that DOE make certain findings prior to issuing a Prohibition Order. On May 12, 1978, DOE published a notice of "Intention to Issue Prohibition Orders to Certain Powerplants" (43 FR 20534) that contained DOE's proposed conclusions with respect to those findings and the rationale therefor that DOE proposed to make with respect to the powerplants listed above. That notice invited interested persons to make written or oral presentation of data, views and arguments regarding the proposed findings and other matters. A public hearing was held in Colorado Springs, Colo., on May 31, 1978, for the purpose of receiving the oral presentation of data, views, and arguments. In addition, DOE provided an opportunity subsequent to the public hearing for supplemental written comments.

Based on a consideration of the data, views, and arguments received by DOE at the public hearing as well as supplemental data, views, and arguments received during the public comment period and an analysis of other information submitted to or otherwise available to DOE, DOE hereby finds with respect to the above listed powerplants that:

1. On June 22, 1974, each powerplant had the capability and necessary plant equipment to burn coal;

2. The burning of coal by each powerplant, in lieu of petroleum products or natural gas, is practicable and consistent with the purposes of ESECA;

3. Coal and coal transportation facilities will be available during the period this Prohibition Order will be in effect; and

4. The prohibition of each powerplant from burning natural gas or petroleum products as its primary energy source will not impair the reliability of service by such powerplant.

Stated below is the rationale for each finding ESECA requires DOE to make prior to issuing a Prohibition Order, and an evaluation of the significant, material issues raised by interested persons in their oral or written presentations of data, views and arguments. Such presentations were made in response to the notice of "Intention to Issue Prohibition Orders to Certain Powerplants" published in the FEDERAL REGISTER on May 12, 1978 (43 FR 20534). Where such presentations were adopted by DOE and resulted in changes in DOE's calculations these

are reflected in the specific finding. After an evaluation of the data, views and arguments presented by interested persons, DOE concludes that no issues or facts were presented that render DOE unable to make the findings and therefore it must proceed with the issuance of the instant order.

Southern Colorado Power Division, Central Telephone & Utilities Corporation shall be referred to as the "utility" and as "SCPD-CTUC".

At the public hearing, SCPD-CTUC stated that W. N. Clark Unit No. 1 is owned by the Colorado-Ute Electric Association, Inc., and that it is leased and operated by Southern Colorado Power Division.

Attention is directed to the ESECA regulation (10 CFR, 303.2 Definitions) which defines a "Powerplant" to mean "a fossil-fuel fired steam electric generating unit that produces electric power for purposes of sale or exchange and includes any person who owns, leases, operates or controls any such unit." DOE, as a part of the ESECA Prohibition Order process, served a copy of the Notice of Intention to Issue a Prohibition Order to Southern Colorado Power Division in accordance with the definition of the "powerplant" that would be affected by the proposed order.

It should be noted that DOE has taken into account the information provided by SCPD-CTUC and this Prohibition Order identifies the owner, as well as the lessee and operator.

I. Capability and Necessary Plant Equipment to Burn Coal

DOE finds that on June 22, 1974, Powerplants Nos. 1 and 2 at W. N. Clark Generating Station (W. N. Clark 1 and 2) had, or thereafter acquired or were designed with the capability and necessary plant equipment to burn coal. This finding is based on the facts and interpretations stated below:

A. Based on information supplied to the Federal Power Commission (now the Federal Energy Regulatory Commission) by SCPD-CTUC and a site visit performed by DOE representatives, it has been determined that each powerplant had in place, on June 22, 1974, a boiler that was capable of burning coal.

The boilers had been designed and constructed or modified to burn coal as their primary energy source, notwithstanding the fact that on June 22, 1974, the powerplants may not have been burning coal as their primary energy source.

The 1977 annual fuel consumption information reported by SCPD-CTUC was used to calculate the heat input of W. N. Clark Boiler 1 and 2. Boiler 1 was 61 percent coal and 39 percent natural gas and Boiler 2 was 73 percent coal and 27 percent natural gas.

B. Based Upon information provided by SCPD-CTUC at the hearing, contacts with the U.S. Environmental Protection Agency and the Colorado Department of Health, Water Division, it has been determined that the upgrading of the ash handling, waste water treatment and solid waste disposal systems, as stated in Section I.B. of the Notice of Intention, will not be required for W. N. Clark 1 and 2 to burn coal 100 percent of the time.

C. DOE finds that on June 22, 1974, W. N. Clark 1 and 2 had all other significant plant equipment and facilities associated with the burning of coal.

DOE has not received any written or oral presentation of data, views or arguments that would negate DOE's finding that W. N. Clark 1 and 2 have the capability and necessary plant equipment to burn coal as stated above.

II. The Burning of Coal in Leiu of Natural Gas or Petroleum Products is Practicable and Consistent With the Purposes of ESECA.

DOE finds that the burning of coal at W. N. Clark 1 and 2 in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA. This finding is based upon the presumption that W. N. Clark 1 and 2 will be operated at an 82.0 percent capacity factor, (this represents a weighted average of each powerplant's projected capacity factor), have an average remaining useful life of 20 years (as of the date of this Prohibition Order and after the estimated date of conversion), and on the facts and interpretations stated below:

A. THE BURNING OF COAL IS PRACTICABLE

1. *Costs associated with the burning of coal.—(a) Capital investment costs.* Based upon information provided by SCPD-CTUC at the public hearing, contracts with the environmental Protection Agency and the Colorado Department of health, Water division, it has been determined that the capital investment costs of $650,000 (paragraph I.B. above) that would have been required for the acquisition and refurbishment of equipment and facilities as stated in Section II.A.1.a. of the Notice of Intention, have been excluded.

DOE has not included capital investment costs for air pollution control equipment of approximately $2,800,000 as suggested by SCPD-CTUC at the public hearing since these costs represent commitments made by the utility prior to the issuance of DOE's Order, and are not commitments made as a result of this Order.

(b) Annual operating and maintenance costs

At the hearing SCPD-CTUC testified that the annual operating and maintenance cost increase should be $126,600 (a 1977 cost equivalent based upon 100 percent natural gas burning). An evaluation of the $126,600 amount indicates that the utility has included all costs rather than those increases which would result from this Prohibition Order.

DOE's $37,000 amount represents an estimate of the incremental operating and maintenance cost increase caused by the switching from burning the present mixture of natural gas and coal to the burning of 100 percent coal at West Northwest Clark 1 and 2.

DOE has considered SCPD-CTUC's cost data but finds that its estimate of $37,000 should stand.

(c) Fuel costs

(i) Based on information supplied by the SCPD-CTUC at the public hearing, the price of natural gas available to W. N. Clark 1 and 2 is approximately $1.042 per Mcf. This represents $1.056 per million Btu's of natural gas, assuming 987,000 Btu's per Mcf.

(ii) Based on information supplied by the utility at the public hearing, the price of coal available to W. N. Clark 1 and 2 is approximately $0.67 per million Btu's. This represents $13.70 per ton of delivered coal, assuming 20.4 million Btu's per ton.

(iii) DOE estimates that the burning of coal in lieu of natural gas by these powerplants will result in the reduction of approximately $0.386 per million Btu's or $479,000 per year in fuel costs.

(iv) DOE finds that W. N. Clark 1 and 2 can burn coal as their primary energy source with a decrease in fuel costs as a result of this Prohibition Order.

(d) Total annual costs associated with conversion. As a result of this Prohibition Order to convert W. N Clark 1 and 2, there will be an estimated annual increase in operating and maintenance costs incurred, exclusive of fuel costs, of approximately $37,000 assuming coal is used to replace natural gas burned.

2. *Reasonableness of costs of conversion.* The foregoing analysis of the costs of conversion provided the basis for deciding whether the conversion of W. N. Clark 1 and 2 is reasonable. Financial impacts of the conversion will be felt by the utility and by the consumer.

As a result of the conversion, the utility will incur additional annual operating and maintenance costs, exclusive of fuel costs, of approximately $37,000 (see paragraph A.1.b.), but will experience an annual fuel cost savings of approximately $479,000 (see paragraph A.1.c.). Considering the fuel cost

savings, the total annual cost of operating W. N. Clark 1 and 2 after conversion is estimated to be reduced by $442,000.

Since all increased costs of conversion will be offset by the decrease in fuel costs, it is estimated that there will be an overall net decrease in the cost of producing electricity at W. N. Clark 1 and 2.

The burning of 100% coal as the primary energy source at W. N. Clark 1 and 2 will result in an estimated annual equivalent savings of 1,256,000 Mcf of natural gas (or approximately 229,000 barrels of oil) that otherwise would be used in providing steam for electric power generation.

DOE finds that, (1) the increased annual operating and maintenace cost at the powerplants is offset by the current fuel cost differential between natural gas and coal burning at W. N. Clark 1 and 2, (2) the potential future increases in the fuel cost differential will favor coal and burning coal will result in even greater savings and (3) such action will be in the national interest.

3. Financial capabilities of SCPD-CTUC. DOE finds that compliance with a Prohibition Order to W. N. Clark 1 and 2 will be economically feasible. DOE's analysis took into consideration SCPD-CTUC's 1977 construction budget of $5.8 million, the 1977 total capitalization of $1.0 billion, and average remaining useful life of 20 years after conversion of W. N. Clark 1 and 2.

Total annual costs associated with conversion. The total estimated annual increase in costs associated with the burning of coal, as opposed to natural gas, attributable to compliance with this Prohibition Order would be $37,000. This also represents the total estimated annual incremental increase in revenue requirements of SCPD-CTUC. (DOE also took into consideration revenue requirements of SCPD-CTUC resulting from compliance with all outstanding Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all other Prohibition or Construction Orders, if any, issued to date under section 2(a) and (c) of ESECA to SCPD-CTUC powerplants.) This estimate of $37,000 in revenue requirements is based on an analysis described in an Ultrasystems Inc. report entitled "Computer Methodology For Coal Conversion Cost Reasonableness Determination," August 1976 (hereafter "Ultrasystems Computer Model").

The total estimated annual increase in costs of $37,000 associated with conversion will be offset by the potential aggregate value of fuel costs savings of approximately $479,000 attributable to compliance with this Prohibition Order and all other Prohibition Orders currently under consideration, if any. Therefore, the net annual revenue requirements of SCPD-CTUC should decrease by approximately $442,000.

DOE does not consider the effect of these added annual costs associated with conversion an unreasonable burden given the financial capabilities of the utility to assume such costs.

4. Consumer impact. The potential initial impact of a Prohibition Order to W. N. Clark 1 and 2 is a net decrease in revenues required from SCPD-CTUC consumers of approximately $.0006 per kilowatt hour of electricity sold by SCPD-CTUC. This estimate is based on DOE's analysis of the Ultrasystems Computer Model results.

The actual amount of the decrease will depend on the methods which SCPD-CTUC selects to finance the increased costs associated with burning coal as a primary energy source at W. N. Clark 1 and 2, the extent to which the cost decrease is spread among SCPD-CTUC customers, the regulations or policies of the regulatory agencies with jurisdiction over SCPD-CTUC regarding inclusion of such cost decrease in consumer rates, the actual amount of the fuel cost differential, and other factors.

B. Consistency with the purposes of ESECA. Because the issuance of a Prohibition Order to W. N. Clark 1 and 2 will discourage the use of natural gas or petroleum products and encourage the increased use of coal, DOE concludes that this action will be consistent with the purposes of ESECA to provide for a means to assist in meeting the essential needs of the United States for fuels.

On the basis of the environmental analysis which DOE is required to conduct prior to issuance of a Notice of Effectiveness of Prohibition Order, as well as the necessity for these powerplants to comply with the Clean Air Act, as amended, and other applicable environmental protection requirements, DOE concludes that issuance of this Prohibition Order to W. N. Clark 1 and 2 will be consistent with the purposes of ESECA to provide for a means to assist in meeting the essential needs of the United States for fuels in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

DOE has not received any written or oral presentation of data, views or arguments that would negate DOE's finding that the burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA as stated above.

III. COAL AND TRANSPORTATION FACILITIES WILL BE AVAILABLE TO THIS POWERPLANT DURING THE PERIOD UNTIL DECEMBER 31, 1984.

A. COAL AVAILABILITY

1. National coal reserves. United States coal reserves are more than sufficient to supply national needs for the foreseeable future. United States Department of the Interior, Bureau of Mines data show a demonstrated coal reserve base of over 438 billion tons. (*Demonstrated Coal Reserve Base of the United States on January 1, 1976,* Bureau of Mines (August 1977) [hereafter "BOM Survey"]). Mining experience in the United States has indicated that, on a national basis at least one-half of the coal, 219 billion tons, in the reserve base may be technically and economically recoverable. To determine when certain quantities of these reserves are expected to be available, DOE has examined several studies, referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

2. National coal production and demand. A comparison of estimated national coal production and national coal demand shows that there should be sufficient production of coal to meet the total national demand through 1984.

a. *National coal production.* It is conservatively estimated that it will be practicable to produce coal nationally in at least the following quantities:

Year	Production potential (million tons)
1978	745
1979	781
1980	818
1981	858
1982	899
1983	942
1984	987

The figures shown above are derived from *Projections of Energy Supply and Demand and Their Impacts, Energy Information Administration,* dated April 1978 (hereafter "Energy Supply and Demand Report"). The coal production forecast was derived from analytic procedures utilizing historical coal consumption patterns, in addition to derived demand under a forecast economic and energy case. DOE intends to fully update, for purposes of being current, its coal availability finding pertinent to W. N. Clark 1 and 2 prior to the issuance of a Notice of Effectiveness.

b. *National demand including ESECA Prohibition Order demand.* The estimated national demand, including any increased demand resulting from DOE actions under the au-

thority of section 2(a) of ESECA, is as follows (Energy Supply and Demand Report):

Year	Demand (millions of tons)
1978	720
1979	758
1980	798
1981	841
1982	885
1983	932
1984	982

These demand projections were conservatively developed and include not only the actions already taken under ESECA but also all anticipated ESECA actions that may be taken in the future.

c. *National ESECA Prohibition Order demand.* DOE has estimated potential demand for coal resulting from this Prohibition Order, from all outstanding Notices of Intention to issue Prohibition Orders currently under consideration and from all other outstanding Prohibition Orders issued to date under authority of section 2(a) of ESECA to be as follows:

Year	Demand (million tons)
1978	9.6
1979	14.0
1980	20.4
1981	22.7
1982	29.5
1983	29.9
1984	29.9

(The above estimated demand figures include projections for Prohibition Orders issued on June 30, 1975 which are currently effective through December 31, 1978 and are subject to extension through December 31, 1984.)

3. *Characteristic coal, production and demand*—a. *Characteristic coal requirements for these powerplants.* Based on updated information provided by SCPD-CTUC at the public hearing, DOE concludes that dry-bottom boilers, of the type used at W. N. Clark 1 and 2, will be able to burn coal with the following characteristics and comply with all applicable air pollution control requirements:

BTU's/lb, 10,221, approx.
Moisture, 15.0 percent, max.
Ash, 20.0 percent, max.
Volatile, 15.0 percent, min.
Ash softening temp., 2200 (°F), max.
Sulfur, 0.70 percent, max.

b. *Characteristic coal demand from these powerplants.* The potential average annual demand for coal, of the type described above, which would result from this Prohibition order is estimated to be as follows:

[In thousand tons]

Year	Potential Annual demand
1979-84	61

c. *Characteristic coal available to these powerplants.* SCPD-CTUC presently purchases characteristic coal in the "spot market" from Bureau of Mines (BOM) District 17, in Fremont and Las Animas Counties, Colo. Based on information provided by the Denver Geological Survey, Fremont and Las Animas Counties have demonstrated reserves of 646 million short tons of coal. The Bureau of Mines Information Circular, 1975, entitled *The Reserve Base of U.S. Coals by Sulfur Content,* states that recoverable reserves by underground mining methods are generally estimated to be 50 percent of demonstrated reserves. Consequently, the estimated recoverable reserves pertinent here are 323 million short tons of coal. SCPD-CTUC has advised DOE that there are sufficient quantities of characteristic coal to meet the above-stated incremental annual demand at Twin Pines, GEC and Delanga Mines through 1984. DOE, therefore, finds that coal of the type that is burned at W. N. Clark 1 and 2 is available through 1984.

4. *State or local laws.* DOE has found no State or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to DOE's attention.

5. *Conclusion.* DOE finds that coal of the characteristics required will be available to W. N. Clark 1 and 2 through 1984. Furthermore, on the basis of the Bureau of Mines Survey and the Energy Supply and Demand Report, DOE expects that national coal production potential will exceed the total national demand for coal in amounts sufficient in any year to meet the estimated potential additional demand represented by this Prohibition Order, from all outstanding NOI's to issue Prohibition Orders and from all other outstanding Prohibition Orders issued to date under authority of section 2(a) of ESECA.

B. *Coal transportation.*—1. *Location of powerplant and coal supply.* The primary and alternate source of coal supply for W. N. Clark 1 and 2 at Canon City, Colo., is from BOM District 17, Fremont and Las Animas Counties, Colo. SCPD-CTUC presently purchases coal in the "spot market" from coal mines in Fremont County, about 10 miles from the plant, and from another supplier in Las Animas County, approximately 110 miles distant.

2. *Route of coal shipment.* The primary route for coal delivery to W. N. Clark 1 and 2 originates in BOM District 17. Within BOM District 17 coal is presently being delivered from Fremont County, Colo. in the Florence coal field by truck, but the Denver and Rio Grande Western Railroad (D&RGW) is available to serve the plant.

3. *Originating trunk carrier.* SCPD-CTUC has advised DOE that within BOM District 17 there are several probable originating-destination truck carriers for transporting coal to W. N. Clark 1 and 2. These trucking companies include the following: (A) Ben Moscheti Trucking Co., which presently transports coal to W. N. Clark 1 and 2 from Twin Pines Mine in Fremont County, 6 days each week, 24 ton-load capacity per truck; (b) Corley Trucking Co., which also transports coal to W. N. Clark 1 and 2 from GEC Mineral Mines in Fremont County, 6 days each week, 30-ton load capacity per truck; and (C) Cal Garis Trucking Co., which now transports coal to W. N. Clark 1 and 2 from Delanga Mine in Las Animas county, 6 days each week, 20-30 ton-load capacity per truck. In addition, the Carestia Trucking Co. and the Berta Trucking Co. have indicated interest in transporting coal to the W. N. Clark powerplant if given the opportunity. Both would provide an added capacity availability of approximately 28 coal trucks. The above-mentioned trucking companies are able and willing to provide adequate transportation of coal to W. N. Clark 1 and 2 through December 31, 1984. DOE has not found nor has it been informed of any apparent constraints in transporting coal to W. N. Clark 1 and 2.

Whenever truck transportation of coal is not available, rail transportation, offered by D&RGW, is available to W. N. Clark 1 and 2 as an alternate mode.

DOE has not found nor has it been informed of any apparent constraints to carrying coal for any alternate carriers should they be used.

4. *Powerplant facilities.* W. N. Clark 1 and 2 presently have coal unloading facilities which are adequate to handle the projected coal demand. There are no apparent obstacles to the handling and delivery of coal to W. N. Clark 1 and 2.

5. *Conclusion.* Coal transportation facilities will be available for the period that this Prohibition Order is expected to be in effect since no significant constraints to coal delivery to W. N. Clark 1 and 2 presently exist.

DOE has not received any written or oral presentation of data, views or arguments contesting the accuracy of DOE's finding that coal and coal transportation facilities will be availa-

ble to these powerplants during the period until December 31, 1984 as stated above.

IV. *The prohibition of the burning of natural gas or petroleum products as their primary energy source will not impair the reliability of service in the area served by the affected powerplant.* Based on an analysis of the information submitted to DOE by SCPD-CTUC, DOE finds that the issuance of a Prohibition Order to W. N. Clark 1 and 2 will not impair the reliability of service in the area served by these powerplants since there will be no outage as a result of a Prohibition Order. SCPD-CTUC has indicated that W. N. Clark 1 and 2 were designed to burn natural gas and coal and are currently burning coal. Therefore, there will be no impairment of reliability of service within the meaning of ESECA in the area served by W. N. Clark 1 and 2 as a result of this Prohibition Order.

DOE has not received any written or oral presentation of data, views or arguments that would negate DOE's finding that the prohibition of the burning of natural gas or petroleum products as the powerplant's primary energy source will not impair the reliability of service in the area served by the affected powerplants as stated above.

The prohibition of the burning of natural gas or petroleum products as the primary energy source by W. N. Clark 1 and 2 shall not become effective, (1) until either (a) the Administrator of the Environmental Protection Agency (EPA) has notified DOE, as required by 2(b) of ESECA, that the particular powerplant will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a delayed compliance order pursuant to the provisions of the Clean Air Act, as amended, (CAA), 42 U.S.C. 7413(d)(5) and the Act of August 7, 1977, Pub. L. 95-95, 112, or (b) if no such notification is given by EPA, the date that the Administrator of EPA certifies is the earliest date that a particular powerplant will be able to burn coal and to comply with all applicable air pollution requirements, CAA, *supra;* Pub. L. 95-95, *supra;* and (2) until DOE has performed an analysis of the environmental impact of the issuance of a Notice of Effectiveness, pursuant to 10 CFR 208.3(a)(4) and 305.9, and has served the affected powerplant a Notice of Effectiveness, as provided in 10 CFR 303.10(b), 303.37(b) and 305.7.

The date stated in the Notice of Effectiveness shall be either (a) the date EPA determines in accordance with section 113(d) of the CAA, *supra;* Pub. L. 95-95, *supra;* or (b) the date marking termination of the period of time that DOE determines is required by the affected powerplants to acquire or refurbish equipment or facilities necessary to comply with the CAA, *supra;* Pub. L. 95-95, *supra,* whichever date is later.

In addition to the date on which the prohibition shall become effective, included with the Notice of Effectiveness, if appropriate, shall be a schedule of interim steps that should be taken by a stated date ("compliance schedule") to insure that the affected powerplant will be able to comply with the prohibition of the burning of natural gas or petroleum products as a primary energy source by the date stated in such notice. The compliance schedule may require actions by the powerplant at any time subsequent to service of the Notice of Effectiveness.

This Prohibition Order does not constitute a final agency action and is not effective prior to service of the Notice of Effectiveness. In accordance with 10 CFR 303.38, any person aggrieved by this Order may file an appeal with DOE's Office of Hearings and Appeals, in accordance with 10 CFR Part 303 Subpart H, but such appeal cannot be filed prior to service by DOE of the Notice of Effectiveness and, if filed, shall be filed within 30 days after the service of such notice. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of Part 303 and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Application may be made for modification or rescission of this Prohibition Order in accordance with the provisions of 10 CFR Part 303 Subpart J. An application for modification or rescission of a Prohibition Order based on significantly changed circumstances, which may occur during the interval between issuance of this Order and service of the Notice of Effectiveness, shall be filed within 30 days of such service of such notice. Application for modification or rescission based on significantly changed circumstances occurring after the service of such notice may be filed at any time.

If an application for a modification or rescission of this Prohibition Order is made in accordance with Subpart J of Part 303, any appeal of this Order under 10 CFR Part 303 Subpart H, shall be suspended until 30 days after an order has been issued in accordance with Subpart J or until 30 days from the date on which such application for modification or rescission may be treated as having been denied in all respects.

If made effective this Prohibition Order will be effective against any persons that, as of the date stated in the Notice of Effectiveness of this Order own, lease, operate or control the above listed powerplants and against any successors-in-interest or assignees of such persons.

Any terms utilized in this Prohibition Order have the same meaning as such terms have in 10 CFR Parts 303 and 305.

Any questions regarding this Prohibition Order should be directed to Mr. Walter A. Romanek, Director, Division of Coal Utilization, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, 202-254-5436.

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 et seq.) as amended by Pub. L. 95-70; Federal Energy Administration Act of 1974 (15 U.S.C. 761 et seq.) as amended by Pub. L. 95-70; Department of Energy Organization Act (42 U.S.C. 7101 et seq.); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267).)

Issued in Washington, D.C., October 14, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-29503 Filed 10-18-78; 8:45 am]

[3128-01-M]

CITY OF COLORADO SPRINGS DEPT. OF PUBLIC UTILITIES

Prohibition Order

Docket No.	Owner	Powerplant No.	Generating station	Location
DCU-166	City of Colorado Springs, Department of Public Utilities.	5	Martin Drake	Colorado Springs, Colo.
DCU-167	do	6	do	Do.
DCU-168	do	7	do	Do.

Pursuant to section 2 (a) and (b) of the Energy Supply and Environmental

Coordination Act of 1974, as amended, 15 U.S.C. 791 et seq. (ESECA), and Chapter II, Title 10 of the Code of Federal Regulations (CFR), Parts 303 and 305, (10 CFR Parts 303 and 305 (1976), as amended, 42 FR 23132 (1977)), the Department of Energy (DOE) hereby orders that the above listed powerplants shall be prohibited from burning natural gas or petroleum products as their primary energy source. Such prohibition shall become effective on the date stated in a Notice of Effectiveness to be served on the powerplants, pursuant to 10 CFR 303.10(b), 303.37(b) and 305.7, subsequent to issuance of this Prohibition Order.

Section 2 of ESECA requires that DOE make certain findings prior to issuing a Prohibition Order. On May 12, 1978, DOE published a notice of "Intention to Issue Prohibition Orders to Certain Powerplants" (43 FR 20534) that contained DOE's proposed conclusions with respect to those findings and the rationale therefor that DOE proposed to make with respect to the powerplants listed above. That notice invited interested persons to make written or oral presentation of data, views and arguments regarding the proposed findings and other matters. A public hearing was held in Colorado Springs, Colo. on May 31, 1978, for the purpose of receiving the oral presentation of data, views and arguments. In addition, DOE provided an opportunity subsequent to the public hearing for supplemental written comments.

Based on a consideration of the data, views and arguments received by DOE at the public hearing as well as supplemental data, views and arguments received during the public comment period and an analysis of other information submitted to or otherwise available to DOE, DOE hereby finds with respect to the above listed powerplants that:

1. On June 22, 1974, each powerplant had the capability and necessary plant equipment to burn coal;

2. The burning of coal by each powerplant, in lieu of petroleum products or natural gas, is practicable and consistent with the purposes of ESECA;

3. Coal and coal transportation facilities will be available during the period this Prohibition Order will be in effect; and

4. The prohibition of each powerplant from burning natural gas or petroleum products as its primary energy source will not impair the reliability of service by such powerplant.

Stated below is the rationale for each finding ESECA requires DOE to make prior to issuing a Prohibition Order, and an evaluation of the significant, material issues raised by interested persons in their oral or written presentations, of data, views and arguments. Such presentations were made in response to the notice of "Intention to Issue Prohibition Orders to Certain Powerplants" published in the FEDERAL REGISTER on May 12, 1978 (43 FR 20534). Where such presentations were adopted by DOE and resulted in changes in DOE's calculations these are reflected in the specific findings. After an evluation of the data, views and arguments presented by interested persons, DOE concludes that no issues or facts were presented that render DOE unable to make the findings and therefore it must proceed with the issuance of the instant order.

City of Colordao Springs, Department of Public Utilities shall be referred to as the "Utility" and as "CCS-DPU".

I. *Capability and necessary plant equipment to burn coal.* DOE finds that, on June 22, 1974, Powerplants Number 5, 6, and 7 at Martin Drake Generating Station (Martin Drake 5, 6, and 7) had, or thereafter acquired or were designed with the capability and necessary plant equipment to burn coal. This finding is based on the facts and interpretations stated below:

A. Based on information supplied to the Federal Power Commission (now Federal Energy Regulatory Commission) by CCS-DPU and a site visit performed by DOE representatives, it has been determined that each powerplant had in place, on June 22, 1974, boilers that were capable of burning coal. The boilers has been designed and constructed or modified to burn coal as their primary energy source, notwithstanding the fact that, on June 22, 1974, the powerplants may not have been burning coal as their primary energy source.

The 1977 annual fuel consumption information provided by CCS-DPU at the public hearing was used to calculate the heat input of Martin Drake biolers 5, 6, and 7. Boiler 5 was 97.6 percent coal and 2.4 percent natural gas, Boiler 6 was 84.5 percent coal and 15.5 natural gas and Boiler 7 was 90.4 percent coal and 9.6 percent natural gas.

Based on information provided by CCS—DPU, the historical pattern of natural gas usage at Martin Drake Generating Station has tended to decrease over the past few years, but the relative share of the total natural gas consumed by individual powerplants has fluctuated. Even though Martin Drake 5 and 7 burned relatively small quantities of natural gas in 1977, issuance of a Prohibition Order to Martin Drake 5, 6, and 7 appears necessary to preclude potential increased use of natural gas by the powerplants which are not issued an order. In proposing to issue a Prohibition Order to Martin Drake 5, 6, and 7, DOE has considered and evaluated the effect of issuing an order to some of the individual powerplants and not to others and concluded that the purposes of ESECA are best accomplished by the issuance of this Order.

B. Based on information CCS-DPU provided to DOE during the abovementioned site visit and other information available to DOE, it has been determined that Martin Drake 5, 6, and 7 would not have to upgrade an ash handling system, a waste-water treatment system and a solid waste disposal system in order to burn coal 100 percent of the time.

C. DOE finds that, on June 22, 1974, Martin Drake 5, 6, and 7 had all other significant plant equipment and facilities associated with the burning of coal.

D. Within the meaning of ESECA and the regulations promulgated pursuant thereto, absence of the facilities listed in paragraph B, above, does not constitute a lack of capability and necessary plant equipment to burn coal as of June 22, 1974.

DOE has not received any written or oral presentation of data, views or arguments that would negate DOE's finding that Martin Drake 5, 6, and 7 have the capability and necessary plant equipment to burn coal as stated above.

II. *The burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA.* DOE finds that the burning of coal at Martin Drake 5, 6, and 7 in lieu of natural gas or petroleum products is praticable and consistent with the pruposes of ESECA. This finding is based upon the presumption that Martin Drake 5, 6, and 7 will be operated at a 60.3 percent capacity factor (this represents a weighted average of each powerplant's projected capacity factor), have a remaining useful life of 32 years (as of the date of this Prohibition Order), are expected to have at least 31 years of remaining useful life after conversion of the powerplants, and on the facts and interpretations stated below:

A. *The burning of coal is practicable*—1. *Costs associated with burning coal*—a. *Capital investment costs.* Based upon information provided by CCS-DPU at the public hearing, it has been determined that the capital investment costs of $3,406,000 for the acquistion and refurbishment of equipment and facilities, as stated in section II.A.1.a. of the Notice of Intention, should be excluded.

b. *Annual operating and maintenance costs.* DOE has considered the statements made by CCS-DPU at the public hearing but concludes that there are approximately $137,000 increase in annual operating and maintenance costs associated with the

burning of 100 percent coal at Martin Drake 5, 6, and 7.

c. *Fuel costs.* (i) Based on information supplied by the utility, the price of natural gas available to Martin Drake 5, 6, and 7 is approximately $1.49 per million Btu's. This represents $1.47 per Mcf of natural gas, assuming 984,000 Btu's per Mcf.

(ii) Based on information supplied by the Federal Energy Regulatory Commission and from other sources available to DOE, the price of coal available to Martin Drake 5, 6, and 7 is approximately $0.99 per million Btu's. This represents $20.27 per ton of coal, assuming 20.5 million Btu's per ton.

(iii) DOE estimates that the burning of 100 percent coal by these powerplants will result in an overall reduction of approximately $0.51 per million Btu's, or $787,000 per year in fuel costs.

(iv) Based on information supplied by CCS-DPU, DOE has determined that Martin Drake 5, 6, and 7 are presently burning coal. DOE, therefore, finds that Martin Drake 5, 6, and 7 can continue to burn coal as their primary energy source with a decrease in fuel costs as a result of the Prohibition Order.

d. *Total annual costs associated with conversion.* As a result of this Prohibition Order to Martin Drake 5, 6, and 7, there will be an estimated total annual increase in costs incurred, exclusive of fuel costs, of approximately $137,000.

2. *Reasonableness of costs of conversion.* The foregoing analysis of the costs of conversion provides the basis for deciding whether the conversion of Martin Drake 5, 6, and 7 is reasonable.

As a result of conversion, the utility will incur additional annual operating and maintenance costs, exclusive of fuel costs, of approximately $137,000 (see paragraph A.1.b.), but will experience an annual fuel cost savings of approximately $787,000 (see paragraph A.1.c.). Considering the fuel cost savings, the total annual cost of operating Martin Drake 5, 6, and 7 after conversion is estimated to be reduced by $650,000.

Since the increased cost of conversion will be offset by the decrease in fuel costs, it is estimated that there will be an overall net decrease in the cost of producing electricity at Martin Drake 5, 6, and 7.

The burning of 100 percent coal at Martin Drake 5, 6, and 7 will result in an estimated annual equivalent savings of 1,584,000 Mcf of natural gas (or approximately 260,000 barrels of oil equivalent) that otherwise would be used in providing steam for electric power generation.

DOE finds that, since the increased annual operating and maintenance costs at Martin Drake 5, 6, and 7 are offset by the current fuel cost differential between natural gas and coal burning at these powerplants and because of potential future increases in the fuel cost differential in favor of coal, the additional costs associated with burning coal are reasonable.

3. *Financial capabilities of CCS-DPU.* DOE finds that compliance with a Prohibition Order to Martin Drake 5, 6, and 7 will be economically feasible. DOE's analysis took into consideration CCS-DPU's 1978 construction budget of $52.5 million, the total capitalization of the utility of $334 million and the 31 years remaining useful life after conversion of Martin Drake 5, 6, and 7.

Total annual costs associated with conversion. The total estimated annual increase in costs associated with the burning of coal, as opposed to natural gas, attributable to compliance with this Prohibition Order would be $137,000. This also represents the total estimated annual incremental increase in revenue requirements of CCS-DPU. (DOE also took into consideration revenue requirements of CCS-DPU resulting from compliance with all Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all other Prohibition or Construction Orders, if any, issued to date under authority of section 2 (a) and (c) of ESECA to CCS-DPU powerplants.) This estimate of $137,000 in revenue requirements is based on an analysis described in an Ultrasystems Inc. report entitled "Computer Methodology for Coal Conversion Cost Reasonableness Determination," August 1976 (hereafter "Ultrasystems Computer Model").

The total estimated annual increase in costs of $137,000 associated with conversion will be offset by the potential aggregate value of fuel costs savings of approximately $787,000 attributable to compliance with this Prohibition Order and all other Prohibition Orders currently under consideration, if any. Therefore, the net annual revenue requirements of CCS-DPU should decrease by approximately $650,000.

DOE does not consider the effect of these added annual costs associated with conversion an unreasonable burden given the financial capabilities of the utility to assume such costs.

4. *Consumer impact.* The potential initial impact of a Prohibition Order to Martin Drake 5, 6, and 7 is a net decrease in revenues required from CCS-DPU consumers of approximately $0.0005 per kilowatt hour of electricity sold by CCS-DPU. This estimate is based on DOE's analysis of the Ultrasystems Computer Model results.

B. *Consistency with the purposes of ESECA.* Because the issuance of a Prohibition Order to Martin Drake 5, 6, and 7 will discourage the use of natural gas or petroleum products and encourage the increased use of coal, DOE concludes that this action will be consistent with the purposes of ESECA to provide for a means to assist in meeting the essential needs of the United States for fuels. On the basis of the environmental analysis which DOE is required to conduct prior to issuance of a Notice of Effectiveness of a Prohibition Order, as well as the necessity for these powerplants to comply with the Clean Air Act, as amended, and other applicable environmental protection requirements, DOE concludes that issuance of a Prohibition Order to Martin Drake 5, 6, and 7 will be consistent with the purposes of ESECA to provide for a means to assist in meeting the essential needs of the United States for fuels in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

DOE has not received any written or oral presentation of data, views, or arguments that would negate DOE's finding that the burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA as stated above.

III. *Coal and coal transportation facilities will be available to these powerplants during the period until December 31, 1984.*—A. *Coal availability.*—1. *National coal reserves.* United States coal reserves are more than sufficient to supply national needs for the foreseeable future. U.S. Department of the Interior, Bureau of Mines data show a demonstrated coal reserve base of over 438 billion tons. ("Demonstrated Coal Reserve Base of the United States on January 1, 1976," Bureau of Mines (August 1977) (hereafter "BOM Survey")). Mining experience in the United States has indicated that, on a national basis at least one-half of the coal, 219 billion tons, in the reserve base may be technically and economically recoverable. To determine when certan quantities of these reserves are expected to be available, DOE has examined several studies, referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

2. *National coal production and demand.* A comparison of estimated national coal production and national coal demand shows that there should be sufficient production of coal to meet the total national demand through 1984.

a. *National coal production.* It is conservatively estimated that it will be practicable to produce coal nationally in at least the following quantities:

Year	Production potential (million tons)
1978	745
1979	781
1980	818
1981	858
1982	899
1983	942
1984	987

The figures shown above are derived from "Projections of Energy Supply and Demand and Their Impacts, Energy Information Administration," dated April 1978 (hereafter "Energy Supply and Demand Report"). The coal production forecast was derived from analytic procedures utilizing historic coal consumption patterns, in addition to derived demand under a forecast economic and energy case. DOE intends to fully update, for purposes of being current, its coal availability finding pertinent to Martin Drake 5, 6, and 7 prior to the issuance of a Notice of Effectiveness.

b. *National demand including ESECA Prohibition Order demand.* The estimated national demand, including any increased demand resulting from DOE actions under the authority of section 2(a) of ESECA, is as follows (Energy Supply and Demand Report):

Year	Demand (millions of tons)
1978	720
1979	758
1980	798
1981	841
1982	885
1983	932
1984	982

These demand projections were conservatively developed and include not only the actions already taken under ESECA but also all anticipated ESECA actions that may be taken in the future.

c. *National ESECA prohibition order demand.* DOE has estimated potential demand for coal resulting from this Prohibition Order, from all outstanding Notices of Intention to issue Prohibition Orders currently under consideration and from all other outstanding Prohibition Orders issued to date under authority of section 2(a) of ESECA to be as follows:

Year	Demand (million tons)
1978	9.6
1979	14.0
1980	20.4
1981	22.7
1982	29.5
1983	29.9
1984	29.9

(The above estimated demand figures include projections for Prohibition Orders issued on June 30, 1975 which are currently effective through December 31, 1978 and are subject to extension through December 31, 1984.)

3. *Characteristic coal, production and demand.*—a. *Characteristic coal requirements for these powerplants.* Based on updated information provided by CCS-DPU at the public hearing, DOE concludes that wet-bottom boilers, of the type used at Martin Drake 5, 6, and 7 will be able to burn coal with the following characteristics and comply with all applicable air pollution control requirements:

BTU's/lb (approximate)	10,270
Moisture (maximum percent)	15.0
Ash (maximum percent)	20.0
Volatile (maximum percent)	15.0
Ash softening temp. (maximum °F)	2,200
Sulfur (maximum percent)	0.56

b. *Characteristic coal demand from these powerplants.* The potential average annual demand for coal, of the type described above, which would result from this Prohibition Order is estimated to be as follows:

POTENTIAL ANNUAL DEMAND

Year	Thousand tons
1979–1984	76

c. *Characteristic coal available to these powerplants.* DOE has found that CCS-DPU has received three long-term contracts from Pittsburg-Midway Coal Co., Colowyo Coal Co., and Empire Energy Coal Co. for supplies to Martin Drake 5, 6, and 7 of characteristic coal through 1984.

4. *State and local laws.* DOE has found no State or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to DOE's attention.

5. *Conclusion.* On the basis of CCS-DPU's present coal contract commitments, DOE finds that coal of the characteristics required will be available to Martin Drake 5, 6, and 7 through 1984. Furthermore, on the basis of the "BOM Survey," the Coal Mine Expansion Study (May 1976), the Availability Study as revised November 10, 1977 and the FEA 1976 National Energy Outlook, DOE expects that national coal production potential will substantially exceed the total national demand for coal in amounts sufficient in any year to meet the estimated potential additional demand resulting from this Prohibition Order, from all outstanding NOI's to issue Prohibition Orders, and from all outstanding Prohibition Orders issued to date under authority of section 2(a) of ESECA. In addition, CCS-DPU indicates that it can purchase coal for Martin Drake 5, 6, and 7 in the "spot market."

B. *Coal transportation.*—1. *Location of powerplants and coal supply.* Based on information provided by CCS-DPU, coal for Martin Drake 5, 6, and 7 will be supplied and transported from Colowyo Coal Co. and Empire Energy Corp., which are located in Moffat County, Colo., and from Pittsburg-Midway, which is located in Routt County, Colo. to Martin Drake 5, 6, and 7 at Colorado Springs, Colo.

2. *Route of coal shipment.* Based on information provided to DOE by CCS-DPU, the primary route for coal delivery for Martin Drake 5, 6, and 7 would originate on the Craig Branch of the Denver & Rio Grande Western Railroad (D&RGWRR) and later would switch into the Drake Plant so that all coal movements would be completed on the D&RGWRR.

3. *Originating trunk carrier.* D&RGWRR, the expected carrier of coal for Martin Drake 5, 6, and 7, has indicated that it is able and willing to acquire any needed capacity involved in shipment to Martin Drake 5, 6, and 7.

Based on an FEA study, Utility analysis of Coal Transportation Availability, November 1976, DOE has concluded that for all potential Prohibition Order condidates studied, there will be no major constraints in transporting coal. The study examined existing rail transportation car capacity, water transportation capacity, including unloading docks, where applicable, and took into account projections made by all carriers to meet the anticiapated demand for all types of transportation facilities assuming all powerplants studied were to receive orders under section 2(a) of ESECA.

D&RGWRR has indicated that the rail facilities at Moffat County and Routt County, Colo. are readily available to CCS-DPU and that the D&RGWRR has adequate handling and loading facilities to service the required coal volumes.

DOE has not found nor has it been informed of any apparent constraints to transporting coal.

4. *Powerplant facilities.* Martin Drake 5, 6, and 7 presently have coal unloading facilites which CCS-DPU has advised DOE are adequate to handle the projected coal demand. There are no apparent obstacles to the handling and delivery of coal to Martin Drake 5, 6, and 7.

5. *Conclusion.* On the basis of the information discussed above, DOE finds that coal transportation facilities will be available for the period that this Prohibition Order is expected to be in effect since no significant constraints to coal delivery over the primary route

to Martin Drake 5, 6, and 7 presently exist.

DOE has not received any written or oral presentation of data, views or arguments that would negate DOE's finding that coal and coal transportation facilities will be available to these powerplants during the period until December 31, 1984.

IV. *The prohibition of the burning of natural gas or petroleum products as their primary energy source will not impair the reliability of service in the area served by the affected powerplants.* At the public hearing CCA-DPU stated that reliability of service would be measurably and detrimentally affected if the prohibition order was issued without granting flexibility to allow for loss of pulverizers at capacity loads or loss of emission control equipment at capacity loads. CCS-DPU was concerned that the power pools that they participate in may not be able to provide the reserve capacity needed in the case of emergency failure of pulverizers or emission control equipment. CCS-DPU proposed that the Martin Drake's Prohibition Order contain provisions allowing the utility to switch to natural gas firing under certain predetermined situations.

DOE interprets this voicing of concern as constituting a request for anticipatory relief, on the face of the Orders, from the potential effects of the Orders prior to their being made effective by issuance of a Notice of Effectiveness (NOE).

Should a problem arise after receipt of an NOE, DOE is prepared to respond and work with the utility in a timely manner.

Based on an analysis of the information submitted to DOE by CCS-DPU, DOE finds that the issuance of a Prohibition Order to Martin Drake 5, 6, and 7 will not impair the reliability of service in the area served by these powerplants since there will be no outage as a result of a Prohibition Order.

CCS-DPU has indicated that Martin Drake 5, 6, and 7 were designed to burn natural gas and coal and are currently burning coal. Therefore, there will be no impairment of reliability of service within the meaning of ESECA in the area served by Martin Drake 5, 6, and 7 as a result of this Prohibition Order.

DOE has not received any written or oral presentation of data, views or arguments that would negate DOE's finding that the prohibition of the burning of natural gas or petroleum products as the powerplants' primary energy source will not impair the reliability of service in the area served by the affected powerplants.

The prohibition of the burning of natural gas or petroleum products as the primary energy source by Martin Drake 5, 6, and 7 shall not become effective (1) until either (a) the Administrator of the Environmental Protection Agency (EPA) has notified the DOE, as required by 2(b) of ESECA, that a particular powerplant will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a delayed compliance order pursuant to the provisions of the Clean Air Act, as amended (CAA), 42 U.S.C. 7413 (d)(5) and the Act of August 7, 1977, Pub. L. 95-95, section 112, or (b) if no such notification is given by EPA, the date that the Administrator of EPA certifies is the earliest date that the particular powerplant will be able to burn coal and to comply with all applicable air pollution requirements, CAA, supra; Pub. L. 95-95, supra; and (2) until DOE has performed an analysis of the environmental impact of the issuance of a Notice of Effectiveness, pursuant to 10 CFR 208.3(a)(4) and 305.9, and has served the affected powerplant a Notice of Effectiveness, as provided in 10 CFR 303.10(b), 303.37(b) and 305.7.

The date stated in the Notice of Effectiveness shall be either (a) the date EPA determines in accordance with section 113(d) of the CAA, supra; Pub. L. 95-95, supra, or (b) the date marking termination of the period of time that DOE determines is required by the affected powerplants to acquire or refurbish equipment or facilities necessary for coal burning by the affected powerplants other than equipment or facilities necessary to comply with the CAA, supra; Pub. L. 95-95, supra, whichever date is later.

In addition to the date on which the prohibition shall become effective, included with the Notice of Effectiveness, if appropriate, shall be a schedule of interim steps that should be taken by a stated date ("compliance schedule") to insure that the affected powerplant will be able to comply with the prohibition of the burning of natural gas or petroleum products as a primary energy source by the date stated in such notice. The compliance schedule may require actions by the powerplant at any time subsequent to service of the Notice of Effectiveness.

This Prohibition Order does not constitute a final agency action and is not effective prior to service of the Notice of Effectiveness. In accordance with 10 CFR 303.38, any person aggrieved by this Order may file an appeal with DOE's Office of Hearings and Appeals, in accordance with 10 CFR Part 303 Subpart H, but such appeal cannot be filed prior to service by DOE of the Notice of Effectiveness and, if filed, shall be filed within 30 days after the service of such notice. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of Part 303 and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Application may be made for a modification or rescission of this Prohibition Order in accordance with the provisions of 10 CFR Part 303 Subpart J. An application for modification or rescission of a Prohibition Order based on significantly changed circumstances, which may occur during the interval between issuance of this Order and service of the Notice of Effectiveness, shall be filed within 30 days of such service of such notice. Application for modification or rescission based on significantly changed circumstances occurring after the service of such notice may be filed at any time.

If an application for a modification or rescission of this Prohibition Order is made in accordance with Subpart J of Part 303, any appeal of this Order under 10 CFR Part 303 Subpart H, shall be suspended until 30 days after an order has been issued in accordance with Subpart J or until 30 days from the date on which such application for modification or rescission may be treated as having been denied in all respects.

If made effective this Prohibition Order will be effective against any persons that, as of the date stated in the Notice of Effectiveness of this Order, own, lease, operate or control the above listed powerplants and against any successors-in-interest or assignees of such persons.

Any terms utilized in this Prohibition Order have the same meaning as such terms have in 10 CFR Parts 303 and 305.

Any questions regarding this Prohibition Order should be directed to Mr. Walter A. Romanek, Director, Division of Coal Utilization, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, 202-254-3910.

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 et seq.), as amended by Pub. L. 95-70; Federal Energy Administration Act of 1974 (15 U.S.C. 761 et seq.) as amended by Pub. L. 95-70; Department of Energy Organization Act (40 U.S.C. 7101 et seq.); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267).)

Issued in Washington, D.C., October 14, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-29456 Filed 10-18-78; 8:45 am]

[3128-01-M]

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

ISSUANCE OF DECISIONS AND ORDERS

Week of July 24 Through July 28, 1978

Notice is hereby given that during the week of July 24 through July 28, 1978, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

APPEALS

Baltimore Gas & Electric Co., Baltimore, Md., DEA-0072, Naphtha

Baltimore Gas & Electric Co. (B.G. & E.) filed an Appeal from a Decision and Order which the Economic Regulatory Administration of the DOE issued to the firm on November 8, 1977. In that Order, the Economic Regulatory Administration waived the use limitation set forth in 10 CFR 211.29(e), and thereby allowed B.G. & E. to use up to a total of 200,000 barrels of naphtha as SNG feedstock for the purpose of completing testing and startup at the firm's Sollers Point SNG manufacturing plant. This allocation was effective for the 3 month period ending on December 31, 1977. In addition, the Economic Regulatory Administration denied B.G. & E.'s request for a temporary assignment of a base period use and suppliers of an additional 700,000 barrels of naphtha which B.G. & E. sought to use as SNG feedstock for the commercial operation of the Sollers Point facility during the 1977-78 winter heating season. In considering the B.G. & E. Appeal, the DOE rejected the firm's contention that certain provisions of the November 8 Order were unclear. The DOE determined that in the November 8 Order the Economic Regulatory Administration had left no doubt that B.G. & E. could use the high contaminant naphtha that it held in inventory as SNG feedstock for the Sollers Point facility. The DOE also determined that the Economic Regulatory Administration had clearly indicated in the November 8 Order that because B.G. & E.'s inventory of naphtha was adequate for its purposes, an assignment of new suppliers of naphtha was unnecessary. Furthermore, the DOE found that B.G. & E. had failed to advance any evidence or legal argument in support of its contention that it was arbitrary for the Economic Regulatory Administration to have determined that the preparation of an environmental impact statement was a prerequisite to the temporary assignment of SNG feedstock to the firm's Sollers Point facility. The DOE further found that B.G. & E. had not demonstrated that the ERA's determination to review the firm's request for assignment of SNG feedstock in accordance with recent amendments to 10 CFR 211.29 was a tactic chosen for purposes of delay or had injured it in any way. The DOE accordingly concluded that B.G. & E. had not established that the November 8 Order was in any way erroneous and the B.G. & E. Appeal was denied.

Keener Oil Co., Tulsa, Okla., FRA-1387, Crude Oil

The Keener Oil Co. appealed from a Remedial Order which the Deputy Regional Administrator of FEA Region VI issued to the firm on June 10, 1077. In the Remedial Order, the Regional Office concluded that Keener had sold crude oil from three properties at prices which exceeded the maximum levels permitted under FEA Regulations. With respect to the Schenck lease, the Remedial Order found that the overcharges resulted from Keener's use of an incorrect May 15, 1973 posted price. The Remedial Order also found that Keener had incorrectly treated its Ellen lease as a "new" property with no base production control level (BPCL). The Remedial Order determined that production at the Ellen lease was instead subject to the BPCL of a larger property out of which the Ellen lease was formed. Finally, the Remedial Order determined that in November 1973 Keener erroneously calculated the BPCL for the Harjo lease by reference to the amount of crude oil "produced" rather than to the amount "produced and sold." On Appeal, Keener contended that the May 15, 1973 posted price which it used with respect to the Schenck lease was correct. The DOE rejected this contention on the grounds that Keener had not presented any evidence of a "publicly circulated written offer" which shows that the price it used was the highest posted price in effect on May 15, 1973 in Harper County, Kans. where the Schenck lease is located. With respect to the Ellen property, Keener claimed that it acquired the right to produce crude oil from the lease as a result of the subdivision of a larger tract by assignment in June 1973 and that the Ellen lease was therefore a separate and distinct different operation from the original tract. The DOE found, however, that under the provisions of FEA Ruling 1975-15, a post-1972 subdivision of property does not establish a new property for the purposes of measuring the BPCL and determining whether any new or released crude oil has been produced. Finally, Keener claimed that the error which it made in calculating the BPCL for the Harjo property during November 1973 also occurred in other months at the Harjo lease and on sixteen other crude oil producing properties as well. Keener contended that in these other instances the error produced undercharges which it should be permitted to offset against the overcharges which occurred on the Harjo lease in November 1973. In view of the fact that these undercharges may entirely offset the overcharges, the DOE concluded that the Remedial Order should be remanded to Region VI for a determination as to whether such an offset should be permitted. Accordingly, the Remedial Order was remanded with respect to this issue and Keener's Appeal was denied in all other respects.

Miranda Fuel Oil Co., Inc., New York, N.Y. DRA-0088, No. 2 and No. 4 oil

Miranda Fuel Oil Co., Inc. (Miranda) appealed from a Remedial Order which DOE Region II issued to the firm on December 9, 1977. The Remedial Order concluded that Miranda had sold No. 2 oil and No. 4 oil to six large volume purchasers at unlawful prices. In considering Miranda's Appeal, the DOE found that Miranda had acquired two of these customers after May 15, 1973 and that, contrary to Miranda's assertion, Miranda was not permitted to create new classes of purchaser for these customers but was required to place them in existing classes. The DOE also found that neither of the two new customers constituted a "new market" within the meaning of 10 CFR 212.111. The DOE further found that the Remedial Order's determination of Miranda's May 15, 1973 selling prices was consistent with 10 CFR 212.93 and DOE Ruling 1977-5 and was therefore correct. The DOE also rejected Miranda's argument that since the firm delivered product directly from its suppliers to customers of Universal Coal Co., Inc. (Universal) Miranda rather than Universal should have been treated as the retailer with respect to those customers. The DOE found in this regard that Miranda had not shown that it was the relevant "retailer" as that term is defined at 10 CFR 212.31 and that the Remedial Order had properly treated Miranda as a reseller of covered products to Universal. Finally, the DOE concluded that the fact that the Regional Office's preliminary audit findings differed somewhat from the formal charges contained in the Notice of Probable Violation and the Remedial Order which were subsequently issued to Miranda does not indicate that the Remedial Order is defective. Accordingly, the Miranda Appeal was denied.

REQUESTS FOR EXCEPTION

Natrogas, Inc., Minneapolis, Minn., DXE-1355 propane

Natrogas, Inc. (Natrogas) requested an extension of the exception relief which the DOE had previously granted to the firm from the provisions of 10 CFR 211.9. *Natrogas, Inc.*, 1 DOE Par. 80,141 (December 6, 1977); *Natrogas, Inc.*, 1 DOE Par. 82,524 (January 10, 1978); *Natrogas, Inc.*, 1 DOE Par. 82,560 (April 13, 1978). The extension request, if granted, would result in the issuance of an Order assigning Natrogas a supplier of propane whose wholesale price is less than the price currently charged by the firm's base period suppliers of that product. In considering the request, the DOE determined that the price which Natrogas' base period suppliers were currently charging for propane was within the range of prices which Natrogas' competitors pay for that product in the firm's market area. The DOE therefore concluded that any financial difficulties which Natrogas might be experiencing were not directly caused by the application of the DOE regulatory provisions to the firm and accordingly denied Natrogas' exception request.

Navajo Refining Co., Artesia, N.Mex., DXE-1048 Crude Oil

Navajo Refining Co. (Navajo) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Domestic Crude Oil Entitlements Program) which, if granted, would relieve the firm of its obligation to purchase entitlements for the months of June through November 1978 to account for its crude oil receipts and runs to stills during the months of April through September 1978. In support of its Application, Navajo submitted projected financial and operating material for its current fiscal year ending December 31, 1978. Based on the Navajo submission, the DOE determined

that Navajo would incur an obligation to purchase entitlements during its current fiscal year which would prevent it from achieving either its historical profit margin or historical return on invested capital (ROIC). The DOE concluded therefore that exception relief was warranted under the criteria set forth in *Delta Refining Co.*, 2 FEA Par. 83,275 (September 11, 1975), and *Beacon Oil Co.*, 3 FEA Par. 83,209 (June 8, 1976). In determining the amount of exception relief which should be granted Navajo under the *Delta-Beacon* criteria, the DOE found that Navajo's projections indicated that even if the firm were relieved of its entire entitlement purchase obligation for the current fiscal year it would still not attain either its historical profit margin or ROIC. Accordingly, in a Proposed Decision and Order issued to the firm on June 22, 1978, the DOE tentatively granted Navajo an exception which relieved it of any obligation to purchase entitlements during the 6 month period June through November 1978. *See* 41 FR 20394 (May 18, 1976). Since no objection to the proposed determination was filed within the time period specified in the DOE regulations, the Decision and Order was issued to Navajo in final form on July 28, 1978. The Decision noted that subsequent reviews will be conducted of the exception relief which Navajo was granted and that the firm will be required to purchase entitlements if a determination is made that it received excessive benefits.

Peninsular Gas Co., Omaha, Nebr., DXE-0514 Propane

Peninsular Gas Co. (Peninsular) filed an Application for Exception from the provisions of the Mandatory Petroleum Allocation Regulations. The exception request, if granted, would extend the exception relief previously granted to the firm and would permit it to increase its base period use of propane. *Peninsular Gas Co.*, 1 DOE Par. 81,039 (December 16, 1977). In considering the exception application, the DOE found that Peninsular continue to experience a dramatic increase in its propane requirements since the base period so that a gross disparity existed between the firm's current propane requirements for peak shaving and its use of propane during the 1972-73 base year. In addition, the DOE found that unless exception relief were granted permitting Peninsular to increase its use of propane for peak shaving the firm's customers could experience a curtailment of their natural gas services. Under these circumstances, the DOE determined that exception relief was appropriate and therefore adjusted Peninsular's base period volumes of propane for each calendar quarter ending December 31 and March 31.

R. W. Tyson Producing Co., Inc., Jackson, Miss., DXE-1069, Crude Oil

R. W. Tyson Producing Co., Inc. (Tyson) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of the exception relief previously granted to Tyson and would permit the firm to continue to sell 100 percent of the crude oil produced for the benefit of the working interest owners of the Stevens No. 4 and No. 5 wells located in Perry County, Miss., at upper tier ceiling prices. *R. W. Tyson Producing Co., Inc.*, 1 DOE Par. 82,542 (February 27, 1978). In considering the exception application, the DOE determined that the working interest owners had continued to incur increased operating expenses at the two wells and that, in the absence of continued exception relief, they would lack an economic incentive to produce crude oil from the wells. The DOE also found that even if the working interest owners were permitted to sell their entire share of the crude oil at upper tier ceiling prices they would still lack a sufficient incentive to continue to operate the two wells. In view of this situation and on the basis of the operating data that Tyson submitted for the most recently completed 6-month period, the DOE determined that Tyson should be permitted to sell at market prices 100 percent of the crude oil produced from the two wells for the benefit of the working interest owners.

Reading & Bates Oil & Gas Co., Tulsa, Okla., DXE-1316, Crude Oil

Reading & Bates Oil & Gas Co. (Reading & Bates) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would result in an extension of the exception relief previously granted to Reading & Bates and would permit the firm to continue to sell at upper tier ceiling prices a portion of the crude oil produced from the No. 2 well on the Dempsey-Mantooth lease located in McClain County, Okla. In considering the exception request, the DOE found that Reading & Bates was continuing to incur increased operating expenses in connection with the operation of the No. 2A well and that in the absence of exception relief, the firm would lack an economic incentive to continue to produce crude oil from the well. On the basis of the operating data which Reading & Bates submitted for the preceding 6 months, the DOE permitted the working interest owners to sell at upper tier ceiling prices 25.73 percent of the crude oil produced from the No. 2 well for their benefit.

Suburban Propane Gas Corp., Dallas, Tex., DEE-0321, Natural Gas Liquids: Natural Gas Liquid Products

The Suburban Propane Gas Corp. (Suburban) filed an Application for Exception which, if granted, would permit Suburban to increase its maximum allowable prices for natural gas liquids and natural gas liquid products to reflect certain nonproduct cost increases which it incurred at its Martha Berry natural gas processing plant. In a Proposed Decision and Order issued to Suburban on February 27, 1978, the DOE tentatively determined that exception relief should be granted. In a Statement of Objections which it filed, Suburban objected to the determination in the Proposed Decision that it is a refiner of crude oil under the Mandatory Petroleum Price Regulations and therefore must determine the maximum lawful selling prices for products refined at its natural gas processing plants pursuant to Subpart E of those regulations. In rejecting the firm's position on this issue, the DOE found that Plateau, Inc., a wholly owned subsidiary of Suburban, is a refiner of crude oil and that Suburban, through its ownership of Plateau, controls the operations of Plateau. The DOE therefore concluded that for purposes of implementing the exception relief which is approved for the firm, Suburban is a refiner of crude oil. Consequently, Suburban was permitted to reflect certain nonproduct cost increases which it incurred at its Martha Berry natural gas processing plant in the total nonproduct costs available for recovery through the prices the firm charges for general refinery products.

Young Refining Corp., Douglasville, Ga., DXE-0084, Crude Oil

The Young Refining Corp. (Young) filed an Application for Exception from the Old Oil Entitlements Program (10 CFR 211.67). The exception request, if granted, would relieve the firm of any obligation to purchase entitlements for the period October 1977 through March 1978.

On December 20, 1977, the DOE issued a Proposed Decision and Order in which it tentatively determined that Young had substantially changed its business practices after receiving entitlement exception relief under the criteria set forth in *Delta Refining Co.*, 2 FEA Par. 83,275 (September 11, 1975). According to the Proposed Decision, Young's course of conduct adversely affected the public interest and significantly frustrated the attainment of the objectives of the Entitlements Program. In order to prevent Young from taking further unwarranted advantage of its exception relief, a ceiling was placed on the amount of prospective relief to be granted to Young. The ceiling was equivalent to the level of relief that would have been granted had the firm's crude oil receipts and runs to stills been the same as in 1975 (the 1975 limitation). The DOE consequently proposed to grant exception relief in the amount of $272,134 per month for the October 1977 through March 1978 period. *Young Refining Corp.*, Proposed Decision and Order, Case No. DXE-0084 (December 20, 1977).

In its Statement of Objections to the Proposed Decision, Young contended that the DOE could not depart from the *Delta* standard without first complying with statutory rulemaking provisions. Young also maintained that the DOE could not lawfully apply the 1975 limitation to a period of time which preceded the issuance of the Proposed Decision and Order. In considering Young's contentions, the DOE noted that similar contentions were considered at length in *Lunday-Thagard Oil Co.*, 2 DOE Par.——— (June 20, 1978). For the reasons discussed in *Lunday-Thagard*, the DOE rejeted Young's contention that the DOE failed to follow appropriate procedures in departing from the *Delta* standard. On the basis of that holding and its finding that Young had abused the exception it had received in the past, the DOE concluded that the 1975 limitation should be applied.

The DOE further concluded however that equitable considerations warranted some modification in the Proposed Decision and Order since the application of the 1975 limitation to Young for the final 3 months of 1977 would cause the firm to experience a serious financial hardship which would threaten its continued economic viability. In view of that finding, the DOE concluded that some additional exception relief should be granted. Accordingly, the DOE granted Young exception relief amounting to $6,006,385.02 for the period October 1977 through March 1978.

PETITION FOR SPECIAL REDRESS

Richard E. Snyder, Rehoboth, Del., DSG-0020, Motor Gasoline

Richard E. Snyder (Snyder) filed a Petition for Special Redress which, if granted,

would have resulted in the issuance of an Order rescinding a subpeona that DOE Region III issued to Snyder on May 24, 1978. In his Petition, Snyder contended that the subpoena should be quashed on the grounds that the subpoena was not personally served upon him; that it did not provide him with sufficient time in which to retain counsel and locate records which were requested by the subpoena; that a number of the records requested by the subpoena no longer existed; and that he was not sufficiently informed of the subpoena's purpose. In considering Snyder's Petition, the DOE found that the subpoena had been delivered at Snyder's residence to a "person of suitable age and discretion" and that this constituted valid service under the provisions of § 205.8(d). The DOE also found that since Snyder knew of the subpoena's requirements 7 days before the appearance date specified in the subpoena, he had had sufficient time in which to retain counsel and locate the records. In addition, the DOE found that Snyder's allegation that certain records did not exist did not excuse his refusal to appear with the records which were available. Finally, the DOE held that the subpoena's citation of the DOE's regulatory authority to initiate investigations and ascertain compliance with DOE Regulations and its specific reference to Snyder's motor gasoline operations at the Red Baron Gas Station were sufficient to inform Snyder of the nature of the DOE investigation. Accordingly, the Snyder Petition for Special Redress was denied.

REQUEST FOR STAY

Whitco, Inc., Dallas, Tex., DES-0091, Motor Gasoline

Whitco, Inc. (Whitco) filed an Application for Stay of the provisions of 10 CFR 211.25 (the supplier substitute rule). If the Whitco request were approved, the Sun Oil Co. (Sun) would be required to continue furnishing Whitco with its base period use of motor gasoline directly, rather than through Amtel, Inc., Sun's designated substitute supplier, pending a determination with respect to Whitco's Application for Exception from Section 211.25. In considering Whitco's Application for Stay, the DOE concluded that in view of the fact that the DOE on a number of previous occasions had granted Whitco the type of exception relief which it was requesting, it was very likely that the firm would prevail on the merits of its current Application for Exception. Furthermore, the DOE concluded that Whitco would incur a more immediate serious hardship and gross inequity than any other firm involved in the proceeding if the supplier substitution rule were not stayed pending a final determination with regard to its pending exception request. Accordingly, the Whitco Application for Stay was granted.

DISMISSALS

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

Capitol Oil Co., Alexandria, Va., DRA-0148.

The following submission was dismissed on the grounds that the request is now moot.

Mountain States Energy Corp., Englewood, Colo., DEE-1423

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

October 12, 1978.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

[FR Doc. 78-29439 Filed 10-18-78; 8:45 am]

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS

Week of July 31 through August 4, 1978

Notice is hereby given that during the week of July 31 through August 4, 1978, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

APPEAL

Klotzman, Melvin & Pendleton, Jess d.b.a. Victoria Equipment, & Supply Co., Victoria, Tex., FRA-1425, Crude Oil

Melvin Klotzman & Pendleton d.b.a. Victoria Equipment & Supply Co. (Victoria) appealed a Remedial Order that was issued by the Enforcement Division of Region VI. In the Remedial Order the Regional Office found that Victoria had improperly classified the Keeran Ranch "D" Lease as a stripper well property and had consequently overcharged the purchaser of the crude oil produced on the property. In its Appeal, Victoria contended that various provisions of the stripper well lease exemption contained in § 210.32 of the DOE Regulations were arbitrary and capricious and in excess of the agency's statutory authority. In considering the Appeal, the DOE observed that § 210.32 which established the qualifying period for the stripper exemption as "the preceding calendar year" was identical to section 4(e)(2)(A) of the Emergency Petroleum Act of 1973 (EPAA), which authorized of the exemption. It was therefore determined that the regulatory provision was within the scope of the agency's statutory authority. The DOE further held Congress did not intend that retroactive effect be given to section 121 of the Energy Conservation and Production Act, which Amended the qualifying period specified in the EPAA. In addition the DOE held that Ruling 1975-12 did not constitute a retroactive rulemaking.

Victoria also argued that in qualifying for the stripper well lease exemption it should have been permitted to treat production from each separate and distinct reservoir on the Lease as production from a separate property. The firm contended that the definition of the term "property" employed by the FEA was arbitrary and capricious in its failure to accord to separate reservoirs recognition as properties. The DOE found, however, that valid policy reasons existed for the property definition adopted by the FEA, and it also observed that the same definition was apparently contemplated by the Congress in drafting the EPAA. Finally, the DOE concluded that the subsequent decision of the FEA to amend the property definition without making the amendment retroactive was reasonable. The Victoria Appeal was therefore denied.

REQUESTS FOR EXCEPTION

Bayou State Oil Corp., Shreveport, La. FEE-4264, Refined Petroleum Products

Bayou State Oil Corp. (Bayou State) filed an Application for Exception which, if granted, would permit the firm to calculate its maximum allowable prices for refined petroleum products by allocating the increased costs of crude oil which it incurred during the period March 1975 through August 1976 on the basis of its actual refined product sales volumes, excluding the volumes of gasoline blended and sold by its affiliate, Ida Gasoline Co., Inc. (Ida). On November 22, 1977 the DOE issued a Proposed Decision and Order which tentatively determined that the exception should be denied. The DOE noted in the Proposed Decision that the Mandatory Petroleum Price Regulations have always required refiners to consolidate all of their operations for purposes of determining their maximum allowable prices. The DOE found that Bayou State was not entitled to retroactive exception relief on the basis of its contentions that it was unaware of this firmwide requirement and that its failure to treat Bayou State and Ida as a single firm resulted form a good faith interpretation of the regulations.The DOE further found that Bayou State was not entitled to an exception on the basis of standards established in prior cases where firms were granted exception relief permitting them to exclude products purchased for resale in allocating their crude oil costs. The DOE also found that the mere fact that Bayou State was required to allocate some of its increased costs of crude oil to a product which it did not refine from crude oil did not distinguish the firm from many other refiners and did not constitute a gross inequity. Finally, the DOE determined that in the event Bayou State were required to refund the overcharges involved the firm would not experience such a severe financial hardship as to threaten its viability or preclude it from continuing its essential operations. Bayou State filed a Statement of Objections to the Proposed Decision and Order on December 23, 1977. In considering the Statement of Objections, the DOE found that Bayou State's alleged good faith did not form a basis for relief and that Bayou State did not meet the standards for relief established in previous cases. The DOE also found that the Proposed Decision correctly considered all petroleum-related activities of the Bayou State firm in assessing the impact of any potential refund obligation. Accordingly, a final Decision and Order was issued which denied the Bayou State Application for Exception.

Beacon Oil Co., Hanford, Calif., DXE-1031, Crude Oil.

Beacon Oil Co. (Beacon) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) which, if granted, would relieve the firm of its obligation to purchase entitlements for the months of June through November 1978 to account for its crude oil receipts and runs to stills during the months of April through September 1978. In support of its Application, Beacon submitted projected financial and operating material for its current fiscal year ending December 31, 1978. Based on the Beacon submission, the DOE determined that Beacon would incur an obligation to purchase entitlements during its current fiscal year which would prevent it from achieving either its historical profit margin or historical return on invested capital (ROIC). The DOE concluded therefore that exception relief was warranted under the criteria set forth in *Delta Refining Co.*, 2 FEA Par. 83,275 (September 11, 1975) and *Beacon Oil Co.*, 3 FEA Par. 83,209 (June 8, 1976). In determining the amount of exception relief which should be granted, the DOE found that Beacon's projections indicated that even if the firm were relieved of its entire entitlement purchase obligation for the current fiscal year it would still not attain either its historical profit margin or ROIC. Accordingly, in a Proposed Decision and Order issued to the firm on June 22, 1978, the DOE tentatatively granted Beacon an exception which relieved it of any obligation to purchase entitlements during the six month period June through November 1978. Since no objection to the proposed determination was filed within the time period specified in the DOE regulations, the Decision and Order was issued to Beacon in final form. The Decision notes that reviews will be conducted of the entitlements exception relief which Beacon was granted and the firm will be required to purchase entitlements if a determination is made that it received excessive benefits.

Gulf Oil Corp., Tulsa, Okla., DXE-0251, Crude Oil

The Gulf Oil Corp. (Gulf) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would result in an extension of the exception relief previously granted to the firm and would permit Gulf to sell the crude oil produced from the Northwest Graylin "D" Sand Unit (the Graylin Unit) at upper tier ceiling prices. *See Gulf Oil Corp.*, 6 FEA Par. 83,028 (July 8, 1977); *aff'd*, 1 DOE Par. 80,217 (March 14, 1978). On January 23, 1978 a Proposed Decision and Order was issued to Gulf in which the DOE tentatatively concluded that Gulf should be permitted to sell at upper tier ceiling prices 67.66 percent of the crude oil produced from the Graylin Unit for the benefit of the working interest owners for a six month period of time. On March 10, 1978 Gulf filed a Statement of Objections to the Proposed Decision. In both the previous exception decision and the January 23, 1978 Proposed determination, the DOE utilized an "input method" to calculate the firm's current level of administrative overhead cost for purposes of determining the firm's actual level of total increased operating costs since May 15, 1973. Gulf objected to the DOE's use of the "input method," and claimed that there was no legal basis for this deviation from the methodology for calculating exception relief set forth in *Great Southern Oil and Gas Co., Inc.*, 3 FEA Par. 83,124 (March 9, 1976). Gulf also contended that the "input method" failed to take into consideration all of the firm's legitimate operating expenses. After reviewing Gulf's contentions, the DOE agreed with the firm's assertion that the "input method" does not provide an accurate measure of a crude oil producer's actual operating costs. However, the DOE also determined that it would not be appropriate to permit Gulf to include all of its reported administrative overhead expenses since a portion of the firm's higher-level administrative costs are not allocated to the other working interest owners and have no bearing on the working interest owners' present incentive to continue their production activities at the Graylin Unit. Consequently, the DOE determined that only those administrative overhead expenses which are borne by all of the working interest owners of the Graylin Unit should be included by the DOE for purposes of calculating exception relief under the *Great Southern* line of cases. Accordingly, the DOE recalculated the allowable level of exception relief for the Graylin Unit by excluding those administrative overhead expenses which were borne solely by Gulf. The DOE determined that Gulf should be permitted to sell at upper tier ceiling prices 63.04 percent of the crude oil produced from the Grayline Unit for the benefit of the working interest owners during the period January 1, 1978 through June 30, 1978.

Maguire Oil Co., Dallas, Tex., FEE-4404, Crude Oil

On February 8, 1978, the Maguire Oil Co. (Maguire) filed a Statement of Objections to a Proposed Decision and Order which was issued to it on December 16, 1977. In the Proposed Decision, the DOE tentatively determined that the firm should be granted a prospective exception from the provisions of 10 CFR 212.73 to permit the working interest owners of the Chandler Lease to sell a portion of the crude oil produced for their benefit at upper tier ceiling prices. However, the Proposed Decision denied Maguire's request that the exception be made retroactive to January 1, 1975. In its Statement of Objections, Maguire contended that it had demonstrated compelling reasons why a retroactive exception should be granted. The DOE noted that this contention was apparently based on Maguire's position that it had demonstrated a reasonable basis for the crude oil pricing practices which the firm followed during the period January 1, 1976 through September 30, 1976. In rejecting this argument, the DOE determined that the reasonableness of Maguire's pricing during this period had been fully considered in a related Appeal from a Remedial Order which Maguire had previously filed. *Maguire Oil Co.*, 1 DOE Par. 80,184 (January 20, 1978). In view of the fact that the DOE had already issued a final determination with respect to the reasonableness of Maguire's prior pricing practices, the DOE determined that no purpose would be served by further consideration of this issue. Maguire also contended that the level of prospective exception relief afforded by the Proposed Decision was insufficient to provide the working interest owners of the Chandler Lease, with an economic incentive to continue their production activities.

Mountain West Aviation, Aspen, Colo., DEE-0439, aviation fuels

Mountain West Aviation (Mountain West) filed an Application for Exception from the provisions of 10 CFR 212.93. The exception request, if granted, would permit Mountain West to increase its selling prices for aviation fuels by 5.8 cents per gallon. In considering this request the DOE determined that Mountain West is presently incurring non-product costs which substantially exceed the four cents per gallon which fixed base operators are permitted to reflect in their selling prices for aviation fuels. The DOE also found that Mountain West's present operating financial condition would be seriously affected if it were required to absorb these non-product costs on a continuing basis. Therefore, based upon previous DOE decisions involving similar factual circumstances, the DOE concluded that exception relief was warranted to permit Mountain West to increase its selling prices for aviation fuels by 5.8 cents per gallon.

Southland Oil Co./VGS Corp., Jackson, Miss., DXE-1071, crude oil

Southland Oil Co./VGS Corp. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) which, if granted, would relieve the firm of its obligation to purchase entitlements for the months of June through November 1978 to account for its crude oil receipts and runs to stills during the months of April through September 1978. In support of its Application, Southland submitted projected financial and operating material for its current fiscal year ending December 31, 1978. Based on the Southland submission, the DOE determined that Southland would incur an obligation to purchase entitlements during its current fiscal year which would prevent it from achieving either its historical profit margin or historical return on invested capital (ROIC). The DOE concluded therefore that exception relief was warranted under the criteria set forth in *Delta Refining Co.*, 2 FEA Par. 83,275 (September 11, 1975) and *Beacon Oil Co.*, 3 FEA Par. 83,209 (June 8, 1976). Accordingly, on June 22, 1978, the DOE issued a Proposed Decision and Order to Southland which expressed the preliminary determination that Southland should be granted an exception relieving it of a portion of its ogligation to purchase entitlements during the six month period June through November 1978. Since no objection to the proposed determination was filed within the time period specified in the DOE regulations, the Decision and Order was issued to Southland in final form. The Decision notes that reviews will be conducted of the entitlements exception relief which Southland was granted and the firm will be required to purchase entitlements if a determination is made that it received excessive benefits.

Terry Oil Co., Commerce Calif., DEE-0901, crude oil

Terry Oil Co. (Terry) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell the crude oil which it would produce from the East Los Angeles Field at prices in excess of the ceiling price level. In considering the exception request, the DOE determined that a considerable capital investment would be necessary to restore the East Los Angeles Field to full production. The DOE further

determined that the production and operating expense estimates submitted by the firm indicated that the required capital investment would be uneconomic if the crude oil produced from the property had to be sold at the applicable ceiling prices. In addition, the DOE determined that a substantial quantity of crude oil would not be recovered if Terry did not undertake the capital investment program. On the basis of these findings the DOE determined that exception relief should be granted to Terry which would prpvide the firm with a sufficient economic incentive to undertake the capital investment program. Accordingly, Terry was permitted to sell during the economic life of the project a sufficient portion of the crude oil to be produced as a result of the investment at prices in excess of the ceiling price levels in order to permit the working interest to attain a 15-percent return on their investment at the East Los Angeles Field.

V & J Service, Coal Valley, Ill., DRC-0004, motor gasoline

V & J Service filed an Application for Exception, from the provisions of 10 CFR 211.12 which, if granted, would substantially increase the firm's base period use of motor gasoline. In considering the firm's application, the DOE determined that V & J had failed to satisfy the criteria for approving an exception request for an increase in base period use. The DOE found that V. & J had been able to secure supplies of surplus product which are sufficient to satisfy the needs of the Coal Valley community. On the basis of these considerations, the DOE determined that V & J's exception request should be denied.

Wilson-Owens Production Co., Longview, Tex., DEE-1025, crude oil

The Wilson-Owens Production Co. filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit it to sell the crude oil produced from W. T. Blackwell Unit lease, located in Wood County, Tex., at upper tier ceiling prices. in considering the exception request, the DOE found that Wilson-Owens' operating costs had increased to the point where the firm no longer had an economic incentive to continue production of crude oil from the Blackwell lease if the crude oil was to be sold at lower tier ceiling prices. The DOE also determined that if Wilson-Owens abandoned its operation at the Blackwell lease, a substantial quantity of crude oil would not be recovered. The DOE, therefore concluded that the Wilson-Owens Application should be granted and the working interest owners should be permitted to recover their unrecovered increased operating expenses at the Blackwell lease. On the basis of the criteria applied in previous decisions under similar circumstances, Wilson-Owens was permitted to sell at upper tier ceiling prices 44.30 percent of the crude oil produced from the Blackwell lease for the benefit of the working interest owners.

REQUEST FOR STAY

United Petroleum, Inc., Tampa, Fla., DES-0090, refined petroleum products

United Petroleum, Inc. filed an application for stay in which it requested that an enforcement proceeding involving the firm be held in abeyance pending a final determination on a request for information which the firm filed with the DOE pursuant to the Freedon of Information Act, 5 U.S.C. 552. In support of its application, United claimed that the information which it requested is indispensible in preparing a complete statement of objections to a proposed remedial order which was issued to the firm in the enforcement proceeding. In considering the stay request, the DOE observed that the disclosure provisions of the Freedom of Information Act are not a substitute for discovery, and enforcement proceedings generally will not be stayed pending disclosure of information pursuant to the FOIA if other administrative procedures are available by which a firm may obtain relevant and material evidence. The DOE found that procedures providing for discovery are available to the firm in the context of the enforcement proceeding and that the firm has not availed itself of those procedures. The United stay request was therefore denied.

DISMISSALS

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

Quest Oil Co., Denver, Colo., DEE-0074

The following submission was dismissed after a determination made by the DOE that the relief requested was no longer necessary.

Charles W. Austin, Billings, Mont., DRA-0062

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

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

OCTOBER 12, 1978.

[FR Doc. 78-29440 Filed 10-18-78; 8:45 am]

[3128-01-M]

ISSUANCE OF DECISIONS AND ORDERS

Week of August 7 Through August 11, 1978

Notice is hereby given that during the week of August 7 through August 11, 1978, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

APPEAL

Harvey W. Jones and Associates, Natchez, Miss., DRA-0081, Crude Oil

Havey W. Jones and Associates filed an Appeal from a Remedial Order issued to it by DOE Region IV on November 29, 1977. The Remedial Order found that Jones had improperly classified five properties as stripper well leases and had sold the crude oil produced from them at prices which exceeded the maximum permissible selling prices. In its Appeal, Jones contended that Region IV had erroneously determined the downtime of the five properties and, as a result, had miscalculated their average daily production. In considering the Appeal, the DOE determined that a factual issue existed as to how much normal downtime show should be attributed to the wells. The DOE further determined that *Tenneco Oil Co.*, 1 DOE Par. 82,512 (November 15, 1977), and *Bonray Oil Co.*, 6 FEA Par. 80,524 (July 26, 1977), did not preclude consideration of documentation regarding downtime which Jones had presented for the first time on Appeal, since the notices of Probable Violation which preceded the Remedial Order had not adequately notified Jones of the basis for the alleged violation. Consequently, the DOE remanded the Remedial Order to DOE Region IV for consideration of the additional material and further findings of fact.

REMEDIAL ORDER

Pawnee Petroleum Co., Seminole, Okla. DRO-0018, Crude Oil

Pawnee Petroleum Co., objected to a Proposed Remedial Order which DOE Region VI issued to the firm on March 14, 1978. In the Proposed Remedial Order, Region VI found that Pawnee had improperly classified four leases as stripper well properties and had sold the crude oil produced from them at prices which were in excess of the maximum permissible selling prices. Region VI also found that Pawnee had sold crude oil produced from seven leases at prices above the applicable ceiling prices set forth in 6 CFR 150.354 and 10 CFR 212.73. In its Statement of Objections, Pawnee contended that Ruling 1975-12 was improperly issued by the FEA and should not be used to calculate the average daily production of the firm's properties. In considering Pawnee's objections, the DOE noted that it had previously rejected contentions that Ruling 1975-12 was defective. *Ruthven, Inc.*, 1 DOE Par. 80,243 (April 19, 1978); *Pioneer Operations Company, Inc.*, 1 DOE Par. 80,230 (March 24, 1978). In those cases, the DOE found that the distinction contained in Ruling 1975-12 between wells that produce crude oil from independent formations through multiple tubing strings and wells that produce through a single tubing string was not arbitrary and capricious. The DOE also found that Ruling 1975-12 was interpretative and could therefore be applied retroactively. The DOE further determined that Region VI had correctly found that Pawnee improperly included as part of its May 15, 1973, posted price a premium which the firm's purchaser paid to secure a long-term supply contract. On the basis of these findings, the DOE rejected Pawnee's objections and issued the March 14 Proposed Remedial Order as a final Remedial Order.

REQUESTS FOR EXCEPTION

Crystal Oil Co., Shreveport, La. FPI-0128, Oil Imports

Crystal Oil Co., filed an Application for Exception which, if granted, would increase the amount of crude and unfinished oils which the firm is permitted to import on a license fee-exempt base under the provisions of 10 CFR, Part 213. In its Application, Crystal maintained that the DOE Office of Oil Imports had improperly excluded the licenses attributable to the operation of the Adobe refinery located in La Blanca, Tex., in calculating Crystal's fee-exempt authority for the 1977 allocation period. In considering Crystal's exception request, the DOE found that the Office of Regulatory Programs had determined that Crystal owned, operated and controlled the Adobe refinery for purposes of the Entitlements Program. The DOE concluded that Crystal would experience a gross inequity if it were not also considered the refiner of the Adobe facility for the purposes of the Oil Imports Program. The Application for Exception was accordingly granted.

Mohawk Petroleum Corp., Inc., Los Angeles, Calif., DXE-1030, Crude Oil

Mohawk Petroleum Corp., Inc., filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) which, if granted, would relieve the firm of its obligations to purchase entitlements for the period June through November 1978. In considering the Mohawk request, the DOE determined that in the absence of exception relief the firm would incur entitlement obligations during its current fiscal year which would prevent it from achieving either its historical profit margin or historical return on invested capital. The DOE concluded that exception relief was therefore warranted under the criteria set forth in *Beacon Oil Co.*, 3 FEA Par. 83,209 (June 8, 1976), and *Delta Refining Co.*, 2 FEA Par. 83,275 (September 11, 1975). The Application for Exception was accordingly granted.

Monsanto Co., Houston, Tex., DXE-1329, Crude Oil

Monsanto Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would result in the extension of exception relief previously approved and would permit Monsanto to continue to sell certain quantities of the crude oil produced from the Hendrick "A" property, located in the Hendrick Field in Winkler County, Tex., at upper tier ceiling prices. In considering the Monsanto exception request, the DOE found that operating costs per barrel at the property continued to exceed the applicable lower tier ceiling price and that continued exception relief was therefore necessary to provide the firm with an adequate economic incentive to maintain production operations. In accordance with the methodology established in previous Decisions, the DOE permitted Monsanto to sell 60.66 percent of the crude oil produced from the property at upper tier ceiling prices for a 6-month period.

O'Meara Brothers, New Orleans, La., DXE-1116, DXE-1117, Crude Oil

O'Meara Brothers filed two Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would result in the extension of exception relief previously approved and would permit O'Meara to continue to sell a portion of the crude oil produced from the Vinton and Louisiana State Leases at upper tier ceiling prices. *O'Meara Brothers*, 1 DOE Par. 81,089 (January 24, 1978). In considering the exception request for the Vinton Lease, the DOE found that as a result of a substantial reduction in repair and workover expenses for the property, O'Meara would be able to operate the lease on a profitable basis even if the crude oil is sold at the applicable lower tier price. Accordingly, the DOE determined that exception relief should not be extended for the Vinton Lease. With respect to the Louisiana State Lease, the DOE found that the level of operating costs had continued to increase and that, in the absence of exception relief, O'Meara would have no economic incentive to maintain crude oil production from the property. In veiw of this determination and on the basis of the operating data which the firm submitted for the two most recently completed fiscal quarters, O'Meara was permitted to sell at upper tier ceiling prices 100 percent of the crude oil produced from the Louisiana State Lease for the benefit of the working interest owners for a 6-month period.

Pennzoil Producing Co., Houston, Tex., DEE-0086, Crude Oil

Pennzoil Producing Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell the crude oil produced from the Woodruff Sand Unit located in the Tinsley Field, Yazoo County, Miss., at market prices. In considering Pennzoil's Application, the DOE determined that the costs of producing crude oil from the Woodruff Sand Unit had increased significantly since 1973 and that those costs per barrel now exceed the prices which Pennzoil is permitted to charge. Consequently, the DOE determined that Pennzoil does not have an economic incentive to continue production from the Unit. The DOE also found that if the Unit were abandoned, a significant quantity of otherwise recoverable domestic crude oil would not be produced. On the basis of these findings and in accordance with the methodology established in previous Decisions, the DOE permitted Pennzoil to sell 100 percent of the crude oil produced from the Woodruff Sand Unit for the benefit of the working interest owners at market prices not to exceed $14.09 per barrel through the end of the calendar year.

REQUEST FOR MODIFICATION OR RESCISSION

Damson Oil Corp., Los Angeles, Calif., DMR-0029, Crude Oil

Damson Oil Corp. filed an Application for Modification of a Decision and Order which the DOE issued to the firm on July 5, 1978. *Damson Oil Corp.*, 1 DOE Par. ——— (July 5, 1978). In that Decision, the DOE granted Damson exception relief from the provisions of 10 CFR 212.73 for the period September 1, 1977, through August 31, 1978. In its Application, Damson indicated that the period of relief was inconsistent with a previous Decision and Order granting similar relief for the period March 1 through August 31, 1978. *Damson Oil Corp.*, 1 DOE Par. 81,101 (April 7, 1978). In order to alleviate the overlap in relief periods, the DOE concluded that the July 5 Decision should be modified to grant exception relief for the period September 1, 1977, through February 28, 1978.

REQUESTS FOR STAY

DeMartin Truck Lines, Inc., Bakersfield, Calif., DRS-0198, Propane, Butane

DeMartin Truck Lines, Inc. requested that a Revised Remedial Order which was issued to the firm by the Office of Enforcement on June 29, 1978 be stayed pending determination of an Appeal from the Order and an Application of Exception which the firm file. The Stay was also requested pending resolution of an action filed in the United States District Court for the Eastern District of California. In the Revised Remedial Order, the DOE found that DeMartin had charged prices for propane and butane which exceeded the maximum permissible prices and directed the firm to make appropriate refunds. In considering the stay request, the DOE referred to a Decision in *Rickelson Oil and Gas Co.*, 6 FEA Par. 85,029 (August 24, 1977), in which the FEA held that a Remedial Order will generally be stayed pending the determination of an Appeal unless it appears that the public interest requires immediate compliance. Since the record in the present case did not indicate that the public interest required immediately compliance, the DOE granted a stay pending consideration of the firm's Appeal and Application for Exception. However, the DOE rejected DeMartin's request that the stay be granted pending judicial review.

Mid-America Refining Co., Inc., Washington, D.C., DES-1421, Crude Oil

Mid-America Refining Co., Inc., requested that its obligations under the provisions of 10 CFR 211.67 (the Entitlements Program) be stayed during the month of July 1978, pending a determination on an Application for Exception which the firm filed. In considering the request, the DOE found that Mid-America had recently altered its operations in order to become a purchaser of entitlements. The DOE determined that since Mid-America's obligation to purchase entitlements in July 1978 was directly attributable to the firm's own discretionary actions, stay relief was not warranted. Accordingly, Mid-America's Application for Stay was denied.

Piedmont Natural Gas Co., Spartanburg, S.C. DES-0093, DST-0093, Propane

Piedmont Natural Gas Co. filed an Application for Stay and an Application for Temporary Stay, which, if granted, would permit Piedmont to acquire and use surplus supplies of domestic propane for the purpose of stabilizing the BTU value of natural gas distributed in South Carolina after August 31, 1978. The stays were sought pending the final determination of a petition for similar relief which Piedmont had filed with the DOE Economic Regulatory Administration (ERA). In considering the stay requests, the DOE found that there was no basis to conclude that ERA would be unable to render a final determination with respect to Piedmont's petition prior to September 1, 1978. In this regard, the DOE noted that if a favorable determination were issued by September, Piedmont could use its inventory supplies of propane for BTU stabilization and, as a result, the firm would not immediately have to purchase additional volumes of propane. The DOE also found that the Piedmont stay submissions had failed to adequately address whether the need for expeditious action resulted from the firm's delay in filing its petition

and whether it could utilize alternative methods of BTU stabilization prior to the issuance of a decision by ERA. On the basis of these considerations, the stay applications were denied.

SUPPLEMENTAL ORDERS

Quincy Oil, Inc., Quincy, Mass.; Taunton Municipal Lighting Plant, Taunton, Mass., DEX-0102, Fuel Oil

On May 24, 1978, the Taunton Municipal Lighting Plant filed a Statement of Objections to a Proposed Decision and Order that the DOE issued to Quincy Oil, Inc. on March 17, 1978. In the Proposed Decision and Order, the DOE determined that Quincy's Application for Exception from the pricing regulations should be granted in part. In its objection to that determination, Taunton requested that it be given an opportunity to examine certain confidential information submitted by Quincy in connection with its Application for Exception. The parties subsequently agreed to the disclosure of the information under a Protective Order and Joint Agreement for Discovery, subject to the approval of the DOE. Under the terms of the Protective Order, Taunton may not use the information that it receives except in connection with the pending administrative proceedings and any subsequent judicial review. In reviewing the agreement reached by the parties, the DOE noted that discovery would facilitate its consideration of the exception proceedings. The DOE therefore concluded that the Protective Order and Joint Agreement for Discovery should be approved. The DOE pointed out that the Protective Order was an order within the meaning of Section 5(a)(3) of the Emergency Petroleum Allocation Act of 1973, as amended, and that a violation would give rise to potential civil and criminal penalties. In addition, the DOE determined that it could impose other sanctions on any party that violates the terms of the Protective Order, including the dismissal of its submission.

Young Refining Corp., Douglasville, Ga., DEX-0099, crude oil

On July 24, 1978, the DOE issued a Decision and Order to Young Refining Corp. *Young Refining Corp.*, 1 DOE Par. — (July 24, 1978). In that Decision, the DOE granted exception relief which relieved Young of entitlement purchase obligations in the amount of $6,006,385 for the period October 1977 through March 1978. As a result of a calculation error, Young's outstanding entitlement purchase obligations for the relief period were understated in Appendix A of the Decision. Accordingly, the DOE modified the July 24 Decision to reflect the corrected figures.

MOTION FOR EVIDENTIARY HEARING

Deltona Corp., Miami, Fla., DEH-0023, LP Gas

The Deltona Corp. filed a Motion for Evidentiary Hearing in connection with its Statement of Objections to a Proposed Decision and Order which was issued to the firm by DOE Region IV on May 18, 1978. In the Proposed Decision and Order, Region IV determined that Deltona's request for exception relief to increase its sales prices for liquified petroleum gas should be denied. In its Motion, Deltona stated that it could support its claim that it was experiencing a gross inequity and serious hardship only through the testimony of corporate officers and outside consultants. In addition, the firm stated that the testimony of those witnesses was necessary to show that the firm was prevented from raising its prices due to a general price freeze in effect after May 15, 1973. In considering Deltona's Motion, the DOE found that the firm had failed to set forth the specific facts it intended to establish through the proposed witnesses' testimony. Furthermore, the DOE determined that technical financial material is generally best presented through written submissions rather than oral testimony. Finally, the DOE concluded that Deltona had failed to demonstrate the relevance of the post-May 15, 1973, price freeze to the issues in its exception request. Accordingly, the Motion for Evidentiary Hearing was denied.

MOTION FOR DISCOVERY

Consumers Power Co., Marysville, Mich., DED-0180, Natural Gas Liquids

Consumer Power Co. filed a Motion for Discovery in connection with an Appeal of an Assignment Order which was issued to it by the DOE Economic Regulatory Administration (ERA). In its Motion, Consumers requested that ERA be directed to respond to four interrogatories. In considering Consumers' request, the DOE noted that the DOE procedural regulations do not provide for discovery in a proceeding that does not involve an enforcement action. The DOE observed, however, that it is within its inherent discretion to permit discovery when appropriate. The DOE determined that the information sought by Consumers was relevant and material to issues raised in its appeal. The DOE also found that ERA staff members could obtain the requested information more easily than Consumers and that discovery would not unduly delay the appeal proceeding. Accordingly, the Motion for Discovery was granted.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Hearings and Appeals of the Department of Energy has issued decisions and orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain nonproduct cost increases.

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
Adobe Oil & Gas Corp	DXE-1149	Adobe Sale Ranch	Martin, Tex	$0.01229
Allied Chemical Corp	DXE-1150	Perkins	Coke, Tex	.01793
Arkansas Louisiana Gas Co	DXE-1312	Hamilton	Columbia, Ark	.0347
Atlantic Richfield Co	DXE-1174	Adair	Gaines, Tex	.0261
	DXE-1175	Camrick	Beaver, Okla	.0101
	DXE-1176	Chesterville	Colorado, Tex	.0452
	DXE-1177	Crossett	Crane and Upton, Tex	.0282
	DXE-1178	Elmwood	Beaver, Okla	.0060
	DXE-1179	Elk Basin	Park, Wyo	.0203
	DXE-1180	Empire Abo	Eddy, N. Mex	.0220
	DXE-1181	Gillette	Campbell, Wyo	.0324
	DXE-1182	Hull	Liberty, Tex	.0568
	DXE-1183	Kermit	Winkler, Tex	.0195
	DXE-1184	Know-Bromide	Grady, Okla	.0393
	DXE-1185	Lapeyrouse	Terrebonne Parish, La	.0201
	DXE-1186	Ojai Timber	Ventura, Calif	.4149
	DXE-1187	Riverton Dome	Freemont, Wyo	.3573
	DXE-1188	Silsbee	Hardin, Tex	.1286
	DXE-1189	South Coles Levee	Kern, Calif	.0188
	DXE-1190	Taft	San Patricio, Tex	.0442
	DXE-1191	West Lake	Nolan, Tex	.0482
	DXE-1192	West Seminole	Gaines, Tex	.0258
	DXE-1193	Worland	Washakie, Wyo	.0330
Belridge Oil Co	DXE-1273	Kern County	Kern, Calif	.1122
Breckenridge Gasoline Co	DXE-1286	Eliasville	Stephens, Tex	.1450
	DXE-1287	Lodi	Cass, Tex	.1796
Champlin Petroleum Co	DXE-1263	Gulf Plains	Nueces, Tex	.0775
	DXE-1264	Mayfield	Kleberg, Tex	.1760
	DXE-1265	Peoria	Arapahoe, Colo	.0356
Cities Service Co	DXE-1194	Adair	Terry, Tex	.0292
	DXE-1195	Bluitt	Roosevelt, N. Mex	0764
	DXE-1196	Citronelle	Mobile, Ala	.0729

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS—Continued

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
	DXE-1197	Garrett	Kay, Okla	.0707
	DXE-1198	Kimball	Kimball, Nebr	.0640
	DXE-1199	May	Kleberg, Tex	.1437
	DXE-1200	Midway	Kingman, Kans	.0497
	DXE-1201	Moncrief	Franklin, Tex	.0735
	DXE-1266	Myrtle Springs	Van Zandt, Tex	.1636
	DXE-1267	Panola	Panola, Tex	.0374
	DXE-1268	Red Fish Bay	San Patricio, Tex	.0175
	DXE-1269	Rio Grande	Starr, Tex	.0550
	DXE-1270	Robstown	Nueces, Tex	.0382
	DXE-1271	St. Amelia	St. James Parish, La	.1563
	DXE-1272	West World	Crockett, Tex	.0552
Coastal States Gas Corp	DXE-1202	Albany	Shackelford, Tex	.0540
	DXE-1203	Corpus Christi	Nueces, Tex	.0173
	DXE-1204	Freer	Webb, Tex	.0159
	DXE-1205	Mission	Hidalgo, Tex	.0251
	DXE-1206	San Antonio	Elmdorf and Bexar, Tex	.0056
Continental Oil Co	DXE-1151	Elk Basin	Park, Wyo	.0825
	DXE-1152	Hennessey	Kingfisher, Okla	.0147
	DXE-1153	Kettleman Hills	Kings, Calif	.0253
	DXE-1154	Medford	Grant, Okla	.0631
	DXE-1155	Nueces River	Live Oak, Tex	.0169
	DXE-1156	O. W. Ward	Hidalgo, Tex	.0501
	DXE-1157	Ramsey	Reeves, Tex	.0933
	DXE-1158	Thomas	Dewey, Okla	.0427
Dougherty Group	DXE-1119	Normanna	Bee, Tex	.0425
Sanford P. Fagadau	DXE-1120	Bluegrove	Clay, Tex	.15059
	DXE-1121	Maryetta	Jack, Tex	.05279
Florida Gas Co	DXE-1122	Brooker	Bradford, Fla	.0372
				.0485
General Crude Oil Co	DXE-1301	Dayton	Liberty, Tex.	.0360
	DXE-1302	Silsbee	Hardin, Tex	.1411
Getty Oil Co	DXE-1207	Bay Springs	Jasper, Miss	.0297
	DXE-1208	Bayou Sale	St. Mary Parish, La	.0278
	DXE-1209	Buena Vista	Kern, Calif	.0267
	DXE-1210	Cameron	Cameron Parish, La	.0771
	DXE-1211	Cymric	Kern, Calif	.0442
	DXE-1212	Kermit	Winkler, Tex	(1)
	DXE-1213	Kettleman Hills	Kings, Calif	.0275
	DXE-1214	Marlow	Stephens, Okla	.1975
	DXE-1215	New Hope	Franklin, Tex	.0209
	DXE-1216	Normanna	Bee, Tex	.0322
	DXE-1217	Old Ocean	Brazoria, Tex	.0234
	DXE-1218	Placios	Matagorda, Tex	.0701
	DXE-1219	South Pecan Lake	Cameron Parish, La	.0174
	DXE-1220	Ventura	Ventura, Calif	.0263
	DXE-1221	West Bernard	Wharton, Tex	.0872
Gulf Oil Corp	DXE-1159	Azalea	Midland, Tex	.0457
	DXE-1160	Milfay	Creek, Okla	.0823
	DXE-1161	Sand Hills	Crane, Tex	.0536
Kansas-Nebraska Natural Gas Co., Inc.	DXE-1082	Yenter	Logan, Colo	.0524
Kerr-McGee Corp	DXE-1108	Milfay	Creek, Okla	.1538
L. C. Kung; Charles F. Chien; T. P. Wang; and A. B. Rothwell.	DXE-1342	R. M. Stephens	Clairborne Parish, La	.0785
Locust Ridge Processing Co	DXE-1277	Locust Ridge	Tensas Parish, La	.06855
Marathon Oil Co	DXE-1123	Camrick	Beaver, Okla	.0366
	DXE-1124	Cotton Valley	Webster Parish, La	.0198
	DXE-1125	Heyser	Calhoun, Tex	.3135
	DXE-1127	Indian Basin	Eddy, N. Mex	.0071
	DXE-1127	Markham	Matagorda, Tex	.0283
	DXE-1128	Scipio	Hillsdale, Mich	.0439
	DXE-1129	South Coles Levee	Kern, Calif	.0631
	DXE-1130	Stephens	Clayborne Parish, La	.0300
Matrix Land Co	DXE-1274	Mobeetie	Wheeler, Tex	.05557
McCulloch Gas Processing Corp	DXE-1087	Fairview	Richland, Mont	.0712
	DXE-1088	Hilight	Campbell, Wyo	.0394
	DXE-1089	Jamison Prong	....do	.0415
	DXE-1090	Tule Creek	Roosevelt, Mont	.1518
	DXE-1091	Well Draw	Converse, Wyo	.2538
Michigan Hydrocarbons, Inc	DXE-0855	Gaylord	Otsego, Mich	.0722
Mobil Oil Corp	DXE-1222	Union-Adena	Morgan, Colo	.0850
	DXE-1223	Bryans Mill	Cass, Tex	.0257
	DXE-1224	Cotton Valley	Webster Parish, La	.0376
	DXE-1225	Dewey County Complex	Dewey, Okla	.0073
	DXE-1226	Greeley	Kern, Calif	.1832
	DXE-1227	Hagist	Duval, Tex	.0246
	DXE-1228	Heyser	Victoria, Tex	.1123
	DXE-1229	Gulf-Knox	Grady, Okla	.0191
	DXE-1230	Old Ocean	Brazoria, Tex	.0119
	DXE-1231	Postle Hough	Texas, Okla	.0264
	DXE-1232	Putnam Oswego	Dewey, Okla	.0380
	DXE-1233	R. M. Stephens	Claiborne Parish, La	.0537
	DXE-1234	Shell Seiling	Dewey, Okla	.0074
	DXE-1235	Vanderbilt	Jackson, Tex	.1006
	DXE-1236	Wilcox	La Vaca, Tex	.0128
Ozona Gas Processing Plant	DXE-1237	Ozona	Crockett, Tex	.0139
Palo Pinto Oil & Gas Co	DXE-1324	Markley	Jack, Tex	.10771

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS—Continued

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
The Permian Corp	DXE-1131	Possum Kingdom	Stephens, Tex	.03669
	DXE-1168	Todd Ranch	Crockett, Tex	.02599
Phillips Petroleum Co	DXE-1162	Cimarron	Woodward, Okla	.0955
	DXE-1163	Goldsmith	Ector, Tex	.0096
	DXE-1164	Lusk	Lea, N. Mex	.0208
	DXE-1165	Sooner No. 1	Major, Okla	.0383
Placid Oil Co	DXE-1278	Black Lake	Natchitoches Parish, La	.0110
	DXE-1279	Lake Washington	Terrebonne Parish, La	.0322
	DXE-1280	Lapeyrouse	Plaquemine Parish, La	.0212
	DXE-1281	Lirette	Terrebonne Parish, La	.0055
	DXE-1282	Patterson	St. Mary Parish, La	.0159
	DXE-1283	Prentice	Terry, Tex	.0178
	DXE-1284	Promix	St. Mary Parish, La	.0198
	DXE-1285	Yscloskey	St. Bernard Parish, La	.0080
Shell Oil Co	DXE-1092	Calumet	St. Mary Parish, La	.0215
	DXE-1093	Conley	Hardeman, Tex	.0413
	DXE-1094	Elmwood	Beaver, Okla	.0870
	DXE-1095	Goodwater	Clark, Miss	.2619
	DXE-1096	Houston Central	Colorado, Tex	.0072
	DXE-1097	Indian Basin	Eddy, N. Mex	.0073
	DXE-1098	Iowa Tet	Calcasieu Parish, La	.0608
	DXE-1099	Lake Washington	Plaquemines Parish, La	.0172
	DXE-1100	Molino	Santa Barbara, Calif	.1283
	DXE-1101	Seeligson	Jim Wells, Tex	.0194
	DXE-1102	Tippett, Crossett	Crockett, Tex	.0268
	DXE-1103	Yates	Pecos, Tex	(1)
Southern Natural Resources, Inc	DXE-1132	Lapeyrouse	Terrebonne Parish, La	.0303
	DXE-1133	Patterson	do	.0218
	DXE-1134	Sea Robin	do	.0226
Standard Oil Co. (Indiana)	DXE-1135	Empire Abo	Eddy, N. Mex	.0330
	DXE-1136	Lake Boeuf	LaFourche Parish, La	.0114
	DXE-1137	Prentice	Yoakum, Tex	.0390
	DXE-1138	Ropes	Harkley, Tex	.0423
	DXE-1139	South Jennings	Jefferson Davis Parish, La	.0285
	DXE-1140	South Thornwell	Cameron Parish, La	.0327
	DXE-1141	White Flat	Nolan, Tex	.0399
	DXE-1323	Kalkaska	Kalkaska, Mich	(1)
	DXE-1364	South Fullerton	Andrews, Tex	.00566
Sun Co., Inc	DXE-1295	Carney	Lincoln, Okla	.0449
	DXE-1296	Markham	Matagorda, Tex	.0225
	DXE-1297	Steedman	Pontotoc, Okla	.0530
	DXE-1313	Burnell	Goliad, Tex	.0171
	DXE-1314	Fullerton	Andrews, Tex	(1)
	DXE-1315	Mayfield	Kleberg, Tex	.1511
	DXE-1325	Dragon Trail	Rio Blanco, Colo	(1)
	DXE-1326	Fairway	Henderson, Tex	.0058
	DXE-1327	Maurice	Lafayette Parish, La	.0347
	DXE-1328	Van	Van Zandt, Tex	.0197
	DXE-1341	Okarche	Kingfisher, Okla	.2795
	DXE-1366	Concho	Concho, Tex	.0519
	DXE-1367	Jameson	Coke, Tex	.0100
The Superior Oil Co	DXE-1330	Cymric	Kern, Calif	.0745
	DXE-1331	Kettleman Hills	Kings, Calif	.0478
	DXE-1332	Levelland	Cochran and Hockley, Tex	.0126
	DXE-1334	TXL	Ector, Tex	.0115
	DXE-1335	West Seminole	Gaines, Tex	.0372
Texaco, Inc	DXE-1238	Apache	Caddo, Okla	.0178
	DXE-1239	Blessing	Matagorda, Tex	.0453
	DXE-1240	Coalinga Nose	Fresno, Calif	.0123
	DXE-1241	Delhi	Richland Parish, La	.0080
	DXE-1242	Elmwood	Beaver, Okla	.0172
	DXE-1243	Headlee Cycling	Ector, Tex	(1)
	DXE-1244	Headlee Gas	do	.0371
	DXE-1245	Houma	Terrebonne Parish, La	.0161
	DXE-1246	Humble	Harris, Tex	.0237
	DXE-1247	Lamesa	Dawson, Tex	.0372
	DXE-1248	Lockridge	Ward, Tex	.0435
	DXE-1249	Maurice	Vermilion Parish, La	.0098
	DXE-1250	Mermentau	Acadia Parish, La	.0302
	DXE-1251	North Cowden	Ector, Tex	.0168
	DXE-1252	Old Ocean	Brazoria, Tex	.0316
	DXE-1253	Ozona	Crockett, Tex	.0129
	DXE-1254	Pampa	Gray, Tex	.0147
	DXE-1255	Pledger	Brazoria, Tex	.0094
	DXE-1256	Toca	St. Bernard Parish, La	(1)
	DXE-1257	Wilcox	Lavaca, Tex	.0121
Trend Exploration Ltd	DXE-1258	Buck Peak	Moffat, Colo	.0194
Union Oil Co. of California	DXE-1142	Adena	Morgan, Colo	.0406
	DXE-1143	Dominquez	Los Angeles, Calif	.0865
Upham Oil & Gas Co	DXE-1109	Chico	Wise, Tex	.0436
Vickers Energy Corp	DXE-1260	Mayfield	Kleberg, Tex	.1371
	DXE-1261	Patterson	St. Mary Parish, La	.0118
	DXE-1262	Putnam Oswego	Dewey, Okla	.0167

[1] Denied.

DISMISSALS

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

Bethel Park Gas & Wash, Inc., Bethel Park, Pa., DEE-0970

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the DOE Procedural Regulations:

W. E. Allford, Inc., McAlester, Okla., DEE-0937

The following Motions for Evidentiary Hearing were dismissed on the grounds that the applicants had failed to demonstrate why the issues could not be presented by a common counsel:

Gibbs Oil Co., DRH-0016

Mid-Valley Petroleum Corp., DRH-0017

Supreme Petroleum Co. of New Jersey, Washington, D.C., DRH-0021

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

Dated: October 12, 1978.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

[FR Doc. 78-29441 Filed 10-18-78; 8:45 am]

[3128-01-M]

ISSUANCE OF DECISIONS AND ORDERS

Week of August 14 Through August 18, 1978

Notice is hereby given that during the week of August 14 through August 18, 1978, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

APPEALS

Kirkwood Oil & Gas Co., Casper, Wyo., FRA-1458, Crude Oil

Kirkwood Oil & Gas Co. appealed from a Remedial Order which was issued to it by FEA Region VIII on July 29, 1977. In the Remedial Order, the FEA found that as a result of improperly classifying certain leases as stripper well properties, Kirkwood sold crude oil at unlawful price levels during the period December 1973 through April 1976. Kirkwood was therefore directed to refund the overcharges which it received plus interest to its customers. In its appeal, Kirkwood contended that the FEA had exceeded its authority under the Emergency Petroleum Allocation Act of 1973 (EPAA) by promulgating regulations and rulings which require a crude oil producer to exclude periods of production downtime in calculating average daily production from a property for purposes of determining whether that property qualifies for the stripper well exemption. In addition, Kirkwood contended that the FEA did not have the authority to require interest payments on the overcharges specified in the Remedial Order. In considering the appeal, the DOE rejected these contentions on the basis of the holdings reached in *Read and Stevens, Inc.*, 6 FEA Par. 80,526 (July 25, 1977). Kirkwood also alleged that the Remedial Order erred in calculating the historical downtime for two of the properties involved. With respect to this argument, the DOE noted that the crude oil production data submitted by Kirkwood itself failed to demonstrate that the historical downtime calculated in the Remedial Order was incorrect. However, the DOE determined that the Remedial Order did not contain sufficient findings of fact to establish a rational basis for the conclusion that Kirkwood had failed to recoup the crude oil production lost as a result of downtime at two of the properties. Since a finding that the lost production had in fact been recouped could lead to the con-

clusion that those properties qualified as stripper wells, the Remedial Order was remanded to DOE Region VIII for further findings of fact. The Appeal was therefore denied in part and granted in part.

Natural Resources Defense Council, Palo Alto, Calif., DFA-0199, Freedom of Information

The Natural Resources Defense Council (NRDC) appealed from a denial by the DOE Acting Director, Office of NEPA Affairs of a Request for Information submitted under the Freedom of Information Act. In its request, NRDC sought the disclusure of documents relating to the draft of an Environmental Impact Statement prepared by the Bonneville Power Administration entitled "The Role of the Bonneville Power Administration in the Pacific Northwest Power Supply system, Including Its Participation in the Hydro-Thermal Power Program." The Acting Director identified three documents which were responsive to NRDC's request, but he declined to release them on the grounds that the documents were exempt from mandatory public disclosure under section 552(b)(5) of the act. In considering the NRDC appeal, the DOE determined that one of the identified documents had already been released to the public, and should therefore be released to NRDC. The DOE determined that the remaining two documents were properly withheld under exemption (b)(5) because they are recommendatory in nature and consist of opinions of governmental officials which are part of the process by which governmental decisions and policies are formulated. The NRDC appeal was therefore granted in part.

Tenneco Oil Co., Houston, Tex., DRA-0156, Motor Gasoline

Tenneco Oil Co. filed an appeal from a Revised Remedial Order which the DOE Office of Special Counsel issued to it on February 15, 1978. In the Revised Remedial Order, the Office of Special Counsel found that as a result of improperly calculating its May 1973 cost and quantity of purchased gasoline, Tenneco had sold motor gasoline at prices which exceeded the firm's maximum allowable selling prices during 6 months of the period from June 1974 through January 1976. In its appeal, Tenneco claimed that it should have been permitted to reallocate to gasoline certain unrecouped product costs attributable to other covered products. In rejecting this contention, the DOE noted that in a previous decision issued to Tenneco it had held that the type of retroactive reallocation of increased costs which the firm proposed has never been permitted by the pricing regulations. *Tenneco Oil Company*, 1 DOE Par. 83,512 (November 15, 1977). Tenneco also contended that the overcharges alleged in the Revised Remedial Order should be modified to permit the recovery of nonproduct costs before product costs. In considering this aspect of the Tenneco appeal, the DOE concluded that the firm had raised its contention in an untimely manner, since it had not argued that it should be permitted to use a reverse sequential recovery method in any prior proceeding before the DOE. The DOE further concluded that a reverse sequential recovery method was clearly prohibited by the pricing regulations. The DOE did conclude, however, that the Office of Special Counsel should consider refraining from enforcing a portion of the Revised Remedial Order pending a final determination by the Temporary Emergency Court of Appeals in *Phillips Petroleum Company, et al.* v. *Department of Energy*. Accordingly, the Tenneco appeal was denied.

Victory Oil Co., Long Beach, Calif., DRA-0065, Crude Oil

Victory Oil Co. filed an appeal from a Remedial Order which DOE Region IX issued to it on November 15, 1977. In the Remedial Order, Region IX found that during the period September 1, 1973 through August 30, 1975 Victory had sold crude oil at new oil prices despite the fact that the firm had accrued a cumulative deficiency. Region IX also found that Victory had unlawfully received bonuses on sales of crude oil over and above the applicable ceiling prices. In order to remedy these violations, Victory was directed to refund the overcharges to Union Oil Co., the ultimate purchaser of the crude oil. In its appeal, Victory contended that it had not incurred a cumulative deficiency at the property in question. In considering this argument, the DOE noted that during the course of the appeal proceeding the Office of Enforcement had agreed with Victory's position on this issue. That portion of the Remedial Order was therefore rescinded. Victory also argued that its contract with the Independent Oil Producers' Agency (IOPA) established its highest posted price on May 15, 1973. The DOE noted that it had rejected an identical argument in *Berry Holding Company and Independent Oil Producers' Agency*, 1 DOE Par. ——— (June 14, 1978). In that case, the DOE held that premiums collected from Union by IOPA and returned to its members, including Victory, did not constitute part of the posted price. The DOE also rejected Victory's assertion that the premiums paid by Union were for services rendered by IOPA. The DOE further determined that the Remedial Order was not defective for its failure to classify IOPA as either a broker or a reseller, since the classification was irrelevant and Victory was directed to refund only those portions of the premiums which Victory actually received from IOPA. Finally, the DOE concluded that Region IX did not err in assessing interest on Victory's overcharges. The Victory appeal was accordingly denied, except that the Remedial Order was remanded to Region IX for a minor adjustment in the calculation of overcharges.

REQUESTS FOR EXCEPTION

Dorchester Gas Corp. and American Petrofina, Inc., Mount Pleasant, Tex., FEE-4369, Crude Oil and Refined Petroleum Products

On October 17, 1977, the DOE issued a proposed decision and order to Dorchester Gas Corp. and American Petrofina, Inc. (Fina) in which DOE proposed to grant exception relief to facilitate Dorchester's acquisition of a Fina refinery in Mount Pleasant, Tex. As a condition of receiving relief, the DOE proposed to limit the entitlements which Dorchester may earn under 10 CFR 211.67(e) (the small refiner bias) to the benefits which Fina would have earned if it did not sell the facility. Dorchester and Fina objected to that limitation. In considering their contentions, the DOE observed that after the preliminary determination had been issued, the agency's Economic Regulatory Administration (ERA) had indicated it was reassessing the propriety of the small refiner bias. In view of this ongoing reassessment, the DOE determined as a matter of policy that, in the absence of a finding of a clear abuse of the entitlements program, the exception relief approved in refinery acquisition cases would not be conditioned upon the apportionment of the small refiner bias that existed prior to the refinery sale. Accordingly, the DOE issued a decision and order which finalized the proposed determination in all other respects.

Edgington Oil Co., Inc., Los Angeles, Calif., DXE-1047, Crude Oil

Edgington Co., Inc., filed an application for exception from the provisions of 10 CFR 211.67 (the entitlements program) which, if granted, would relieve the firm of its obligation to purchase entitlements for the months of June through November 1978 to account for its crude oil receipts and runs to stills during the months of April through September 1978. In support of its application, Edgington submitted projected financial and operating material for its current fiscal year ending December 31, 1978. Based on the Edgington submission, the DOE determined that Edgington would incur an obligation to purchase entitlements during its current fiscal year which would prevent it from achieving either its historical profit margin or historical return on invested capital (ROIC). The DOE concluded therefore that exception relief was warranted under the criteria set forth in *Delta Refining Co.*, 2 FEA Par. 83, 275 (September 11, 1975) and *Beacon Oil Co.*, 3 FEA Par. 83,209 (June 8, 1976). Since no objection to the proposed determination was filed with the time period specified in the DOE regulations, the decision and order was issued to Edgington in final form on August 16, 1978. The decision notes that subsequent reviews will be conducted of the entitlements exception relief which Edgington was granted and the firm will be required to purchase entitlements if a subsequent determination is made that it received excessive exception relief benefits.

GTE-Sylvania Inc., Hillsboro, N.H. DEE-0530, Propane

GTE-Sylvania, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211. In its submission, GTE-Sylvania requested an increase in its base period use of propane at its Hillsboro, N.H., incandescent lamp manufacturing plant. The firm contended that its Hillsboro plant required additional supplies of propane beyond its base period levels due to a shutdown of a similar plant located in Kearny, N.J., in June 1975 and the subsequent transfer of those manufacturing operations to the Hillsboro plant. In considering this claim, the DOE found that a mere consolidation of plant operations does not constitute an appropriate ground for granting exception relief to a firm. The DOE found that GTE-Sylvania has not demonstrated that it is experiencing an increased demand for propane, and that the data which the firm submitted with its Application indicates that its consumption of propane is not

likely to rise above its base period use. The DOE therefore issued a Proposed Decision and Order in which it was tentatively determined that GTE-Sylvania's Application for Exception should be denied. Since GTE-Sylvania failed to file a Notice of Objection to the proposed determination within the required time period, the DOE issued the Decision and Order denying the firm's Application.

Hanover Management Co., Dallas, Tex. DEE-0496, Crude Oil

Hanover Management Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D which, if granted, would have permitted the firm to sell the crude oil produced from the Dolly Cain No. 1 well in the Coyle Field in Payne County, Okla. at upper tier ceiling prices. In considering the exception request, the DOE found that Hanover's operating costs had increased to the point where the firm no longer had an economic incentive to continue the production of crude oil from the Dolly Cain No. 1 well if the crude oil were subject to the lower tier ceiling price rule. The DOE also determined that if Hanover abandoned its operations at the well, a substantial quantity of domestic crude oil would not be recovered. On the basis of criteria applied in previous Decisions, the DOE determined that Hanover should be permitted to sell at upper tier ceiling prices 13.45 percent of the crude oil produced from the Dolly Cain No. 1 well for the benefit of the working interest.

P & M Petroleum Management, Denver, Colo., DXE-0616, Crude Oil

P & M Petroleum Management filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D which, if granted, would permit P & M to continue to sell a portion of the crude oil produced from the Track Lease in the Tule Creek South Field in Roosevelt County, Mont., at upper tier ceiling prices. In considering the exception request, the DOE found that P & M had continued to incur increased operating costs in connection with the Track Lease and that, in the absence of continued exception relief, P & M would lack an economic incentive to produce crude oil from the property. On the basis of the financial data which P & M had provided for the most recent 6 month period, the DOE granted exception relief which permitted P & M to sell at upper tier prices 34.67 percent of the crude oil produced from the Track Lease for the benefit of the working interest owners.

Western Petroleum Co., Minneapolis, Minn. FEE-4775, No. 1 Heating Oil; No. 2 Heating Oil

Western Petroleum Co. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm requested that it be permitted to earn entitlements on the volumes of No. 1 and No. 2 heating oil which it obtains from gulf coast terminals and markets in the upper Midwest. In support of its exception request, Western maintained that it is currently unable to obtain adequate supplies of domestic heating oil to meet its needs and that it is unable to profitably market heating oil obtained from foreign sources. Western contended that the difficulties which it is experiencing are directly attributable to certain benefits which its principal competitors receive through the Entitlements Program. In considering the Western exception request, the DOE concluded that the firm's inability to obtain domestic product is primarily the result of the operation of the free market and not due to the operation of any DOE regulatory program. The DOE also concluded that Western would in all likelihood be unable to market imported heating oil at a profit in the absence of the price controls on domestic crude oil and the Entitlements Program. In view of Western's failure to demonstrate that the particular difficulties which it is experiencing are attributable to any DOE Program, the Western exception request was denied.

PETITIONS FOR SPECIAL REDRESS

George Dietrich, Chicago, Ill., DES-0083, DSG-0022, Propane and Butane

George Dietrich filed a Petition for Special Redress which, if granted, would have resulted in the issuance of an order quashing or modifying a subpena that DOE region V issued to him on May 4, 1978. Dietrich also requested a stay of the subpena pending a final determination on his Petition. In considering the Dietrich Petition, the DOE noted that § 205.8(h)(4), which sets forth the criteria governing review of Petitions of this type, provides that a preliminary review of the Petition will be made in order to determine whether a reasonable probability exists that the petitioner will be able to satisfy the criteria for relief. If the Office of Hearings and Appeals determines that a Petition might satisfy those criteria, the Petition will be considered on the merits. On the other hand, if the determination is made that the Petition fails to meet this threshold standard, the Petition will be dismissed. See 41 FR 55322 (Dec. 20, 1976). The DOE reviewed the contentions which Dietrich advanced in his Petition and concluded that he had failed to demonstrate that an immediate review was warranted to correct substantial errors of law, to prevent substantial injury to legal rights, or to cure a gross abuse of administrative discretion. The Dietrich Petition was therefore dismissed and his Application for Stay was denied.

Joe K. Staley Oil Co., Greenacres, Wash., DSG-0017, DES-0094, Reporting Requirements

Joe K. Staley Oil Co. filed a Petition for Special Redress which, if granted, would have resulted in the rescission of a Special Report Order issued to the firm by DOE region X on November 30, 1978. Staley also requested a stay of the provisions of the Special Order pending a final determination on its Petition. In considering the Staley Petition, the DOE noted that § 210.91(d), which establishes the criteria to be applied in the review of petitions of this type, provides that a petition be considered on its merits only upon a showing that immediate review is warranted to correct substantial legal errors, to prevent substantial injury to legal rights, or to cure a gross abuse of administrative descretion. Upon review of the Staley Petition, the DOE concluded that Staley failed to demonstrate that immediate review is warranted under the terms of § 210.91(d). In its Petition, Staley argued that the issuance of the Special Report Order violated section 13(h) of the Federal Energy Administration Act because it imposed undue hardship on a small marketer. The DOE found that whatever hardship Staley may incure in complying with the Special Report Order resulted from the firm's own failure to comply with DOE recordkeeping requirements. The DOE also rejected Staley's claims that the issuance of the Special Report Order was prohibited by the due process clause of the fifth amendment, the State of Washington's statute of limitations, or Federal law. Accordingly, the Staley Petition was dismissed and its Application for Stay was denied.

LaSalle National Bank, Chicago, Ill., DSG-0025, DES-0092, Third Party Subpena

LaSalle National Bank filed a Petition for Special Redress which, if granted, would result in the issuance of an order quashing or modifying a subpena that DOE region V issued to the bank on May 1, 1978. LaSalle also requested a stay of the provisions of the subpena pending a final determination on its Petition. In its Petition, LaSalle noted that the underlying DOE investigation concerned one of its depositors, not the bank itself, and its contended that the standard of relevance which is applied to subpenas seeking the examination of a third party's records should be stricter than in the ordinary situation. The DOE rejected this argument, noting that LaSalle was not a truly independent third party, since it was banker to and custodian of certain financial records of a partner of a firm being lawfully investigated. Nevertheless, the DOE found that the subpena satisfied the standard of relevance proffered by LaSalle because the necessary nexus exists between its records and the firm under investigation. The banking records of the wife of an individual under investigation were also found to be sufficiently relevant to justify a subpena of her bank records. The DOE concluded that the bank had failed to demonstrate a reasonable probability that exceptional circumstances existed which warranted an immediate review on the merits, and its Petition for Special Redress was therefore dismissed.

REQUEST FOR STAY

A. Johnson & Co., Inc., New York, N.Y., DES-0087, Residual Fuel Oil

A. Johnson & Co., Inc. (Johnson) requested that certain provisions of the Mandatory Petroleum Allocation and Price Regulations be stayed during the pendency of an Application for Exception which the firm had filed. Johnson requested a stay of the provisions of 10 CFR 211.67(d)(4), the "reverse entitlements" provisions of the Old Oil Entitlements Program, which are designed to mitigate potentially severe competitive imbalances in the East Coast residual fuel oil market. The stay request, if granted, would have permitted Johnson to earn additional entitlements on its sale of residual fuel oil. In support of its stay request, Johnson stated that on June 15, 1978 the DOE had proposed to amend § 211.67 to eliminate the reverse entitlements regulation. Under the circumstances, the DOE determined that Johnson's request should be treated as a request for interim exception relief pending the final adoption of the proposed amendments. The DOE determined that stays granting interim exception relief pending the finalization of proposed amendments to the DOE regulations will be approved only if, in addition to fulfilling the usual requirements for a stay, an applicant makes a strong showing that (i) there is a substantial likelihood that the regulatory amendment

in question will be adopted substantially as proposed, and (ii) the interim exception relief, if granted, would have an effect which is clearly consistent with the proposed amendment. The DOE determined that Johnson had failed to show that the relief, if granted, would have had an effect which was clearly within the scope of intention of the June 15 proposed amendments and had also failed to satisfy the usual requirements for a stay.

MOTION FOR EVIDENTIARY HEARING

No. 2 (Home) Heating Oil, Washington, D.C., DEH-0022, No. 2 Heating Oil

On August 10, 1978, the Office of Hearings and Appeals of the Department of Energy issued a Proposed Decision and Order relating to an evidentiary hearing which that Office intended to hold beginning August 21, 1978. The evidentiary hearing is being held to consider the need for further regulatory action with regard to No. 2 (home) heating oil. In the Proposed Decision, the Office of Hearings and Appeals established a preliminary outline of the issues which it envisioned would be considered during the course of the evidentiary hearing. Following the issuance of the Proposed Decision, the Office of Hearings and Appeals solicited the views of the parties to the proceeding, and after considering their views, issued a Decision and Order setting forth the Statement of Issues to be considered at the evidentiary hearing.

DISMISSALS

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

Bernbeck Oil Co., Lakis, Kans., DEE-0930

Robert E. Park, Casper, Wyo., DRH-0046

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the DOE Procedural Regulations:

Lynnhaven Water Way Marina, Virginia Beach, Va., DEE-1307

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

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

OCTOBER 12, 1978.

[FR Doc. 78-29442 Filed 10-18-78; 8:45 am]

[3128-01-M]

ISSUANCE OF DECISIONS AND ORDERS

Week of August 21 Through August 25, 1978

Notice is hereby given that during the week of August 21 through August 25, 1978, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

APPEALS

Atlantic Richfield Co., Los Angeles, Calif., FRA-1456, Motor Gasoline

The Atlantic Richfield Co. (Arco) filed an Appeal from a Remedial Order which was issued to the firm by Region IX of the Federal Energy Administration on August 1, 1977. In the Remedial Order, FEA Region IX determined that Arco had improperly classified Arconol (a component of Arco's motor gasoline) as a covered product under the provisions of 10 CFR 212.31. The Regional Office found that Arconol is tertiary butyl alcohol, and that tertiary butyl alcohol is not within the regulatory definition of a covered product. According to the Remedial Order, Arco's erroneous classification of Arconol resulted in Arco's improperly reflecting $22,475,573 in the prices it may lawfully charge for motor gasoline. In its Appeal, Arco maintained that the Remedial Order was erroneous as a matter of fact in finding that Arconol is tertiary butyl alcohol. However, Arco also maintained that even if Arconol is tertiary butyl alcohol, Arconol should nevertheless be considered to be a covered product as a matter of law. After considering the evidence presented in the Arco Appeal with respect to the chemical composition, physical characteristics and end uses of Arconol and tertiary butyl alcohol, the DOE concluded that Arconol is in fact a grade of tertiary butyl alcohol. However, the DOE further found that by virtue of Arconol's derivation from crude oil (a covered product), its chemical properties and its use as a blending agent in motor gasoline, another covered product, Arconol is a covered product under the Emergency Petroleum Allocation Act. The DOE therefore granted Arco's Appeal and rescinded the Remedial Order.

National Airlines, Inc., Miami, Fla., FIA-1383, Aviation Fuel

National Airlines, Inc. appealed from an Interpretation which the Acting General Counsel of the Federal Energy Administration issued to it on May 28, 1977. In that Interpretation, the Acting General Counsel held that Part 212 of the Mandatory Petroleum Price Regulations did not prohibit Texaco, Inc. (Texaco) from raising its rental fees for fuel trucks leased to National. Under the facts presented in the Interpretation, Texaco supplied aviation fuel to National at the Norfolk Municipal Airport (Norfolk). In addition, Texaco leased its fuel trucks to National for the express purpose of transferring the aviation fuel from storage into National's planes. The fuel truck lease was subject to automatic termination upon the termination of the fuel supply agreement between Texaco and National.

In considering National's Appeal, the DOE determined that the fuel sale and truck lease arrangements between Texaco and National did not constitute a prohibited "tie-in" arrangement since Texaco did not require National to lease fuel trucks as a condition of being supplied with product at Norfolk. The DOE further determined that the truck leasing arrangements between the two firms did not fall within the penumbral area of non-selling activities which may be regulated by the DOE in order to prevent the circumvention of the agency's price regulations. In this regard, the DOE found that since National continued to have practical alternative means of securing into-plane services at Norfolk, Texaco was unable to exercise leverage over National in an effort to circumvent the price regulations. In addition, the DOE noted that the fact that Texaco may have offered truck leasing terms to National which were economically superior to any other option available to National did not necessarily indicate that the fuel truck lease was a part of the fuel sales agreement between the firms. The DOE also noted that the truck lease and fuel sales agreements were unambiguous and there was no evidence from these written instruments that the delivery of aviation fuel was an integral part of the sales agreement. Accordingly, the National Appeal was denied.

Texaco, Inc., Washington, D.C., DFA-0200, Freedom of Information

Texaco, Inc. appealed from a partial denial by the DOE Information Access Officer of a request for information submitted by the firm under the Freedom of Information Act (the Act). In its initial request, Texaco sought copies of documents pertaining to DOE's clarifications and revisions of the "property" definition contained in 10 CFR 212.72 of the DOE price regulations. The DOE Information Access Officer withheld portions of five documents on the ground that they contained confidential proprietary information which was exempt from disclosure under Exemption 4 of the Act, 5 U.S.C. 552(b)(4). The DOE Information Access Officer also withheld 28 documents from disclosure on the ground that they were intra-agency memoranda which were exempt from disclosure under Exemption 5 of the Act, 5 U.S.C. 552(b)(5). In its Appeal, Texaco sought the release of only one document which had been withheld under the provisions of Exemption 4. With respect to this document, the DOE found that the Information Access Officer had never determined that the withheld portions of the document were exempt from disclosure. The DOE therefore remanded the portion of the Information Access Officer's Order which related to that document with instructions to make a determination as to its releasability. The DOE also found that all of the documents which were withheld under Exemption 5 contained the opinions and recommendations of DOE personnel, primarily attorneys, regarding the propriety of undertaking a proposed agency action, *e.g.*, the issuance to a firm of a notice of probable violation of the pricing regulations. As a result of this finding, the DOE determined that the documents were predecisional in nature and contained the type of information which Exemption 5 was de-

signed to protect from public disclosure. Accordingly, the Texaco Appeal was denied.

Texas American Oil Corp., Midland, Tex., DRA-0083, Crude Oil

The Texas American Oil Corp. (TAO) filed an Appeal from a Remedial Order which the Acting Director of Enforcement of DOE Region VI issued to the firm on November 14, 1977. In the Remedial Order, the DOE Regional Office found that TAO had improperly treated two well groupings on its Todd Federal 26 Lease as if they were two separate "properties," and had, in turn, incorrectly classified crude petroleum produced from the lease as "new" or "released" crude oil. According to the Remedial Order, the crude oil that TAO had misclassified was sold at prices which were in excess of those permitted by the Mandatory Petroleum Price Regulations. In considering the TAO Appeal, the DOE determined that neither the fact that TAO had historically and consistently treated the two well groupings on the Todd Federal 26 Lease as two separate "properties," nor the fact that it had done so in order to account for production from the two well groupings to different working interest owners, demonstrated that the lease consisted of more than one "property" as that term was defined in the applicable crude oil price regulations. The DOE also found that contrary to an argument advanced by TAO, it was not arbitrary or capricious for the Remedial Order to have found that TAO's circumstances did not qualify the two well groupings for separate property treatment under the provisions of Rulings 1977-1 and 1977-2. The DOE therefore concluded that the November 14, 1977 Remedial Order was neither erroneous in fact or law nor arbitrary and capricious. Accordingly, the TAO Appeal was denied.

REQUESTS FOR EXCEPTION

Goose Creek Oil Co., Marion County, Ill., DEE-0318, Crude Oil

The Goose Creek Oil Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. In its application, Goose Creek stated that it had attempted to comply with the certification requirements of 10 CFR 212.131 by mailing a lease certification to the purchcaser of the firm's crude oil, indicating that Goose Creek's Robinson No. 4 lease had produced "new" crude oil during the month of June, 1977. However, the purchaser later informed Goose Creek that it never received the certification. Since the deadline for filing the certification had passed, Goose Creek requested an exception in order to permit the firm to receive the difference between "new" and "old" oil prices for the crude oil which the firm produced and sold during the month of June, 1977. In considering the exception application, the DOE determined that Goose Creek had made a convincing showing that it had acted promptly and reasonably to comply with the certification requirements of Section 212.131, and that the strict application of the certification provisions in this case would result in a gross inequity to the firm. Accordingly, the exception application was granted.

MAPCO, Inc., Tulsa, Okla., DEE-0532, Natural Gas Liquids

MAPCO, Inc. filed an Application for Exception in which it requested that it be permitted to sell natural gas liquids and natural gas liquid products produced at the Tyrone gas plant, located in Texas County, Okla., at prices in excess of the maximum levels permitted under the provisions of Subpart K of the DOE regulations. In support of its Application, MAPCO stated that it wished to invest a substantial sum of money in a replacement unit at the Tyrone plant. The material submitted by MAPCO indicated that the installation of this unit would significantly increase the operating efficiency of the plant, reduce operating expenses, and eliminate a safety hazard which exists at the plant. In considering the MAPCO exception request, the DOE observed that it has previously granted exception relief in a number of cases where that relief was necessary to provide a firm with an economic incentive to undertake a capital investment. Since the material submitted by MAPCO demonstrated that it would have no economic incentive to undertake the investment in the absence of exception relief, the DOE concluded that an exception should be granted to the firm. In accordance with the precedent established in previous cases involving capital investments, the DOE approved a level of exception relief which would permit MAPCO to realize a 15 percent rate of return on its investment. However, the DOE determined that the cost of the investment should be distributed among all of the products produced at the Tyrone plant. The DOE therefore required MAPCO to file a Petition for Special Relief with the Federal Energy Regulatory Commission (FERC) requesting higher prices for the natural gas produced from the Tyrone gas plant. The DOE also stated that the relief granted to MAPCO would be adjusted if FERC permits MAPCO to increase its prices for natural gas.

Monsanto Co., St. Louis, Mo., FEE-4397, Crude Oil; Unfinished Oils

The Monsanto Co. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program). Monsanto operates a petrochemical manufacturing complex located in Chocolate Bayou, Tex., which was originally designed to use lease condensate as a feedstock. In its Application, Monsanto observed that it has been unable to obtain sufficient supplies of lease condensate for use in the Chocolate Bayou facility and that as a result, it has been required to use unfinished oils as a substitute. According to Monsanto, the petrochemical plant cannot be operated at full capacity nor can it produce the range of products which it was originally designed to produce unless it uses lease condensate. Monsanto claims that its inability to obtain lease condensate is a gross inequity which is attributable to the DOE regulations. In considering the Monsanto exception request, the DOE observed that, prior to the promulgation of crude oil price controls, Monsanto offered a premium above posted prices in order to provide producers with an economic incentive to segregate lease condensate from other crude oil and natural gas supplies and to sell that condensate to Monsanto. However, the DOE noted that under the price regulations Monsanto is currently unable to offer such a premium to a producer which is already receiving ceiling prices, and the DOE found that this situation has to some extent prevented Monsanto from obtaining lease condensate which is necessary to operate the Chocolate Bayou facility in an efficient manner. The DOE therefore concluded that the DOE Regulations were causing Monsanto to experience a gross inequity. In granting exception relief, the DOE permitted Monsanto to reinstate the practice of offering crude oil producers a premium above the applicable ceiling prices.

R. W. Tyson Producing Co., Inc., Jackson Miss., FEE-4440, Crude Oil

The R. W. Tyson Producing Co., Inc. filed an Application for Exception in which it requested that it be permitted to sell at market price levels the crude oil produced as a result of four investments it has proposed for the three Stevens leases, located in Perry County, Miss. In considering the Tyson request, the DOE observed that the data furnished by the firm indicated that it would have no economic incentive to undertake the investments in the absence of exception relief from the ceiling price regulations. The DOE also noted that the approval of exception relief would result in the production of a substantial amount of crude oil which would otherwise not be produced. In accordance with the precedent established in a number of previous Decisions, the DOE determined that exception relief should be approved which would permit Tyson to realize a 15 percent rate of return on its investments. However, the data submitted by Tyson indicated that this result would not be achieved even if the firm sold all of the crude oil produced as a result of its investment at market price levels. The DOE therefore permitted Tyson to sell all of that crude oil at exempt prices for a period of twenty years in order to remove any impediment which the crude oil price regulations might otherwise impose to the attainment of a 15 percent rate of return on Tyson's proposed investment.

PETITIONS FOR SPECIAL REDRESS

Fine Petroluem Co., Inc., Norfork, Va., DES-0076, DSG-0021, Petroleum Products

Fine Petroleum Company, Inc. filed a Petition for Special Redress which, if granted, would have resulted in the issuance of an order quashing a subpena that DOE Region III issued to the firm on March 6, 1978. Fine also requested a stay of the provisions of the subpena pending a final determination on its Petition. In considering the Fine Petition, the DOE noted that § 205.8(h)(4) of the DOE Regulations sets forth criteria governing the review by the Office of Hearings and Appeals of a Petition in which a firm seeks to quash or modify a subpena. That section provides that a preliminary review will be made in order to determine whether a reasonable probability exists that the petitioner will be able to satisfy the criteria for relief. If the Office of Hearings and Appeals determines that a Petition might satisfy those criteria, the Petition will be considered on its merits. On the other hand, if the determination is made that the Petition fails to meet this threshold standard, the Petition will be dismissed. See 41 FR 5532 (December 20, 1976). The DOE reviewed the contentions which Fine advanced in its Petition and concluded that Fine had failed to demonstrate that an immediate review was warranted to correct substantial errors of law, to prevent substantial injury to legal rights, or to cure a gross abuse of administrative discretion. Fine's Petition was therefore dismissed and its Application for Stay was denied.

Office of Special Counsel for Compliance, Department of Energy, Washington, D.C., DSG-0028, Crude Oil

The Office of the Special Counsel for Compliance (OSC) of the Department of Energy filed a Petition for Special Redress. The Petition pertains to a Proposed Consent Order that the OSC entered into with the Gulf Oil Corp. on July 26, 1978. Under the terms of the Proposed Consent Order, Gulf is required to remit $42,240,000 to the United States to settle a compliance proceeding instituted against it by the DOE regarding Gulf's calculation of costs incurred in crude oil transactions with affiliated entities during the period August 1973 through January 1976. In its Petition, the OSC requested the Office of Hearings and Appeals (OHA) to establish an ad hoc administrative procedure for adjudicating claims by Gulf customers for a portion of the refund. The OHA found, upon considering the OSC request, that sufficient authority existed for the establishment of the type of procedure requested. The OHA further found that such a procedure was necessary and appropriate in this case to the accomplishment of certain of the objectives contained in the Emergency Petroleum Allocation Act of 1973, the Federal Energy Administration Act of 1974 and the Department of Energy Organization Act. Accordingly, a claims procedure was adopted on an interim basis.

Under the provisions of the procedures which were established, claims for refunds will be evaluated by the OHA or, in the case of routine claims, by an administrator appointed and supervised by the OHA. To establish a claim, a person must persuasively demonstrate that he was injured as a result of the alleged pricing practices upon which the Consent Order was based and he must describe, with a reasonable degree of certainty, the nature and extent of the injury. The following presumptions were also adopted to facilitate the resolution of claims: (i) The entire amount remitted by Gulf represents costs that it applied evenly on a volumetric basis to all refined petroleum products which it produced during the August 1973 through January 1976 period, and those costs were proportionately reflected in the prices that Gulf charged for those products during that period; (ii) if Gulf had determined its prices in accordance with applicable regulations, resellers during this period would have passed through to their own customers 60 percent of the benefits of any price reduction that occurred; and (iii) all Gulf products passed through two levels of distribution before being purchased by a consumer.

Western Crude Oil, Inc., Denver, Colo., DSG-0023, DES-0084, Petroleum Products

Western Crude Oil, Inc. filed a Petition for Special Redress which, if granted, would have resulted in the issuance of an order quashing or modifying two subpenas that DOE Region VIII issued to the firm on February 28 and March 8, 1978. Western also requested a stay of the provisions of the subpenas pending a final determination on its Petition. In considering the Western Petition, the DOE noted that § 205.8(h)(4) of the DOE Regulations sets forth criteria governing the review by the Office of Hearings and Appeals of a Petition in which a firm seeks to quash or modify a subpena. In accordance with those criteria, the DOE reviewed the contentions which Western advanced in its Petition and concluded that Western had failed to demonstrate that an immediate review was warranted to correct substantial errors of law, to prevent substantial injury to legal rights, or to cure a gross abuse of administrative discretion. Western's Petition was therefore dismissed and its Application for Stay was denied.

REQUEST FOR STAY

Mid-America Refining Co., Inc., Washington, D.C., DES-0097, Crude Oil.

Mid-America filed an Application for Stay in which the firm requested that the DOE reconsider a Decision and Order which it issued on August 7, 1978 denying a prior Application for Safety which Mid-Admerica had filed. In both Applications, Mid-America requested that the DOE stay the firm's obligation to purchase $241,382 in entitlements for its crude oil receipts and runs to stills during the month of May, 1978. As an initial matter, the DOE found that since no new issues had been raised by Mid-America in its request for reconsideration, the DOE could issue a summary denial on the basis of the August 7 Decision and Order. However, the DOE exercised its discretion and afforded the firm a *de novo* review of the previous stay application.

In considering Mid-America's request, the DOE found that the firm's entitlement purchase obligation for the month of May was the result of certain paper exchange transactions through which volumes of crude oil which the firm had previously certified as stripper well crude oil were certified as "old" crude oil. The DOE also found that on the basis of the data submitted by Mid-America in connection with the previous stay request, it appeared that the economic benefit to it of purchasing less expensive "old" crude oil had exceeded the entitlement purchase obligations which that "old" crude oil had generated. Under these circumstances, the DOE concluded that the Entitlements Program is not causing the firm to experience an irreparable injury which warrants the approval of stay relief. Moreover, the DOE concluded that since the firm had entered into the exchange agreement voluntarily, the firm could hardly complain that the responsibility for any consequent financial injury lay with the Entitlements Program. On the basis of these considerations, Mid-America's Application for Stay was denied.

SUPPLEMENTAL ORDER

Laketon Asphalt Refining, Inc., Evansville, Ind., DEX-0103, Crude Oil

On August 21, 1978, the DOE issued a Decision and Order to Laketon Asphalt Refining, Inc. which stayed the firm's obligation to purchase entitlements to the extent specified in a Proposed Decision and Order which was issued to Laketon on that same date. In granting the Stay, the DOE stated that as a result of new exceptions procedures which had been adopted effective September 14, 1977, the Proposed Decision and Order would not be finalized for at least 10 days after service of the Proposed Decision and Order. During the period between the issuance of the Order in proposed form and the issuance of the Order in final form, Entitlements Notices would be issued which would not take into consideration the relief proposed for Laketon. Therefore, the DOE determined that during the period August 1, 1978 through January 31, 1979, the entitlement purchase obligations of Laketon should be stayed to the extend specified in the Proposed Decision, pending the issuance of a final Decision and Order in this proceeding.

DISMISSALS

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

Herrington L.P. Gas Co., Olive Branch, Miss., DRH-0013, DRO-0013.

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

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

OCTOBER 12, 1978.

[FR Doc. 78-29443 Filed 10-18-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 990-4; OPP-00078]

STATE FIFRA ISSUES RESEARCH AND EVALUATION GROUP (SFIREG)

Working Committees on Enforcement; Registration and Classification; Certification; and Training; Open Meeting

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notice of open meetings.

SUMMARY: The first meeting of the working committees of the State FIFRA Issues Research and Evaluation Group on Enforcement, Registration and Classification, Certification, and Training will be held. This notice gives information on the date, location, agenda, and contact person for each meeting.

DATES: Refer to respective Working Committees shown below.

SUPPLEMENTARY INFORMATION:

1. *Working Committee on Enforcement (WC/E).*

The Working Committee on Enforcement will meet on Monday and Tuesday, October 30 and 31, 1978, at the Bourbon Orleans Ramada, New Orleans, La., telephone: 504-523-5252. The meeting will begin each day at 8:30 a.m. The meeting will be concerned with the following topics:

a. The 1978 amendments to Sections 27 and 28 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended;

b. State-EPA cooperative enforcement grant criteria;

c. Requirements of States under cooperative enforcement agreements;

d. State-Federal enforcement referral procedures; and

e. Other enforcement matters which may arise.

This meeting will be open to the public. For further information, contact Mr. William Buffaloe, North Carolina Department of Agriculture, Raleigh, N.C., telephone: 919-733-3556.

2. *Working Committee on Registration and Classification (WR/RC).*

The Working Committee on Registration and Classification will meet on Wednesday and Thursday, November 8 and 9, 1978, at the Downtowner Inn, New Orleans, La., telephone: 504-524-7611. The meeting will begin each day at 8:30 a.m. The meeting will be concerned with the following topics:

a. 1978 FIFRA amendments affecting registration and classification;

b. Development of new Section 24(c) special local need criteria;

c. Section 5(f) and (g) draft final regulations governing State experimental use permits;

d. Classification regulations governing lists of restricted use compounds;

e. EPA planning for conditional registration; and

f. Other items suggested by the WC/RC.

This meeting will be open to the public. For further information, contact Mr. George Hutton, Office of the State Chemist, Purdue University, West Lafayette, Ind., telephone: 317-749-2391.

3. *Working Committee on Certification (WC/C) and Working Committee on Training (WC/T). The Working Committee on Certification and the Working Committee on Training will hold a joint meeting on Tuesday and Wednesday, November 14 and 15, 1978, at the Downtowner Inn, New Orleans, La., telephone: 504-524-7611. The meeting will begin each day at 8:30 a.m. The meeting will be concerned with the following topics:*

a. Pesticide applicator training options;

b. Recordkeeping by State lead agencies for certification;

c. Recertification requirements;

d. EPA guidance on recertification;

e. EPA guidance on Federal funding of State training and certification programs. Included in this subject are a review of the results of the State Lead Agency questionnaire on funding of certification programs and a review of the recent study of the Council of State Governments on funding of State certification and training programs;

f. 1978 FIFRA amendments affecting certification and training; and

g. Other certification and training matters which may arise.

This meeting will be open to the public. For further information, contact Mr. Ron Johnson, Maryland Department of Agriculture, Annapolis, Md., telephone: 301-269-2325, or Ms. Lois French, EPA Office of Pesticide Programs, Washington, D.C., telephone: 202-755-0356.

Dated: October 13, 1978.

JAMES M. CONLON,
Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-29432 Filed 10-18-78; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

IMPROVING GOVERNMENT REGULATIONS

Report to the President

AGENCY: Federal Communications Commission.

ACTION: Letter to President Carter concerning Executive Order 12044 (improving government regulations).

SUMMARY: The following letter was sent by Chairman Charles D. Ferris of the Federal Communications Commission to the President in response to Executive Order 12044 (improving Government regulations). The letter outlines the steps taken at the FCC to improve its regulatory proceses and opportunities for public participation in its proceedings. Chairman Ferris expects to continue efforts to improve the FCC's regulatory processes. Public comments are welcome on the procedures outlined in the following letter.

FOR FURTHER INFORMATION CONTACT:

Erika Ziebarth Jones, FCC Consumer Assistance Office, 1919 M Street NW., Washington, D.C. 20554, 202-632-7000.

ADDRESS: Send comments to: Secretary, FCC, 1919 M Street NW., Washington, D.C. 20554.

WILLIAM J. TRICARICO,
Secretary.

[Editorial note: The following is a copy of the letter discussed in the "Summary" above.]

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C.

The PRESIDENT,
Washington, D.C.

DEAR MR. PRESIDENT: I welcome the opportunity to respond to your letter requesting that the Federal Communications Commission and other independent regulatory agencies voluntarily implement procedural and substantive reforms in our informal rulemaking processes. Executive branch agencies and departments are required to implement such reforms by Executive Order 12044 (improving Government regulations). The goals of this order are to:

> Open up new opportunities for public participation in the regulatory process, require regulations to be clearer and more understandable, and assure more effective oversight of the development of agency regulations.

This Commission does support those goals and is committed to a continuing and critical review of our rulemaking procedures. I have personally stated that I favor a policy of zero-based regulation. We should take a fundamental look at the reasons behind the rules we have. I believe in stimulating the marketplace forces of competition instead of adding rules to achieve policy goals where that is possible. Any examination of our rulemaking procedures must be accomplished in the broader context of an examination of our total regulatory structure.

I believe the Commission can be proud of its efforts to date which demonstrate its commitment to the principles of better regulatory management and greater public participation. I also believe, however, that we should continue to examine our rulemaking functions under the broad goals articulated by your Executive order.

To that end, our staff has made a thorough examination of the FCC's informal rulemaking functions from the perspectives of the three principal areas of the Executive order: regulatory management, regulatory language, and public participation. This has led us, as we state at greater length below, to adopt several new approaches to our rulemaking activities. In summary, we will:

—increase our efforts to encourage public participation in our rulemakings;

—create a semiannual agenda for our significant rulemaking proceedings;

—have periodic meetings of our senior staff to discuss and coordinate upcoming significant rulemakings;

—where possible, make certain that regulatory analysis precedes proposed rulemaking that could have major economic effects; and

—under the guidance of Commissioner Tyrone Brown, establish an agencywide task force to examine every FCC rule and paperwork requirement to see if our rules and re-

quirements are meeting their stated purpose.

REGULATORY MANAGEMENT

The Executive order calls on Executive branch agencies to "review and revise their procedures for developing regulations to be consistent with the policies of this order".

Some of the specific suggestions pertaining to regulatory management listed in the Executive order are:

1. SEMIANNUAL AGENDA OF REGULATIONS

The Executive order requires executive branch agencies to publish "at least semiannually an agenda of significant regulations under development or review". The purpose of the semiannual agenda is (1) to give the public "early warning" of impending regulatory actions and (2) to assist agencies in planning their regulatory programs efficiently. We also prepare an annual report of "Major Matters Before the Commission"; and we have started a management reporting system to determine internally the status of all pending rulemaking petitions.

I have decided to create a public semiannual agenda for significant informal rulemaking matters, in addition to continuing to prepare and publish our annual "Major Matters" report. Preparation of a semiannual agenda will, I agree, result in more rational regulatory planning and allow greater public involvement in agency rulemaking proceedings. I have asked our Office of Executive Director, Office of Plans and Policy, and Office of General Counsel to be jointly responsible for preparation of our agenda.

2. AGENCY HEAD OVERSIGHT

The Executive order states that:

> Before an agency proceeds to develop significant new regulations, the agency head shall have reviewed the issues to be considered, the alternative approaches to be explored, a tentative plan for obtaining public comment, and target dates for completion of steps in the development of the regulation.

The structure of the FCC (and, indeed, most independent regulatory agencies) is such that the "agency head," that is, the full Commission, always votes to launch inquiries or issue proposals before the staff "proceeds to develop * * * [the final] new regulations." The inquiry notice or proposal, which is a public document, includes a discussion of the issues to be considered and a discussion of the mechanisms for obtaining public comment, and, in the case of the proposal, the text of the proposed change.

Even prior to the consideration by the Commission of inquiry notices or proposals, almost all significant rulemakings that are being worked on by the staff are known to the Commissioners. Frequently, the area is being investigated for rulemaking because of specific expressions of concern by the Commission.

I believe, however, that better coordination may be necessary between Bureaus and Offices of the Commission concerning work in progress within separate divisions of the agency. We are presently using a procedure by which senior staff members representing the various organizational units in the Commission meet periodically in a Bureau Chiefs' meeting with me to discuss, among other subjects, areas of significant rulemaking that are at the seminal stage. I may ask the staff considering a specific area for study to prepare for the group a brief memorandum covering a statement of the problem, possible alternative approaches, a tentative schedule for completion, and a name and telephone number of a person familiar with the project. Because this document would be preliminary in nature, it is not contemplated that it would be released to the public at this early stage. Other FCC units would use this document to enable them to express in a more systematic manner any views or interest they might have.

In addition to overseeing preparation of the semiannual agenda, our Office of General Counsel will be the principal coordinating point for all rulemaking actions among the various FCC Bureaus and Offices. Our Office of Plans and Policy is also charged with reviewing all work in progress at the Commission to determine its impact on long-range Commission policy.

The Executive order suggests that, when the Commission approves the issuance of an inquiry notice or proposal, it also consider "alternative approaches to be explored." The FCC's Safety and Special Radio Services Bureau has begun to prepare its significant presentations ("Agenda Items") for the Commission in a format which offers the alternative solutions to the problem, including discussions of the advantages and disadvantages of each. The Commissioners, then, with the benefit of the staff's discussion of the alternatives, can direct the staff to proceed in a particular direction.

I intend to encourage other Bureaus and Offices to explore the benefits of including additional discussions of alternative solutions to rulemaking proposals, where this is appropriate.

3. APPROVAL OF SIGNIFICANT REGULATIONS

In addition to the procedures for managing the process through which rules are proposed, the Executive order requires certain affirmative determinations to be made by executive branch agencies before adoption of a new rule.

Specifically, the order requires a review to determine that:

(1) the proposed regulation is needed;

(2) the direct and indirect effects of the regulation have been adequately considered;

(3) alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

(4) public comments have been considered and an adequate response has been prepared;

(5) the regulation is written in plain English and is understandable to those who must comply with it;

(6) an estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation;

(7) the name, address, and telephone number of a knowledgeable agency official is included in the publication; and

(8) a plan for evaluating the regulation after its issuance has been developed.

In large measure, the steps the Executive order recommends for approval of significant regulations are already required by FCC procedures or are part of any competently prepared rulemaking document. I recognize, however, that the Executive order requires a more systematic attempt to insure that each of the eight factors listed above is considered before any significant rule is adopted. I have asked the staff to use the eight factors above as an internal FCC checklist to assist both drafters and reviewers in a significant rulemaking. I believe, for example, that, in some cases, it may be useful to announce plans at the time of adoption of some significant rules to evaluate their effects after issuance. I have also directed that each item proposing or announcing a new reporting or recordkeeping burden specifically mention the new burden and discuss it for the Commission's review.

I also believe that the "name, address, and telephone number of a knowledgeable agency official" should be a part of each regulatory publication. I have directed the staff to begin including this information in the text of the inquiry, proposal, and final rule. Also, we will include this information in *Actions Alert*, the FCC's weekly summary of major pending rulemaking proposals, and in *Feedback*, FCC publication that gives an in-depth, plain language explanation of certain significant rulemaking proposals.

4. REGULATORY ANALYSIS

The Executive order proposes that a regulatory analysis of the economic consequences of rulemakings would be made available at the time rules are being proposed for public comment. The order also contemplates that the analysis would be open to public comment. The criteria for determining when regulatory analysis would be necessary are: (1) when the annual cost of compliance if $100 million or more, or (2) when the regulation will result in a "major increase in costs or prices for individual industries, levels of government or geographic regions."

These criteria reflect a legitimate concern that regulatory analysis precede proposed rulemaking that could have major economic effects. We do make preliminary estimates of the economic effects of various proposals as part of our rulemaking process. Indeed, we are required to do so to meet the public interest standard under which we adopt regulations.

We have started an effort to upgrade the status of economic analysis performed at the Commision and to increase the number of economists at the FCC, particularly in our Office of Plans and Policy. With the general guidance of this Office, the various FCC Bureaus and Offices are also improving their ability to perform economic analyses. Indeed, the new chief of the Common Carrier Bureau at the FCC is an economist.

5. REVIEW OF EXISTING REGULATIONS

The FCC is continually reviewing its regulations and procedures informally, as the Commission, the staff, or the public suggests changes which should be made. The Commission's Broadcast Bureau now has a full-time staff reexamining broadcast rules applicable to radio stations with a view towards eliminating or clarifying those regulations. The Safety and Special Radio Services Bureau has completed such a review of its CB regulations, and the Cable Bureau is nearing completion of a similar effort on its certification rules. Our Common Carrier Bureau recently announced an improved license application processing procedure, which will foster more efficient application processing and recordkeeping.

As resources permit, we will undertake reviews of the remainder of the Commission's rules and procedures on a systematic basis. In the coming months, we will be examining several areas of regulations to see if the rules are meeting their stated purposes. Included in this review will be the radio opertor licensing program and our radio/TV commercial logging rules. This review will be coordinated by an agencywide task force which will examine every FCC rule and every FCC paperwork requirement on a Bureau-by-Bureau basis. This task force will recommend changes where appropriate, and will also make regular reports to the Commission of the team's progress.

To coordinate these and other efforts, I have appointed Commissioner Tyrone Brown to head the Commission's regulations review process.

PUBLIC PARTICIPATION

The Executive order requires that "Agencies shall give the public an early and meaningful opportunity to participate in the development of agency regulations."

The Commission takes a variety of approaches beyond the minimum requirements of the Administrative Procedure Act to invite and encourage public participation in rulemaking. In addition to those procedures, we also have tried to keep the public informed of the significant rulemakings that are in progress. We publish a weekly summary of our pending significant rulemakings, *Actions Alert*, which is sent to a large number of individuals, organizations, and publications likely to be interested in, or affected by, Commission actions. *Actions Alert* is directed to, and written for, a much broader public than would readily have access to the FEDERAL REGISTER. On particularly important items, the Commission publishes special *Feedback* editions, which explain in plain language the details of the rulemaking items. The *Feedback* editions are particularly designed to invite public comment.

We have increased our use of Notices of Inquiry (which other agencies call Advance NPRM's) in selected matters to provide additional time for public participaton prior to issuance of a Notice of Proposed Rulemaking. The Inquiry focuses public attention on the subject and allows the presentation of information or comments at an early stage of the Commision's concern with the subject of the Inquiry.

As I mentioned previously, I have directed the staff to include in *Actions Alert, Feedback,* Notices of Inquiry, Notices of Proposed Rulemaking, and final rules the name, address, and telephone number of a staff person who can provide detailed information on the subject matter.

One of the Commission's primary concerns in greater public participation in rulemakings is that the participation be of greatest help to the Commission. In line with this concern, the Commission recently opened an inquiry to explore the possibility of providing reimbursement for representatives of affected segments of the public who wish to participate in FCC rulemaking proceedings, could provide us with needed viewpoints and data different from that of the affected industry economic interests, and who, without reimbursement of their costs of bringing their experiences and data to our attention, could otherwise not be of greatest assistance to us.

Informal questionnaires or polls might elicit information from the concerned public that would provide us with information useful in evaluating the need for regulation or the direction it should take. From simple questions in letters directed to members of the public, such as Citizens Band licensees, cable television operators, or members of the academic community, we might secure information that is specifically needed by the staff in its preparation for rulemaking.

We are also experimenting with a number of techniques to improve the opportunities for public participation in FCC rulemakings. Two years ago, we established a Consumer Assistance Office which is charged, among other things, with helping the Commission attract meaningful public participation in its rulemakings. This office prepares *Feedback*, discussed previously, which gives plain language discussions of significant pending rulemakings. This office recently installed a teletypewriter (TTY) for communicating with the deaf and hard-of-hearing. The TTY can receive comments in FCC rulemakings at any time—24 hours each day. The Consumer Assistance Office is exploring other methods of improving our services to handicapped persons, with the intention of increasing their participation in FCC rulemakings.

To aid individuals who wish to participate in FCC rulemakings, we accept, as informal comments, responses filed with a single copy. We have reduced to a minimum (six) the number of copies to be filed as formal comments in rulemaking proceedings.

When the staff has needed more information prior to considering rulemaking, or when the Commission has wanted to insure broader participation, we have employed a number of ad hoc solutions. We have held oral arguments on many issues, encouraging representatives of the affected economic interests and various segments of the general public to participate. In the areas of children's television, UHF television improvement, and the matter of charitable contributions and institutional advertising by common carriers, we have hosted (or are planning to host) panel discussions. We make an effort to insure that a wide range of views is represented on each panel.

On an issue requiring special attention, we may establish a task force to focus Commission efforts in that area. Two examples of this approach are the Task Force on Adjudicatory Reregulation and the Task Force on Minority Ownership.

We recently released a rewritten, updated comprehensive policy statement on the laws and rules of political broadcasting. This booklet is used extensively by candidates and campaign staff. We redrafted the booklet in clear English, and we set it up in a format which we believe will be useful to the readers of the booklet. We are also revising a publication entitled "The Public and Broadcasting," which explains to the public the Commission's broadcast rules and procedures. This booklet is being completely revised to include substantive policy changes and to redraft the language into "plain English."

One project, currently under development by our Office of Plans and Policy, is an "Academic Outreach" program, through which we hope to encourage participation in FCC rulemakings (and other policy formation projects) by members of the academic community. This project will include several aspects. We hope to become a depository for communications-related academic research projects, which we will index and keep in our library. We have established an "Academic Exchange Program," in which the FCC staff and members of the academic profession would exchange positions for a semester or a year. We plan to expand our student work-study program; especially to include graduate level students. Finally, we expect to improve our mechanisms by which we inform the academic community of our research needs. Such an "Academic Outreach" would, I believe, contribute substantially to the quality of our regulatory and policymaking functions.

REGULATORY LANGUAGE

As a relative newcomer to the Commission, I agree that many of the FCC's rules are hard to understand. But, I am also aware that the subject matter of our rules often requires specialized knowledge that the general public would not have. In some instances, the licensed individual, such as a broadcaster, may not personally have the specialized knowledge. The answer is not, in all cases, to try to rewrite the rules in "plain English" for the licensee. The Commission requires the broadcast licensee to have available a licensed engineer to assure compliance with the rules. It is essential, however, that the engineer be able to understand the rule without an attorney's help. In other words, the technical rules must be written in "plain Engineering English."

In the case of the Citizens Band Radio Service, where compliance must depend on an understanding of the rules by the licensee, we have rewritten the rules in "plain English." When you issued this Executive order, you cited these rules as the example of clear language for other agencies to follow.

As we mentioned previously, we recently released a completely rewritten Primer on Political Broadcasting, which employs a simpler vocabulary and format than its predecessor edition.

I remain committed to improving the management of FCC rulemakings and to increasing citizen participation in FCC decisions. I have enclosed with this letter a number of releases and bulletins which will illustrate a few of our regulatory reform public participation efforts to date. To insure that we continue these efforts, I have established an informal staff group to carry on a broad-based review of our regulatory processes. This group will make recommendations to me of further improvements which we might make in our rulemaking functions.

Again, I appreciate this opportunity to discuss the FCC's regulatory processes.

Sincerely,

CHARLES D. FERRIS,
Chairman.

[FR Doc. 78-29425 Filed 10-18-78; 8:45 am]

[6712-01-M]

AM BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: October 12, 1978.

Released: October 18, 1978.

Cutoff date: December 5, 1978.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on December 6, 1978, the AM applications listed in the attached Appendix below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on December 5, 1978, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. by the close of business on December 5, 1978. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix below by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending AM applications, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

APPENDIX

BMP-14,219 KQKI, Bayou Vista, La., Teche Broadcasting Corp., Has: 1170 kHz, 250 W, day, Req: 1170 kHz, 500 W, day.

BMP-14,620 WARE, Ware, Mass., Central Broadcasting Corp., Has: 1250 kHz, 1 kW, 5 kW-LS, DA-2, U, Req: 1250 kHz, 2.5 kW, 5 kW-LS, DA-2, U.

BMP-14,624 WAMB, Donelson, Tenn., Great Southern Broadcasting Co., Inc., Has: 1170 kHz, 5 kW (1kW-Ch), day, Req: 1170 kHz, 25 kW (1 kW-Ch), DA, day.

BP-20,017 (New), Rice Lake, Wis., Red Cedar Broadcasters, Inc., Req: 1090 kHz, 1kW, day.

BP-20,276 KASY, Auburn, Wash., Auburn Broadcasters, Inc., Has: 1220 kHz, 250 W, day, Req: 1220 kHz, 2.5 kW, DA, day.

BP-20,403 WTID, Newport News, Va., Bay Cities Communications Corp., Has: 1270 kHz, 1 kW, day, Req: 1270 kHz, 1 kW, DA-N, U.

BP-20,423 KNIX, Tempe, Ariz., Buck Owens Broadcasting, Inc., Has: 1580 kHz, 50 kW, day, Req: 1580 kHz, 10 kW, 50 kW-LS, DA-N, U.

BP-20,441 WADS, Ansonia, Conn., A.D.S. Broadcasting Corp., Inc., Has: 690 kHz, 500 W, DA, day, Req: kHz, 1 kW, DA, day.

BP-20,446 WFAG, Farmville, N.C., Farmville Broadcasting Co., Has: 1250 kHz, 500 W, day, Req: 1250 kHz, 2.5 kW, 5 KW-LS, DA-2, U.

BP-20,476 WWBR, Windber, Pa., WWBR, Inc., Has: 1350 kHz, 1 kW, day, Req: 1350 kHz, 2.5 kW, day.

BP-20,520 WCAP, Lowell, Mass., Northeast Radio, Inc., Has: 980 kHz, 1 kW, day, Req: 980 kHz, 5 kW, DA-2, U.

BP-20,524 WVAB, Virginia Beach, Va., Sea Broadcasting Corp., Has: 1550 kHz, 5 kW, day, Req: 1550 kHz, 2.5 kW, 5 kW-LS, DA-N, U.

BP-20,531 KXEX, Fresno, Calif., Atlas Broadcasting Co., Has: 1550 kHz, 500 W, day, Req: 1550 kHz, 5 kW, DA, day.

BP-20,536 KMLO, Vista, Calif., North County Broadcasting Co., Inc., Has: 1000 kHz, 1 kW, DA, day, Req: 1000 kHz, 1 kW, 5 kW-LS, DA-2, U.

BP-20,537 KBRF, Fergus Falls, Minn., Empire Broadcasting Stations, Inc., Has: 1250 kHz, 1 kW, DA-N, U, Req: 1250 kHz, 1 kW, 5 kW-LS, DA-2, U.

BP-20,557 WMCP, Columbia, Tenn., Maury County Boosters Corp., Has: 1280 kHz, 1kW, day, Req: 1280 kHz, 500 W, 5 kW-LS, DA-2, U.

BP-20,563 WGNU, Granite City, Ill., Norman Broadcasting Co., Has: 920 kHz, 500 W, DA, day, Req: 920 kHz, 500 W, DA-2, U.

BP-20,565 KCFI, Cedar Falls, Iowa, Jim Mudd Broadcasting, Inc., Has: 1250 kHz, 500 W, DA, day, Req: 1250 kHz, 500 W, DA-2, U.

BP-20,568 KRZY, Albuquerque, N. Mex., Burroughs Broadcasting Co., Has: 1450 kHz, 250 W, 1 kW-LS, U, Req: 1090 kHz, 2.5 kW, 50 kW-LS, DA-2, U.

BP-20,573 WSMD, La Plata, Md., Crystal Broadcasting Co., Has: 1560 kHz, 1 kW (250 W-CH), day. Req: 1560 kHz, 25 kW, DA, day.

BP-20,588 (New), Bremerton, Wash., Ki-Pen-Bro Corp., Req: 1330 kHz, 5 kW, day.

BP-20,599 (New), Dallas, Ga., Paulding Productions, Inc., Req: 1500 kHz, 1 kW, DA, day.

BP-20,675 WRKL, New City, N.Y., Rockland Broadcasters, Has: 910 kHz, 1 kW, DA, day, Req: 910 kHz, 1 kW, DA-2, U.

BP-20,703 WCTN, Potomac, Md., Seven Locks Broadcasting Co., Has: 950 kHz, 1 kW, DA, day (Potomac-Cabin John, Md.), Req: 950 kHz, 2.5 kW, 5 kW-LS, DA-2, U (Potomac, Md.).

BP-20,705 WFRB, Frostburg, Md., Western Maryland Broadcasting Co., Inc., Has: 560 kHz, 1 kW, day, Req: 560 kHz, 5 kW, day.

BP-20,706 (New), Carrville, Ala., Hughey Broadcasting Co., Inc., Req: 1130 kHz, 1 kW, day.

BP-20,710 KGAS, Carthage, Tex., Radio Station KGAS, Has: 1590 kHz, 1 kW, day, Req: 1590 kHz, 2.5 kW, day.

BP-20,711 (New), Sheridan, Ark., Cliff A. Packer, Req: 1540 kHz, 250 W, day.

BP-20,712 (New), Elkhorn City, Ky., Mountain Interstate Broadcasting Co., Inc., Req: 1460 kHz, 1 kW, day.

BP-20,713 KCUB, Tucson, Ariz., Rex Broadcasting Co., Has: 1290 kHz, U, Req: 1290 kHz, 1 kW, 5 kW-LS, DA-D, U.

BP-20,729 WGRO, Lake City, Fla., WGRO Radio, Inc., Has: 960 kHz, 500 W, day, Req: 960 kHz, 1 kW, 500 W-LS, DA-N, U.

BP-20,731 (New), Valdez, Alaska, Northern Television, Inc., Req: 770 kHz, 500 W, 1 kW-LS, U.

BP-20,732 KSRB, Hardy, Ark., Glenwood Vance, Has: 1570 kHz, 250 W, day, Req: 1570 kHz, 1 kW, day.

BP-20,733 (New), Pewaukee, Wisc., S.K.R., Inc., Req: 1370 kHz, 1 kW, DA, day.

BP-20,734 KSUB, Cedar City, Utah, Southern Utah Broadcasting Co., Has: 590 kHz, 1 kW, DA-N, U, Req: 590 kHz, 1 kW, 5 kW-LS, DA-N, U.

BP-20,735 WCKM, Hawesville, Ky., Hancock County Broadcasters, Has: 1140 kHz, 500 W, day, Req: 1140 kHz, 2.5 kW, day.

BP-20,736 (New), Vernon, Conn., Tolland County Broadcasting, Inc., Req: 1170 kHz, 1 kW, DA, day.

BP-20,7738 WAZA, Bainbridge, Ga., Sowega Broadcasting, Inc., Has: 1360 kHz, 1 kW, day, Req: 1360 kHz, 1kW, 5 kW-LS, DA-N, U.

BP-20,739 WYVE, Wytheville, Va., WYVE Radio, Inc., Has: 1280 kHz, 1 kW, day, Req: 1280 kHz, 2.5 kW, day.

BP-20,7741 KFYV, Arroyo Grande, Calif., KFYV Radio, Has: 1280 kHz, 1 kW, DA-N, U, Req: 1280 kHz, 2.5 kW, 5 kW-LS, DA-2, U.

BP-20,742 WDIC, Clinchco, Va., Dickenson County Broadcasting Corp., Has: 1430 kHz, 1 kW, day, Req: 1430 kHz, 5 kW, day.

BP-20,746 KROE, Sheridan, Wyo., Sheridan Communications Corp., Has: 930 kHz, 1 kW, day, Req: 930 kHz, 5 kW, day.

BP-20,749 KYET, Payette, Idaho, Blue Mountain Broadcasting Co., Has: 1450 kHz, 250 W, U, Req: 1450 kHz, 250 W, 1 kW-LS, U.

BP-20,750) WTMP, Temple Terrace, Fla., Gulf South Communications, Ltd., Has: 1150 kHz, 5 kW, DA, Day (Tampa), Req: 1150 kHz, 2.5 kW, 5 kW-LS, Da-2, U (Temple Terrace).

BP-20,751 WLUZ, Bayamon, P.R., Lucas T. Muniz, Has: 1600 kHz, 1 kW, DA-1, U, Req: 1600 kHz, 5 kW, DA-2, U.

BP-20,771 (New), Rederiksted, V.I., Joseph Bahr, Req: 1540 kHz, 250 W, day.

BP-20,773 (New), Alvin, Tex., Ellison Broadcasting Co., Req: 1110 kHz, 500 W, DA, day.

BP-20,774 (New), Renton, Wash., Radio Renton, Req: 1420 kHz, 500 W, DA, day.

BP-20,776 (New), Spring City, Tenn., RA-AD of Spring City, Req: 970 kHz, 500 W, day.

BP-20,777 KRSP, South Salt Lake, Utah, Holiday Broadcasting Co., Has: 1060 kHz, 10 kW, day (Salt Lake City), Req: 1060 kHz, 1 kW, 10 kW-LS, DA-N, U (South Salt Lake).

BP-20,778 KFRB, Fairbanks, Alaska, Northern Television, Inc., Has: 900 kHz, 10 kW, U, Req: 820 kHz, 1 kW, 10 kW-LS, U.

BP-20,779 (New), Hilo, Hawaii, Communico Tropics Corp., Req: 670 kHz, 10 kW, U.

BP-20,789 WELV, Ellenville, N.Y., Catskill Broadcasting Corp., Has: 1370 kHz, 500 W, day, Req: 1370 kHz, 5 kW, day.

BP-20,790 WJKM, Hartsville, Tenn., Hartsville Broadcasting Co., Has: 1090 kHz, 250 W, day, Req: 1090 kHz, 1 kW, day.

BP-20,791 (New), Nelsonville, Ohio, Allied Communications, Inc., Req: 1130 kHz, 250 W, day.

BP-20,803 (New), Granbury, Tex. Granbury Radio Co., Req: 1420 kHz, 500 W, 5 kW-LS, DA-2, U.

BP-20,819 WWCC, Breman, Ga., Carroll-Haralson Radio, Inc., Has: 1440 kHz, 1 kW, day, Req: 1440 kHz, 2.5 kW, day.

BP-20,823 KTHS, Berryville, Ark., Earldun Broadcasting, Inc., Has: 1480 kHz, 1 kW, day, Req: 1480 kHz, 5 kW, day.

BP-20,829 KRAD, East Grand Forks, Minn., KRAD, Inc., Has: 1590 kHz, 1 kW, DA-N, U, Req: 1590 kHz, 1 kW, 5 kW-LS, DA-2, U.

BP-20,831 (New), Conyers, Ga., Communications Investment, Inc., Req: 1050 kHz, 250 W, day.

BP-20,833 (New), Dora, Ala., Mid-Way Radio, Req: 1010 kHz, 500 W, day.

BP-20,834 (New), Chubbuck, Idaho, Good Times, Inc., Req: 1490 kHz, 250 W, 1 kW-LS, U.

BP-20,838 (New), Saloma, Ky., Q Communications Corp., Req: 910 kHz, 500 W, DA, day.

BP-20,839 (New), Pearl, Miss., Mid South Media, Inc., Req: 1190 kHz, 1 kW, day.

BP-20,864 WAAY, Huntsville, Ala., Smith Broadcasting, Inc., Has: 1550 kHz, 500 W, 5 kW-LS, DA-N, U, Req: 1550 kHz, 500 W, 50 kW-LS, DA-2, U.

BP-20,865 (New), Kihei, Maui, Hawaii, Harry M. Engel, Req: 1110 kHz, 5 kW, U.

BP-20,869 WSKE, Everett, Pa., Radio Everett, Inc., Has: 1050 kHz, 250 W, day, Req: 1050 kHz, 1 kW, DA, day.

BP-20,871 KTCH, Wayne, Nebr., Theodore S. Storck, Has: 1590 kHz, 500 W, day, Req: 1590 kHz, 2.5 kW, DA, day.

BP-20,872 (New), Aguada, P.R., Aurio Matos, Req: 1410 kHz, 500 W, DA-1, U.

BP-20,878 KYMO, East Prairie, Mo., Usher Broadcasting Co., Has: 1080 kHz, 250 W, day, Req: 1080 kHz, 500 W, day.

BP-20,879 WIFF, Auburn, Ind., C.P. Broadcasters, Inc., Has: 1570 kHz, 500 W, DA, day, Req: 1570 kHz, 1 kW, DA, day.

BP-20,881 (New), Plentywood, Mont., Stallard Broadcasting, Inc., Req: 1070 kHz, 5 kW, day.

BP-20,882 (New), Vail, Colo., Mountain Wireless, Ltd., Req: 1360 kHz, 5 kW, day.

BP-20,883 (New), Jersey Shore, Pa., Tiadaghton Broadcasting Co., Req: 1600 kHz, 1 kW, day.

BP-20,927 WYMC, Mayfield, Ky., Purchase Sound, Inc., Has: 1430 kHz, 1 kW, DA-1, U, Req: 1430 kHz, 1 kW, DA-N, U.

BP-20,964 WVAP, Burnettown, S.C., Midland Valley Investment Co., Inc., Has: 1510 kHz, 500 W (250 W-CH), day, Req: 1510 kHz, 1 kW (250 W-CH), day.

BP-21,014 KWEL, Midland, Tex., KWEL, Inc., Has: 1070 kHz, 1 kW, day, Req: 1070 kHz, 2.5 kW, day.

BP-21,016 (New), Laurel, Mont., Rimrock Broadcasting, Req: 1490 kHz, 250 W, 1 kW-LS, U.

BP-21,018 WABA, Aquadilla, P.R., Aquadilla Radio and TV Corp., Inc., Has: 850 kHz, 500 W, U, Req: 850 kHz, 5 kW, DA-1, U.

BP-21,020 WAZE, Dunedin, Fla., Radio Clearwater, Inc., Has: 860 kHz, 500 W, DA, day (Clearwater), Req: 860 kHz, 1 kW, Da-2, U (Dunedin).

BP-21,022 KNUI, Kahului, Hawaii, Broadcasting Consulting Services, Inc., Has: 1310 kHz, 5 kW, U, Req: 900 kHz, 5 kW, U.

BP-21,025 WWBC, Cocoa, Fla., Astro Enterprises, Inc., Has: 1510 kHz, 250 W, day, Req: 1510 kHz, 1 kW, day.

BP-21,026 (New), Martin, Ky., Guaranty Broadcasting Co., Req: 1440 kHz, 2.5 kW, DA, day.

BP-21,030 KHYT, South Tucson, Ariz., Golden State Broadcasting Corp., Has: 1330 kHz, 500 W, Day (Tucson), Req: 1330 kHz, 5 kW, 500 W-LS, DA-N, U (South Tucson).

BP-21,032 (New), Greybull, Wyo., KMMZ Broadcasters, Req: 1140 kHz, 5 kW, day.

BP-21,034 WKGX, Lenoir, N.C., Furniture City Broadcasters, Inc., Has: 1080 kHz, 1 kW, day, Req: 1080 kHz, 5 kW (2.5 kW-CH), day.

BP-21,035 KIIS, Los Angeles, Calif., Eleven Fifty Corp., Has: 1150 kHz, 1 kW, 5 kW-LS, U, Req: 1150 kHz, 5 kW, DA-N, U.

BP-21,039 (New), Rogers, Ark., KERM, Inc., Req: 790 kHz, 500 W, day.

BP-21,040 WEPA, Europa, Miss., Tri County Broadcasting Co., Inc., Has: 710 kHz, 500 W, day, Req: 710 kHz, 2.5 kW, day.

BP-21,043 KSFO, San Francisco, Calif., Golden West Broadcasters, Inc., Has: 560 kHz, 1 kW, 5 kW-LS, U, Req: 560 kHz, 5 kW, DA-N, U.

BP-21,044 WGSR, Millen, Ga., Jenkins Broadcasting System, Inc., Has: 1570 kHz, 250 W, day, Req: 1570 kHz, 1 kW, day.

BP-21,045 (New), Hallettsville, Tex., Ritchy Communications Corp., Req: 1520 kHz, 250 W, day.

BP-21,069 (New) Somerset, Pa., NorLin Broadcasters, Inc., Req: 1330 kHz, 1 kW, DA, day.

BP-21,073 (New), Zumbrota, Minn., John I. Hanton and Carol A. Hanton, Req: 740 kHz, 250 W, day.

BP-21,074 WFWR, New Haven, Ind., Fort Wayne Radio, Inc., Has: 1090 kHz, 1 kW, DA, day (Fort Wayne, Ind.), Req: 1090 kHz, 500 W, 1 kW-LS, DA-2, U (New Haven, Ind.).

BP-21,077 KMJC, El Cajon, Calif., Lee Bartell & Associates, Has: 910 kHz, 1 kW, DA-2, U, Req: 910 kHz, 2.5 kW, 5 kW-LS, DA-2, U.

BP-21,078 (New), Coalinga, Calif., McVay Communications, Inc., Req: 1470 kHz, 500 W, Day.

BP-21,089 WBUK, Portage, Mich., Radio Michigan, Ltd., Has: 1560 kHz, 1 kW, DA, day, Req: 1560 kHz, 2.5 kW, DA, day.

BP-21,090 WSPF, Hickory, N.C., Piedmont Broadcasting Co., Inc., Has: 1000 kHz, 1 kW, day, Req: 1000 kHz, 5 kW (1 kW-CH), day.

BP-21,093 WJJQ, Tomahawk, Wis., WYYS, Inc., Has: 810 kHz, 1 kW, day, Req: 810 kHz, 10 kW, DA, day.

BP-21,095 (New), Homer, Alaska, Kachemack Bay Broadcasters, Inc., Req: 1250 kHz, 5 kW, U.

BP-21,099 WDSJ, Deadwood, S.Dak., Heart of the Black Hills Stations, Has: 980 kHz, 1 kW, DA-N, U, Req: 980 kHz, 1 kW, 5 kW-LS, DA-N, U.

BP-21,109 WKNG, Tallapossa, Ga., Twin County Broadcasting Co., Has: 1060 kHz, 2.5 kW, day, Req: 1060 kHz, 5 kW, day.

BP-21,112 (New), Fairview, Tenn., B.L.P., Inc., Req: 850 kHz, 500 W, day.

BP-21,113 (New), Buena Vista, Va., Rockbridge Communications, Inc., Req: 1270 kHz, 1 kW, day.

BP-21,114 KIIX, Ft. Collins, Colo., WREN Broadcasting Co., Has: 600 kHz, 1 kW, DA, day, Req: 600 kHz, 5 kW, DA, day.

BP-21,129 (New), Fraser, Colo., Grand Radio, Inc., Req: 1250 W, DA-2, U,

BP-21,132 WBUT, Butler, Pa., WBUT, Inc., Has: 1050 kHz, 250 W, day, Req: 1050 kHz, 500 W, day.

BP-21,134 (New), Yanceyville, N.C., WMC Broadcasters, Inc., Req: 1540 kHz, 250 W, day.

BP-21,136 (New), Beloit, Kans., KRZJ Broadcasters, Req: 1190 kHz, 2.5 kW, DA, day.

BP-21,137 (New), Yellville, Ark., Adams Broadcasting Co., Req: 1530 kHz, 500 W, day.

BP-21,149 WSRO, Marlboro, Mass., WSRO, Inc., Has: 1470 kHz, 1 kW, DA, day, Req: 1470 kHz, 5 KW, 1 kW-LS, DA-2, U.

BP-21,150 (New), Anamosa, Iowa, Louise E. Hamlin, Req: 1290 kHz, 500 W, DA, day.

BP-21,153 KBTN, Neosho, Mo., KBTN, Inc., Has: 1420 kHz, 500 W, day, Req: 1420 kHz, 500 W, DA-N, U.

BP-21,154 (New), Marshall, Mich., G.R.G. Associates, Inc., Req: 680 kHz, 250 W, DA-2, U.

BP-21,155 WJGA, McDonough, Ga., Tarkenton Broadcasting Corp., Has: 1540 kHz, 1 kW, day (Jackson, Ga.), Req: 1540 kHz, 2.5 kW, day (McDonough, Ga.).

BP-21,156 WBOX, Bogalusa, La., Mosley-Smith Broadcasting, Inc., Has: 920 kHz, 1 kW, day, Req: 920 kHz, 1 kW, DA-N, U.

BP-21,157 KFWJ, Lake Havasu City, Ariz., Shoblom Broadcasting, Inc., Has: 980 kHz, 500 W, day, Req: 980 kHz, 1 kW, day.

BP-21,158 WPNH, Plymouth, N. H., Pemigewasset Broadcasters, Inc., Has: 1300 kHz, 1 kW, day, Req: 1300 kHz, 5 kW, day.

BP-21,159 KAGC, Bryan, Tex., Brazos Metro, Inc., Has: 1510 kHz, 250 W, day, Req: 1510 kHz, 500 W, day.

BP-21,189 WHOY, Salinas, P.R., Island Broadcasting Corp., Has: 1210 kHz, 1 kW, DA-N, U, Req: 1210 kHz, 1 kW, 5 kW-LS, DA-2, U.

BP-21,190 KQWB, West Fargo, N. Dak., Midwest Radio Co., Has: 1550 kHz, 5 kW, DA-N, U, Req: 1550 kHz, 5 kW, 10 kW-LS, DA-N, U.

BP-21,195 KBBX, Centerville, Utah, Harold S. Schwartz & Associates, Inc., Has: 1600 kHz, 1 kW, day, Req: 1600 kHz, 5 kW, day.

BP-21,200 WTIM, Taylorville, Ill., Delta Media, Inc., Has: 1410 kHz, 1 kW, DA, day, Req: 1410 kHz, 1 kW, DA-2, U.

BP-21,204 WYNE, Kimberly, Wis., Ned Hughes Broadcasting, Inc., Has: 1150 kHz, 1 kW, DA, day, Req: 1150 kHz, 5 kW, DA-2, U.

BP-21,221 KXEW, South Tucson, Ariz., R F C Partners, Has: 1600 kHz, 1 kW, day (Tucson), Req: 1600 kHz, 1 kW, DA-N, U (South Tucson).

BP-21,222 WKND, Windsor, Conn., KND Corp., Has: 1480 kHz, 500 W, DA, day, Req: 620 kHz, 1 kW, 500 W-LS, DA-2, U.

BP-21,247 WXRL, Lancaster, N.Y., Dome Broadcasting, Inc., Has: 1300 kHz, 1 kW, DA, day, Req: 1300 kHz, 2.5 kW, 1 kW-LS, DA-2, U.

BP-21,248 (New), Pineville, La., Blac, Inc., Req: 680 kHz, 250 W, day.

BP-21,249 WTUG, Tuscaloosa, Ala., Radio South, Inc., Has: 790 kHz, 1 kW, day, Req: 790 kHz, 2.5 kW, day.

BP-21,252 WJMQ, Norfolk, Mass., Norfolk County Broadcasting Co., Inc., Has: 1170 kHz, 500 W, DA, day, Req: 1170 kHz, 1 kW, DA, day.

BP-21,253 WRTH, Wood River, Ill., King Radio Broadcasting Co., Has: 590 kHz, 1kW, 500 W-LS, DA-2, U, Req: 590 kHz, 1kW, DA-2, U.

BP-21,254 KrKS, Denver, Colo. KLIR, Inc., Has: 990 kHz, 1 kW, day, Req: 990 kHz, 5 kW, day.

BP-21,256 WJLK, Asbury Park, N.J., Press Broadcasting Co., Has: 1310 kHz, 250 W, 1 kW-LS, DA-D, U, Req: 1310 kHz, 1 kW, 2.5 kW-LS, DA-2, U.

BP-21,257 WKSK, West Jefferson, N.C., Childress Broadcasting of West Jefferson, Has: 580 kHz, 500 W, day, Req: 580 kHz, 1 kW, day.

BP-21,258 WNRK, Newark, Del., Radio Newark, Inc., Has: 1260 kHz, 500 W, DA, day, Req: 1260 kHz, 1 kW, DA, day.

BP-21,259 WHYT, Nobelsville, Ind., Mid-Indiana Broadcasters Corp., Has: 1110 kHz, 500 W, DA, day, Req: 1110 kHz, 1 kW, DA, day.

BP-21,821 (New), Amory, Miss., Brady and Jones Associates, Req: 1520 kHz, 500 W, day.

BP-780714AL WLNC, Laurinburg, N.C., George W. Phillips, t/as Laurinburg, Broadcasting Co., Has: 1300 kHz, 500 W, day, Req: 1300 kHz, 5 kW, 500 W-LS, DA-N, U.

BP-780718AA (New), Hyden, Ky., Ayers Shortt Sales, Inc., Req: 1600 kHz, 500 W, day.

BP-780828AI KCNW, Fairway, Kans., Kansas Broadcasting, Inc., Has: 1380 kHz, 500 W, 5 kW-LS, DA-2, U, Req: 1380 kHz, 1kW, 5 kW-LS, DA-2, U.

[FR Doc. 78-29545 Filed 10-18-78; 8:45 am]

[6712-01-M]

[BC Docket Nos. 78-299—78-301; File Nos. BPH-10,046, etc.; BC FCC 78-651]

CHARLOTTESVILLE BROADCASTING ASSOCIATES, INC., ET AL.

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: September 14, 1978.

Released; October 3, 1978.

In re applications of Charlottesville Broadcasting Associates, Inc., Charlottesville, Va., BC Docket No. 78-299, File No. BPH-10,046, Requests: 92.7 MHz, Channel No. 224; 412 W (H & V); 810 feet; Rev. C. H. Brown and John M. Brown, Sr., d.b.a. Brown Broadcasting Co., Charlottesville, Va., BC Docket No. 78-300, File No. BPH-10,118, Requests: 92.7 MHz, Channel No. 224; 225 W (H & V); 1070 feet; WUVA, Inc., Charlottesville, Va., BC Docket No. 78-301, File No. BPH-10,371, Requests: 92.7 MHz, Channel No. 224; 220 W (H & V); 900 feet; for construction permits.

1. The Commission, has before it for consideration: (i) The above-captioned mutually exclusive applications of Charlottesville Broadcasting Associates, Inc. ("CBA"), Rev. C. H. Brown and John M. Brown, Sr. d.b.a. Brown Broadcasting Co., ("Brown"), and WUVA, Inc., ("WUVA"); (ii) a petition, filed by WUVA, requesting waiver of § 1.573(b) of the Commission rules; and (ii) pleadings in opposition and reply thereto.[1]

2. Before considering the merits of Brown's petitions and WUVA's waiver request, a brief discussion of its corporate structure will be helpful. WUVA is organized under the laws of the Commonwealth of Virginia and is a nonprofit, non-stock membership corporation. Its articles of incorporation restrict membership to students in good academic standing at the University of Virginia who are staff members at radio station WUVA. The applicant's board of directors is composed of five students selected from the membership to serve for 1 year terms and six alumni appointed to serve for 7 years. Any of these directors may be removed by the student membership. Because the membership is present during most of the academic year and

[1] Also before the Commission are the following related pleadings: (a) A petition to remove WUVA's application, filed by Brown; (b) an opposition, filed by WUVA; and (c) a reply, filed by Brown. We have considered these pleadings with the waiver request. More recently, on August 16, 1978, Brown submitted a third petition seeking removal of WUVA's application. As the petitions filed by Brown raised the same questions as those raised by WUVA's waiver request, we are considering all of these pleadings together.

can be convened easily to deal with fundamental aspects of station operation. WUVA considers itself controlled by its members rather than by its board of directors. Hence, the applicant concedes, a change of 50% or more in its student membership would constitute a transfer of control under the terms of § 1.573(b) of the rules,[2] requiring the Commission to assign its application a new file number and thereby eliminate it from comparative consideration.[3] Acknowledging that such a change has in fact occurred since its application was filed,[4] WUVA seeks a waiver of § 1.573(b).

3. In proposing the present § 573(b), the Commission expressed its opinion that "[s]ignificant changes in ownership may be indicative of changes in the type and quality of service to be provided * * *" Notice of Proposed Rulemaking in Docket No. 20205, 49 FCC 2d 399, 402 (1974). The particular circumstances of this situation, however, indicate that such is not the case here. Of particular significance in this regard is the fact that WUVA has a long tradition of service and commitment to the Charlottesville Community, having been a carrier-current facility for more than 30 years and having been carried also on a local cable system.[5] Thus, the Commission's desire that "the public should ultimately be able to look for service to the same individuals who filed the application * * *," 49 FCC 2d at 402, will not be violated by a waiver, as the public in Charlottesville can reasonably look to a familiar and on-going institution rather than to specific individuals for service. Moreover, to the extent that the Commission's concerns in adopting § 1.573(b) focused upon the typical corporate or partnership arrangement, a strict application of the section to WUVA's unusual corporate structure seems to us both unnecessary and inappropriate. Accordingly, we will grant the waiver request and allow WUVA to retain its present file number.

[2] Section 1.573(b) provides: "A new file number will be assigned to an application for a new station * * * when it is amended so as to result in an assignment or transfer of control * * * which, in the case of an authorized station, would require the filing of an application therefor on FCC Form 314, 315 * * *."

[3] Under § 1.591(b), the Commission will not consider any application, if amended so as to require a new file number, as being mutually exclusive or in conflict with another application on which a cut-off date has been established. Thus, the effect of applying Section 1.573(b) would be to deny WUVA comparative consideration in the Charlottesville hearing.

[4] In this regard, WUVA states that an unusually large number of students were elected to membership after its application was filed.

[5] WUVA instituted the rulemaking which assigned channel 224 to Charlottesville.

4. To meet estimated costs of $47,205 for construction and operation, Brown plans to rely entirely upon a bank loan. However, since the applicant has not submitted any document which would indicate the willingness of a financial institution to lend it funds, it must be considered financially unqualified. Accordingly, an appropriate issue will be specified.

5. Finally, data submitted by the applicants indicates that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparision, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

6. Because of the recent allocation of Channel 224 in Mechanicsville, Va., 40 RR 2d 1481 (1977), CBA's application fails to meet the spacing requirements of § 73.207 of the rules. Since the other two applicants in this proceeding comply with the Commission's spacing requirements, we must order CBA to amend its application to specify a site which complies with § 73.207.

7. Except as indicated above, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Brown Broadcasting Co. the source and availability of funds to construct the proposed station and to operate for 3 months without reliance on revenues, and in light thereof, whether the applicant is financially qualified.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

10. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

11. *It is further ordered,* That the Petitions filed by Brown Broadcasting Co. are denied.

12. *It is further ordered,* That the request for waiver of § 1.573(b) filed by WUVA, Inc. is granted.

13. *It is further ordered,* That the application of Charlottesville Broadcasting Associates, Inc., shall be retained for a period of thirty (30) days to permit appropriate amendment and that action on the applications of WUVA, Inc., and Rev. C. H. Brown and John M. Brown, Sr., d.b.a. Brown Broadcasting Co., shall be withheld during this period.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-29547 Filed 10-18-78; 8:45 am]

[6712-01-M]

[BC Docket Nos. 78-297, 78-298; File Nos. BPH-9741, BPH-9916; FCC 78-646]

NUANCE CORP. AND MIDCOM CORP.

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: September 14, 1978.

Released: September 29, 1978.

In re applications of Nuance Corporation, Columbia, S.C., Req. 103.1 MHz, Channel 276A 3kW (H&V), 300 Feet, BC Docket No. 78-297, File No. BPH-9741; Midcom Corporation, Columbia, S.C., Req. 103.1 MHz, Channel 276A 3 kW (H&V), 300 Feet. BC Docket No. 78-298, File No. BPH-9916; for construction permits.

1. The Commission has before it for consideration: (i) The above-captioned mutually exclusive applications filed by Nuance Corporation (Nuance) and Midcom Corporation (Midcom), as amended; (ii) a Further Motion to Dismiss or for Inclusion of Issue, filed by Nuance; (iii) responsive pleadings.

2. In an earlier Memorandum Opinion and Order, we rejected Nuance's challenge to the acceptability of Midcom's application. *Midcom Corporation,* 63 FCC 2d 257, 39 RR 2d 943

(1977).[1] In its motion to dismiss, Nuance asserts that the subsequent decision of the United States Court of Appeals for the District of Columbia Circuit in *Black Broadcasting Coalition of Richmond* v. *FCC*, 181 U.S. App. D.C. 182, 556 F.2d 59 (1977), mandates reversal of the earlier ruling. More specifically, Nuance asserts that where subjective bad faith is shown in the preparation and tender of an application, a post-objection curative amendment is not permissible. Nuance submits that Midcom's original specification of a short-spaced site and unsupported waiver request, coupled with an amendment to a non-short-spaced site in response to the motion to dismiss, constitutes "subjective bad faith." Therefore, Nuance urges that the amendment either be dismissed or an appropriate hearing issue be specified against Midcom.

3. The Commission disagrees with Nuance that BBCR and the facts warrant the relief requested. Nuance has presented nothing to support its allegation of bad faith other than speculation and surmise. And, unlike BBCR, there are no underlying facts which lend credence to the allegation of bad faith. It has long been Commission policy not to waive our minimum mileage separation requirments where at least one of several mutually exclusive applicants specifies a non-short-spaced site. It has, however, also been Commission policy to afford an applicant in Midcom's position, after dismissal for a short-spaced site, the opportunity to seek reconsideration and to amend to specify a non-short-spaced site. Accordingly, the Further Motion to Dismiss will be denied.

4. Midcom proposes independent programming, while Nuance proposes to duplicate the programming of its commonly owned AM station, WOIC, Columbia, S.C., during 14 percent of its broadcast time. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which could offset its inherent inefficiency. *Jones T. Sudbury*, 8 FCC 2d 360. 10 RR 114 (1967).

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. *Accordingly, it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(2) To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications for a construction permit should be granted.

7. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

8. *It is further ordered*, That the applicants herein, shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually, or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

9. *It is further ordered*, That the Further Motion to Dismiss or For Inclusion of Issue filed by Nuance Corporation, Is Denied.

FEDERAL COMMUNICATION COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-29548 Filed 10-18-78; 8:45 am]

[1] As originally filed, Midcom proposed a site that was short-spaced to Station WZZW, Augusta, Ga., in violation of the minimum mileage separation specified in § 73.207 of the rules. Nuance, which had specified a non-short-spaced site, asserted that the application should be dismissed as patently defective. In response to this challenge, Midcom amended its application to specify a non-short-spaced site. Nuance moved to strike the amendment on the ground that since the application was unacceptable as filed and not amended prior to cut-off, it could not now be amended. We rejected Nuance's challenges citing *James River Broadcasting Co.* v. *FCC*, 130 U.S. App. D.C. 210, 399 F.2d 581 (1968) and *Earl Lamar Clark*, 36 RR 2d 1666 (1976).

[6712-01-M]

TUCSON FM BROADCASTING CORP.

Preparation of Draft Environmental Impact Statement

Adopted October 10, 1978.

Released: October 12, 1978.

Pursuant to § 1.1313(b)(2) of the Commission's rules, notice is hereby given that a draft environmental impact statement will be prepared concerning the application of Tucson FM Broadcasting Corp. (BPH-10,347) for a new 100 kW FM station on Channel 298 (107.5 MHz) in Tucson, Ariz. The antenna and transmitter would be located on Trails End Peak in the Tucson Mountains 5 miles west of Tucson, Ariz. at the following coordinates:

32°14'55" North
111°6'58" West

The applicant proposes a tower 200 feet above ground, with center of radiation 150 feet above ground and 2,000 feet above average terrain.

Interested parties may obtain a copy of the statement by submitting a written request, prior to October 31, 1978, to:

Broadcast Facilities Division, Room 302, Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

Copies will also be sent to those who have already expressed an interest in the environmental consequences of the proposal.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-29544 Filed 10-18-78; 8:45 am]

[6714-01-M]

FEDERAL DEPOSIT INSURANCE CORPORATION

ADVISORY COMMITTEE ON STATE AND FEDERAL REGULATION OF BANKS

Meeting

The Federal Deposit Insurance Corporation Advisory Committee on State and Federal Regulation of Banks will meet on Thursday, November 2, 1978, at 10:30 a.m., in the 6th floor Board Room of the Federal Deposit Insurance Corporation Building, 550 17th Street NW., Washington, D.C.

This Committee was established to advise the director, in charge of a major study of state and federal bank regulation, on the content and direction of the study, and to review sections of the study as they are completed. The Committee consists of ten members broadly representative of groups which are impacted by banking and the regulation of banks. Notice of the establishment of this committee was published in the FEDERAL REGISTER on December 15, 1977, (Vol. 42, No. 241, page 63219).

The agenda for this meeting is: (1) Progress report; (2) Discussion, com-

ments, and suggestions concerning study projects.

This meeting will be open to the public, with approximately 30 seats available for the public on an unreserved basis. Questions, comments, or statements to the committee may be submitted in writing prior to the opening of the meeting.

Copies of the minutes of the meeting will be available upon written request 30 days after the meeting.

Inquiries may be directed to Dr. Leonard Lapidus, Special Assistant to the Chairman, Federal Deposit Insurance Corp., 550 17th Street NW., Washington, D.C. 20429; telephone 202-389-4213.

Dated: October 12, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
EDWIN C. HOULDSWORTH,
Advisory Committee, Management Officer.

[FR Doc. 78-29488 Filed 10-18-78; 8:45 am]

[6715-01-M]

FEDERAL HOME LOAN BANK BOARD

[No. AC-50]

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF OKEECHOBEE COUNTY, OKEECHOBEE, FLA.

Post Approval Amendment of Conversion; Application Final Action

OCTOBER 16, 1978.

Notice is hereby given that on October 11, 1978, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corp., by Resolution No. 78-542 approved the amendment to the application of First Federal Savings and Loan Association of Okeechobee County, Okeechobee, Fla., for permission to convert from a Federally-chartered mutual association to a Florida-chartered stock association. The converted association will be known as the First Savings and Loan Association of Okeechobee County. The application to convert was approved on May 12, 1978, by Resolution No. 78-296. Copies of the application and the amendment are available for inspection at the Office of the Secretary of said Corporation, 1700 G Street NW., Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coastal States Building, 260 Peachtree Street NW., Atlanta, Ga.,30303.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-29538 Filed 10-18-78; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

[Docket No. 78-38]

BALTIC SHIPPING CO.

Rates on Buses 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 U.S. 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 Commission issued an Order to Baltic to furnish certain specified information concerning the transportation of approximately 25 buses from Bremerhaven, Germany, to Houston, Tex., aboard Baltic's vessel, *Magnitogorsk*, in February-March, 1978. 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 section 18(b) of the Shipping Act, 1916, by charging or receiving less compensation for the transportation for the buses than the rates or charges which were specified in its tariffs on file with the Commission and in effect at the time of the shipment.[1] The Commission has determined that the information requested of Baltic is necessary to establish whether such violation exists and whether further action should be taken pursuant to section 18 of the Shipping Act.

On May 15, 1978, the Commission granted Baltic an enlargement of time, extending the date for compliance with its section 21 Order to May 30, 1978. On May 30, 1978, Baltic filed bills of lading responsive to paragraphs (A)(4) and (B) of the Commission's section 21 Order. Baltic has not, however, adequately responded to paragraphs (A)(1) through (A)(3), and (A)(5) of the Commission's Order.

Paragraph (A)(1) of the Order calls for copies of all memoranda of discussions, understandings, agreements, or arrangements between Baltic and any of its agents concerning the solicitation, obtaining, or transport of the buses in question.[2] This information is necessary if the Commission is to determine the existence and nature of any undercharges by Baltic in connection with its transportation of 25 buses from Bremerhaven, Germany, to Houston, Tex. Baltic's instructions to its agents in Germany, and its understanding with those agents concerning the manner in which the carriage of the buses in question would be solicited, contracted for, and carried out are clearly relevant to the Commission's inquiry. The information sought is peculiarly within Baltic's knowledge, and is not available to the Commission except through Baltic.

Paragraph (A)(2) of the Commission's section 21 Order calls for a detailed description of all negotiations which took place concerning the transportation of the buses in question and the freight charges to be applied thereto by Baltic. The content of these negotiations would shed much light upon the existence of undercharges and upon whether such undercharges, if any, were accidental. This is a matter clearly relevant to the Commission's inquiry which is available to it only through Baltic.

Paragraph (A)(3) of the Commission's Order calls for copies of all memoranda, minutes, contracts, or other writings describing, transcribing, summarizing, or resulting from the negotiations described in paragraph (A)(2). The information sought in paragraph (A)(3) would serve to corroborate and give detail and substance to Baltic's response to paragraph (A)(2). For the reasons described above, the information sought in paragraph (A)(3) also is necessary to the Commission in its investigation. The

[1] Subsequent to the Commission's initiation of this investigation, Baltic filed an application for permission to waive collection of a portion of the freight charges applicable to the buses in question, as well as to two later bus shipments. The application was filed pursuant to section 18(b)(3) of the Shipping Act, and in accordance with 502.92 of the Commission's Rules (46 CFR 502.92). In its application, Baltic acknowledges that the lower rate it seeks to apply to the buses was not filed with the Commission until August 3, 1978, but it alleges that its failure to file the rate prior to shipment was "due to clerical error". The Administrative Law Judge in that case has scheduled the next prehearing conference for December 4, 1978.

During the course of the section 18(b)(3) proceedings, Baltic has expressed its desire to maintain the separation between the Commission's prior section 21 investigation and its section 18(b)(3) application. Baltic argues that: "[a]lthough the section 21 inquiry concerns the same shipments involved herein, its scope and aim are different The section 21 inquiry was commenced 'to determine whether Baltic [was] * * * in violation of the Act' and whether further proceedings or investigations should be undertaken * * *. The Commission's section 21 inquiry is, therefore, essentially an enforcement action. Separate enforcement considerations of the Commission are not relevant, though, in an 18(b)(3) waiver application." The Commission finds itself in agreement with Baltic's position, at least to the extent that it is unwilling to defer its section 21 investigation pending the outcome of the section 18(b)(3) proceeding initiated by Baltic.

[2] Information concerning Baltic's arrangements with its representatives in Germany, and particularly with Panalpina Welttransport G.M.B.H., would be among that which is sought in this paragraph.

documents sought in paragraph (A)(3) are not currently available to the Commission, and can be obtained by it only through Baltic.

Paragraph (A)(5) of the Commission's Order calls for information concerning Baltic's payment of brokerage or other compensation to its agents or others in connection with the solicitation, negotiation, or carrying out of the bus shipments in question. Specifically, the paragraph seeks the amount of brokerage or other compensation paid, and the name and address of the person(s) receiving payment. This information is necessary to determine whether rebates or other payments were given by Baltic in connection with its transport of the buses, in violation of section 18(b)(3) of the Shipping Act, and this information also ties in with the information sought in paragraph (A)(1) concerning Baltic's arrangement with its agents. The information sought in paragraph (A)(5) of the Commission's Order is essential to a thorough investigation of Baltic's possible violation of section 18(b) of the Shipping Act, 1916. The information sought is not available to the Commission except through Baltic.

Baltic's response to paragraphs (A)(1), (A)(2), (A)(3), and (A)(5), is the same: "There are no such documents under the care, custody, or control of Baltic in the United States." [3]

This response is inadequate; the Commission's inquiry was not and is not limited to documents within the United States. The Commission's Order called for information concerning activities occurring outside the United States, but effecting the foreign commerce of the United States. It is likely that the information sought is located outside the United States, and that it is within the knowledge, custody, and control of the Baltic Shipping Co. Baltic gives no explanation for limiting its response to documents within the United States. It is clear that the Commission's investigatory powers under the Shipping Act are not limited to documents within the United States. [4] Such a limitation would be irreconcilable with the Commission's statutory duty to prevent activities harmful to the *foreign* commerce of the United States.

Baltic has not complied with paragraphs (A)(1) through (A)(3) and (A)(5) of the Commission's section 21 Order, and the Commission rejects as inadequate such explanation as Baltic has seen fit to offer for this failure. It appears, therefore, that the Baltic Shipping Co. is in violation of the Commission's Order of April 17, 1978, to produce information in accordance with section 21 of the Shipping Act, 1916.

To date, Baltic has not expressly raised the possible affirmative defenses of foreign law, but the defense may be tacit in Baltic's limitation of its response to information located within the United States. Therefore, before finding that Baltic is in violation of section 21 and considering appropriate sanctions, the Commission wishes to consider any affirmative defense of foreign law that may be available to Baltic. To give adequate consideration to this possible affirmative defense, the Commission must have further information from Baltic. Specifically, the Commission must know: (1) What foreign laws, if any, apply to the gathering or release by Baltic of the information sought in the Commission's section 21 Order; (2) what information is effected by those laws; (3) the effect of violating the foreign law; and (4) the nature and extent of any efforts by Baltic to obtain a waiver of any applicable foreign laws.

Therefore, it is ordered, That pursuant to section 21 of the Shipping Act, 1916, and in accordance with 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 Order of April 17, 1978, concerning rates on buses in the U.S. Gulf Coast/North Europe Trade 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 Order of April 17, 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. Requests for hearing shall be filed no later than November 27, 1978.

It is further ordered, That pursuant to 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 Order of April 17, 1978;

(2) The nature, description, and location of information or documents covered by the Commission's Order of April 17, 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 Order of April 17, 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 27, 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 6, 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 repending to the memorandum and affidavits filed by the Bureau of Hearing Coun-

[3] Baltic also objects to the Commission's demand for information under paragraph (A)(2) of the Order, "on the ground that this demand is beyond the authority vested in the Commission under section 21 of the Shipping Act for the reasons set forth in Baltic's Petition for Reconsideration filed with the Commission on May 17, 1978, in the section 21 proceedings entitled 'Baltic Shipping Company Rates and Practices in the U.S. Gulf Coast/North Europe Trade', which Petition is incorporated herein by reference." Baltic has also added to its Petition by filing a "Reply of Baltic Shipping Company in Support of its Legal Objections", dated July 12, 1978, and made applicable to the Commission's section 21 inquiry into its rates on buses. For the reasons stated in the Commission's Order to Show Cause served October 5, 1978, and incorporated by reference herein, the Commission rejects the arguments raised by Baltic. Baltic's basic argument is that the Commission can only reach existing business records under section 21 of the Shipping Act, 1916, and cannot inquire into events not presently memorialized in such records. Baltic's narrow interpretation of section 21 is inconsistent with its full scope as implemented by the Commission and interpreted by the courts. *See Isbrandtsen-Moller Co.* v. *United States*, 300 U.S. 139 (1937), *Kerr Steamship Co.* v. *United States*, 284 F. 2d 61 (2d Cir. 1960), *appeal dismissed as moot*, 369 U.S. 422 (1962), and *Montship Lines, Ltd.* v. *Federal Maritime Board*, 295 F. 2d 147 (D.C. Cir. 1961); *Cf. Alcoa Steamship Co.* v. *Federal Maritime Commission*, 348 F. 2d 756 (D.C. Cir. 1965), involving the Commission's power to *inspect* corporate records.

[4] *Federal Maritime Commission* v. *DeSmedt*, 366 F. 2d 464 (2d Cir. 1966), *Cert. den.*, 385 U.S. 974 (1966).

sel shall be filed by Baltic Shipping Co. no later than November 16, 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. 78-29444 Filed 10-18-78; 8:45 am]

[4110-88-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of November 1978:

ALCOHOL RESEARCH REVIEW COMMITTEE

November 1-3; 9 a.m.
Linden Room, Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Md. 20014.
Open—November 1; 9 to 10 a.m.
Closed—Otherwise.
Contact: Dr. James C. Teegarden, Room 16C-26, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4223.
Purpose: The Committee is charged with the intial review of grant applications for Federal assistance in the program areas administered by the National Institute for Alcohol Abuse and Alcoholism relating to research activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.
Agenda: From 9 to 10 a.m., November 1, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

SOCIAL SCIENCES RESEARCH REVIEW COMMITTEE

November 2-4; 9 a.m.
Holiday Inn—Georgetown, 2505 Wisconsin Avenue NW., Washington, D.C. 20007.
Open—November 2; 9-9:30 a.m.
Closed—Otherwise.
Contact: Ms. Marilyn Andersen, Room 10-95, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3936.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas adminsistered by the National Institute of Mental Health relating to social science research and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9 to 9:30 a.m., November 2, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

PRECLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

November 3-4; 9 a.m.
Suite G-101, Wardman Towers, Sheraton-Park Hotel, 2660 Woodley Road NW., Washington, D.C. 20008.
Open—November 3; 9 to 10 a.m.
Closed—Otherwise.
Contact: Dr. Dorothy Karp, Room 9-97, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3454.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to preclinical psychopharmacology research and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9 to 10 a.m., November 3, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Adminstration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

SOCIAL PROBLEMS RESEARCH REVIEW COMMITTEE

November 9-10; 9 a.m.
Quorum Room, Sheraton-Silver Spring, 8727 Colesville Road, Silver Spring, Md. 20910.
Open—November 9; 9 to 9:30 a.m.
Closed—Otherwise.
Contact: Ms. Vi Kemp, Room 10-104, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4843
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas adminstered by the National Institute of Mental Health relating to the field of social problems and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9 to 9:30 a.m., November 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

DEVELOPMENTAL PROBLEMS RESEARCH REVIEW COMMITTEE

November 9-10; 9 a.m.
Lobby Room, Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Md. 20015.
Open—November 9; 9 to 10 a.m.
Closed—Otherwise.
Contact: Ms. Diana Souder, Room 10-104, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3566.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to the developmental growth of juveniles and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9 to 10 a.m., November 9, the meeting will be open for discussion of administrative announcements, and program developments. Otherwise the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

MINORITY GROUP MENTAL HEALTH PROGRAMS REVIEW COMMITTEE

November 9-11; 9 a.m.
Board Room, Holiday Inn—Georgetown, 2505 Wisconsin Avenue NW., Washington, D.C. 20007.
Open—November 9; 9 to 11 a.m.
Closed—Otherwise.
Contact: Ms. Edna M. Hardy Hill, Room 7-103, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2988.
Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to minority mental health research and training and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9 to 11 a.m., November 9, the meetng will be open for discussion of administrative announcements and program developments. Otherwise, the committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), title 5, United States Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. appendix I).

NEUROPSYCHOLOGY RESEARCH REVIEW COMMITTEE

November 16-17; 9 a.m.
Room 705, Holiday Inn—Georgetown, 2505 Wisconsin Avenue NW., Washington, D.C. 20007.
Open—November 16; 9 to 10 a.m.
Closed—Otherwise.

Contact: Ms. Jean Pierce, Room 10C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3942.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to neuropsychology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., November 16, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), title 5 United States Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. appendix I).

MENTAL HEALTH SMALL GRANT COMMITTEE

November 16-18; 1 p.m.

Board Room and Chef's Corner, Shoreham Americana Hotel, 2500 Calvert Street NW., Washington, D.C. 20008.

Open—November 16; 1 to 2 p.m.

Closed—Otherwise.

Contact: Ms. Mary E. Enyart, Room 10C-14, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4337.

Purpose: The committee is charged with the initial review of small grant applications for Federal assistance in all disciplines relevant to the National Institute of Mental Health and for small grant projects submitted for support to the other Institutes of the Alcohol, Drug Abuse, and Mental Health Administration, and makes recommendations to the National Advisory Councils of the respective Institutes for final review.

Agenda: From 1 to 2 p.m., November 16, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), title 5, United States Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. appendix I).

CLINICAL PROGRAM-PROJECTS RESEARCH REVIEW COMMITTEE

November 17-18; 9 a.m.

Parliament B Room, Holiday Inn—Georgetown, 2505 Wisconsin Avenue NW., Washington, D.C. 20007.

Open—November 17; 9 to 10 a.m.

Closed—Otherwise.

Contact: Ms. Eileen Nugent, Room 10C-25, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3367.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., November 17, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the committee will be perfrming initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), title 5, United States Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. appendix I).

CLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

November 20-21; 9 a.m.

Georgetown Holiday Inn, 2101 Wisconsin Avenue NW., Washington, D.C. 20007.

Open—November 20; 9 to 10 a.m.

Closed—Otherwise.

Contact: Ms. Jane Gascoyne, Room 9-105, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3568.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., November 20, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the committee will be performing initial review of grant applications for Federal assistance, and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), title 5, United States Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. appendix I).

Substantive program information may be obtained from the contact persons listed above. The NIMH Information Officer who will furnish upon request summaries of the meetings and rosters of the committee members is Dr. Jacquelyn Hall, Acting Chief, Public Information Branch, Division of Scientific and Public Information, NIMH, Room 15C-17, Parklawn Building, 301-443-4573. The NIAAA Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Mr. Harry Bell, Associate Director, Office of Public Affairs, NIAAA, Room 11A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3306.

Dated: October 13, 1978.

ELIZABETH A. CONNOLLY,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 78-29474 Filed 10-18-78; 8:45 am]

[4110-88-M]

CLINICAL PROJECTS RESEARCH REVIEW COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of November 1978:

Clinical Projects Research Review Committee, November 27-29; 9 a.m., Holiday Inn, 2505 Wisconsin Avenue NW., Washington, D.C. 20007. Open—November 27; 9 to 10 a.m. Closed—Otherwise. Contact: Ms. Harriet German, Room 10C-05, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3367.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., November 27, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug, Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact person listed above. The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Dr. Jacquelyn Hall, Acting Chief, Public Information Branch, Division of Scientific and Public Information, HIMH, Room 15C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, telephone: AC 301-443-4573.

Dated: October 13, 1978.

ELIZABETH A. CONNOLLY,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 78-29475 Filed 10-18-78; 8:45 am]

[4110-02-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND ELIGIBILITY

Public Meeting

AGENCY: Department of Health, Education, and Welfare Office of Education.

ACTION: Notice.

SUMMARY: This Notice sets forth the schedule and proposed agenda of the next public meeting of the Advisory Committee on Accreditation and Institutional Eligibility. It also describes the functions of the Committee. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C Appendix 1, 10(a)(2)). This document is intended to notify the general public of its opportunity to attend and to participate.

DATES: November 1, 1978, 9 a.m. to 5:30 p.m., local time; and November 2, 1978, 9 a.m. to 5 p.m. Requests for oral presentations before the Committee must be received on or before October 25, 1978. All written material which a party wishes to file may be submitted at any time and will be considered by the Advisory Committee.

ADDRESS: Sheraton Silver Spring Hotel, 8727 Colesville Road, Silver Spring, Md.

FOR FURTHER INFORMATION CONTACT:

John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB-3, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-245-9873.

The Advisory Committee on Accreditation and Institution Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, U.S. Code).

The Committee is directed to:

1. Review all current and future policies relating to the responisbility of the Commissioner for the recognition and designation of accrediting agencies and associations wishing to be designated as nationally recognized accrediting agencies and associations, and recommend desirable changes in criteria and procedures;

2. Review all current and future policies relating to the responsibility of the Commissioner for the recognition and listing of State agenices wishing to be designated as reliable authority as to the quality of public postsecondary vocational education, and of nurse education, and recommend desirable changes in criteria and procedures;

3. Review and advise the Commissioner of Education in the formation of all current and future policy relating to the matter of institutional eligibility;

4. Review the provisions of current legislation affecting Office of Education responsibility in the area of accreditation and institutional eligibility and suggest needed changes to the Commissioner of Education;

5. Develop and recommend to the Commissioner of Education criteria and procedures for the recognition and designation of accrediting agencies and associations in accordance with legislative provisions, Presidential directives, or interagency agreements;

6. Review and recommend to the Commissioner of education for designation as nationally recognized accrediting agencies and associations of reliable authority all applicant accrediting agencies and associations which meet criteria established under (5) above;

Develop and recommend to the Commissioner of Education criteria and procedures for the recognition, designation and listing of State agencies in accordance with statutory provisions, Executive Orders, or interagency agreements;

8. Review and recommend to the Commissioner of Education for designation as State agencies of reliable authority as to the quality of public postsecondary vocational education, and of nurse education, all applicant State agencies which meet criteria established under (7) above;

9. Develop, under the authority of the Vocational Education Act of 1963, as amended, and recommend for the approval of the Commissioner of Education, standards and criteria for specific categories of private vocational training institution which have no alternative route by which to establish eligibility for Federal funding programs;

10. Develop, under the authority of the Higher Education Act of 1965, as amended, and recommend for the approval of the Commissioner of Education, standards and criteria for specific categories of institutions of higher education, for which there is no recognized accrediting agency or association, in order to establish eligibility for participation in the student loan programs authorized by Title IV-B thereof;

11. Maintain a continuous review of Office of Education administrative practice, procedures and judgments relating to accreditation and institutional eligibility and advise the Commissioner of needed changes;

12. Keep within its purview the accreditation and approval process as it develops in all levels of education;

13. Advise the Commissioner of Education concerning the relations of the Office with accrediting agencies or associations, or other approval bodies as the Commissioner may request;

14. Advise the Commissioner of Education, pursuant to the Bureau of the Budget (Office of Management and Budget) policy dated December 23, 1954, regarding the award of degree-granting status to Federal agencies and institutions;

15. Not later than March 31 of each year, make an annual report of its activities, findings and recommendations.

The meeting on November 1 and 2, 1978, will be open to the public. The meeting will be held at the Sheraton Silver Spring Hotel, Silver Spring, Md. From 9 a.m. to 4 p.m. on November 1, the Committee will review proposed revisions to the Criteria for Recognition of National Accrediting Bodies, and will discuss issues related to the recommendations in the proposed GAO report on the Office of Education's institutional eligibility system. From 4 p.m. to 5:30 p.m., November 1, the Committee will review petitions and reports from agencies seeking initial or continued designation as nationally recognized accrediting agencies and associations. From 9 a.m. to 11 a.m., November 2, the Committee will meet with the U.S. Commissioner of Education. From 11 a.m. to 5 p.m., November 2, the Committee will conclude its reviews of petitions and reports. Agencies with petitions and reports pending before the Committee are:

American Association of Bible Colleges, Commission on Accrediting
American Bar Association, Council of the Section of Legal Education and Admissions to the Bar
American Dental Association, Commission on Accreditation of Dental and Dental Auxiliary Programs
American Dietetic Association, Committee on Evaluation of Dietetic Education
American Podiatry Association, Council on Podiatry Education
Foundation for Interior Design Education Research, Committee on Accreditation
National Association of Trade and Technical Schools, Accrediting Commission

The Advisory Committee also will review a request from the Brookhaven College, Farmer's Branch, Tex., for a determination of satisfactory assurance that it will meet the accrediting standards of a nationally recognized accrediting agency within a reasonable period of time.

Requests for oral presentations before the Committee should be submitted in writing to the Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB-3, 400 Maryland Avenue SW., Washington, D.C. 20202. Requests should include the names of all persons seeking an appearance, the party or parties which they represent, and the purpose for which the presentation is requested. Requests must be received by the Division of Eligibility and Agency Evaluation on or before October 25, 1978. Time constraints may limit oral presentations. However, all additional written material that a party wishes to file will be considered by the Advisory Committee.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Division of Eligibility and Agency Evaluation.

Signed at Washington, D.C., on October 16, 1978.

JOHN R. PROFFITT,
Director, Division of Eligibility and Agency Evaluation, Office of Education.

[FR Doc. 78-29557 Filed 10-18-78; 8:45 am]

[4110-83-M]

Health Resources Administration

DENTAL TEAM PRACTICE

Application Announcement for Grants

The Bureau of Health Manpower, Health Resources Administration announces that applications for fiscal year 1979 Grants for Dental Team Practice are now being accepted under the authority of section 783 of the Public Health Service Act.

Section 783(a)(3) authorizes the Secretary to make grants to meet the costs of projects to plan, develop, and operate or maintain programs to train dental students in the organization and management of multiple auxiliary dental team practice.

Any public or nonprofit private school of dentistry or other public or nonprofit private entity located in a State is eligible to apply.

Support for projects under this program may be approved for an initial project period of up to 2 years. Additional support of up to 3 years may be obtained by submission of a competing extension application which must present evidence of satisfactory program development and operation as observed during the program evaluations which are conducted annually by regional office and/or central office staff.

Grantee institutions should consider Dental Team Practice grant support as capacity building in nature and should plan eventually to assume the expense of the program's operation. If Federal funds are desired to support the project beyond a total of 5 years, a competing extension application for 3 additional years of support may be submitted. Support for these last 3 years may not exceed a maximum of two-thirds, one-half, and one-third, respectively, of that received during the fifth year. Further, the institution must provide assurance that during this period the program will be operated on at least the same level as during the fifth year; i.e., assurance must be given that there will be no reduction in the number of students trained and that program quality will be maintained.

A funding order will be followed in making grant awards in fiscal year 1979. Approved applications will be funded in the following order: (1) continuation applications, (2) competing extension applications for the second to fifth years, (3) competing extension applications for the sixth to eighth years, (4) supplemental applications for the second to fifth years, and (5) new applications for the first to second years.

Based on the proposed appropriation for the Dental Team Practice program and projected requirements for continuation grants, it is anticipated that grants will be awarded only for the first two categories of the funding order.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer, Bureau of Health Manpower, Health Resources Administration, Center Building, Room 4-27, 3700 East-West Highway, Hyattsville, Md. 20782. Phone: 301-436-6564.

To be considered for fiscal year 1979 funding, completed applications must be postmarked no later than November 13, 1978, and sent to the Grants Management Officer at the above address.

Should additional program information be required, please contact:

Education Development Branch, Division of Dentistry, Bureau of Health Manpower, Health Resources Administration, 3700 East-West Highway, Hyattsville, Md. 20782. Phone: 301-436-6514.

Dated: October 2, 1978.

HENRY A. FOLEY,
Administrator, Health Resources Administration.

[FR Doc. 78-29517 Filed 10-18-78; 8:45 am]

[4110-83-M]

HEALTH SYSTEMS AGENCY APPLICATION

Information

Pursuant to section 1515 of the Public Health Service Act notice is hereby given that application materials are now available in DHEW Regional Office IX for entities interested in applying for designation as the health systems agency (HSA) for California Health Service Area 11. This health systems agency will be responsible for health planning for the health service area and for the promotion of the development of health services, manpower, and facilities which meet identified needs, reduce documented inefficiencies, and implement the health plans of the agency.

The conditionally designated HSA which previously served the health service area was not performing its functions in a manner satisfactory to the Secretary. Consequently, the Secretary decided not to renew the agency's designation agreement. Therefore, we are seeking applications for a new agency.

Entities interested in applying for designation must file a letter of intent to apply for such designation with DHEW Regional Office IX by December 15, 1978, and an application by April 1, 1979.

Application materials and further information may be obtained from the Regional Health Administrator, DHEW Regional Office IX, 50 United Nations Plaza, San Francisco, Calif. 94102, 415-556-8709.

Once the health systems agency is designated it will be entitled to receive a planning grant under section 1516 of the act. The amount of the planning grant will be determined in accordance with a formula set forth in the regulations governing this program (42 CFR Part 122, Subpart C), and will be based, in part, upon a determination by the Secretary of the population of the health service area. Section 122.204 of the governing regulations provides that the Secretary will determine the populations of such areas based upon the latest available estimate from the Department of Commerce and will publish annually in the FEDERAL REGISTER a list of all health service areas and their populations.

Dated: October 11, 1978.

HENRY A. FOLEY,
Administrator.

[FR Doc. 78-29516 Filed 10-18-78; 8:45 am]

[4310-84-M]

DEPARTMENT OF INTERIOR

Bureau of Land Management

ALASKA

Application for Pipeline Right-of-Way AA-12483

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185) the State of Alaska, Department of Fish and Game filed an application for a right-of-way to construct a 2-inch pipeline for the purpose of transporting natural gas across the following described Federal lands.

SEWARD MERIDIAN, ALASKA

T. 13 N., R. 3 W.,
Sec. 9, NW¼SW¼.

The pipeline will transport natural gas from the main line to hatchery building and residences at the Elmendorf Hatchery.

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 on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Anchorage District Office, 4700 East 72d Street, Anchorage, Alaska 99502.

CURTIS V. MCVEE,
State Director.

[FR Doc. 78-29465 Filed 10-18-78; 8:45 am]

[4310-84-M]

[CA-734]

CALIFORNIA

Termination of Proposed Withdrawal and Reservation of Land

OCTOBER 13, 1978.

Notice of a Corps of Engineers', U.S. Department of the Army, application CA-734 for withdrawal and reserva-

tion of lands in connection with Boulder Gulch recreation area at Lake Isabella in Kern County, Calif., was published as FR Doc. 73-23836 on page 30893 of the issue of November 8, 1973, and republished as FR Doc. 77-21690 of the issue on pages 38436 and 38437 of the issue of July 28, 1977. The applicant has canceled its application for the following described land:

MOUNT DIABLO MERIDIAN

T. 26 S., R. 33 E.,
Sec. 20, All that portion of the NW¼SE¼ lying southeasterly of the relocated California State Highway No. 57.

The area described aggregates 20.07 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2350, such lands at 10 a.m. on November 27, 1978, will be relieved of the segregative effect of the above-mentioned application.

JOAN B. RUSSELL,
Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 78-29511 Filed 10-18-78; 8:45 am]

[4310-84-M]

[SAC 065037]

CALIFORNIA

Termination of Proposed Withdrawal and Reservation of Land

OCTOBER 11, 1978.

Notice of Bureau of Reclamation, U.S. Department of the Interior, Application SAC 065037, for withdrawal and reservation of land for reclamation purposes was published as FR Doc. 61-3369 on page 3207 of the issue of April 14, 1961 and republished as FR Doc. 77-22466 on page 39480 of the issue of August 4, 1977. The applicant has withdrawn its application in its entirety. The lands involved are described as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 32 N., R. 5 W.,
Sec. 20, Lot 15.
T. 32 N., R. 6 W.,
Sec. 18, SE¼NW¼, NE¼SW¼.

The described area aggregates 84.61 acres.

Therefore, pursuant to the regulation contained in 43 CFR 2091, such lands, at 10 a.m. on November 27, 1978, will be relieved of the segregative effect of the above-mentioned application.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 78-29518 Filed 10-18-78; 8:45 am]

[4310-84-M]

CALIFORNIA-DESERT CONSERVATION AREA ADVISORY COMMITTEE; PUBLIC PARTICIPATION SUBCOMMITTEE

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 and 94-579 that the Public Participation Subcommittee of the California Desert Conservation Area Advisory Committee to the Bureau of Land Management, U.S. Department of the Interior, will meet November 21, 1978, in Riverside, Calif. The subcommittee will discuss with consultants to the Bureau of Land Management the methods to be used to summarize public input received during fiscal years 1977 and 1978 with respect to the California Desert Plan.

The meeting will be held in the Conference Room of the Riverside District Office, Bureau of Land Management, 1695 Spruce Street, Riverside, Calif. 92507, beginning at 7 p.m., Tuesday, November 21, 1978. All meetings of the subcommittee are open to the public and attendance is invited. Statements will be accepted from the public relating to the subject under discussion. Persons who wish to present statements, or who want additional information should contact Chairperson Genny Smith, Public Participation Subcommittee, California Desert Conservation Area Advisory Committee, c/o Director, Desert Planning Staff, Bureau of Land Management, 3610 Central Avenue, Suite 402, Riverside, Calif. 92506.

ED HASTEN,
State Director.

[FR Doc. 78-29519 Filed 10-18-78; 8:45 am]

[4310-84-M]

[NM 34761 and 34875]

NEW MEXICO

Applications

OCTOBER 10, 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 (987 Stat. 576), Phillips Petroleum Co. has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28E.,
Sec. 9, NE¼SE¼;
Sec. 10, NE¼NE¼, S½N½ and NW¼SW¼;
Sec. 11, N½NW¼.
T. 18 S., R. 30 E.,
Sec. 27, W½SE¼.

These pipelines will convey natural gas across 1.993 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.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-29529 Filed 10-18-78; 8:45 am]

[4310-84-M]

[NM 34729 and 34732]

NEW MEXICO

Applications

OCTOBER 10, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for three 4½-inch natural gas pipeline and related facilities rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 27 E.,
Sec. 35, SE¼NE¼ and E½SE¼.
T. 20 S., R. 27 E.,
Sec. 2, lot 1.
T. 18 S., R. 31 E.,
Sec. 27, NW¼SW¼;
Sec. 28, NE¼SE¼.

These pipelines will convey natural gas across 1.032 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.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-29521 Filed 10-18-78; 8:45 am]

[4310-84-M]

[NM 34724, 34730, 34735, and 34775]

NEW MEXICO

Applications

OCTOBER 10, 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 four 4½-inch natural gas pipeline and related facilities rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T 28 N., R. 7 W.,
Sec. 30, SW¼NE¼ and SE¼NW¼.
T. 29 N., R. 7 W.,
Sec. 29, NW¼NE¼;
Sec. 33, N½SW¼.
T. 31 N., R. 11 W.,
Sec. 23, E½NW¼.

These pipelines will convey natural gas across 0.597 mile of public lands in Rio Arriba County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 78-29522 Filed 10-18-78; 8:45 am]

[4310-84-M]

[Wyoming 65075]

WYOMING

Application

OCTOBER 13, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah filed an application for a right-of-way to construct a road to provide access to its proposed Trunk B Compressor Station affecting the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 24 N., R. 111 W.,
Sec. 8, S½N½;
Sec. 9, SW¼NE¼ and S½NW¼.

The proposed road is located in secs. 8 and 9, and will provide access to Northwest Pipeline Corp. proposed Trunk B Compressor Station for their Lincoln Road Gathering System located in SW¼NE¼, SE¼NW¼ of sec. 9, T. 24 N., R. 111 W., in Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 78-29523 Filed 10-18-78; 8:45 am]

[4310-84-M]

[Wyoming 65076]

WYOMING

Application

OCTOBER 12, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah filed an application for a right-of-way to construct a road to provide access to its proposed Shute Creek Compressor Station affecting the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 22 N., R. 113 W.,
Sec. 5, S½SW¼ and SW¼SE¼;
Sec. 6, SE¼SW¼ and S½SE¼.

The proposed road is located in secs. 5 and 6, and will provide access to Northwest Pipeline Corp.'s proposed Shute Creek Compressor Station serving their Shute Creek Gathering System located in the SE¼SW¼ sec. 6, T. 22 N., R. 113 W., in Lincoln County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 78-29524 Filed 10-18-78; 8:45 am]

[4310-84-M]

[Wyoming 65331]

WYOMING

Application

OCTOBER 13, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo. filed an application for a right-of-way to construct a 4½" o.d. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 19 N., R. 93 W.,
Sec. 26, SE¼SW¼ and S½SE¼.

The proposed pipeline will transport natural gas produced from the CIGE 1-26-19-93 Well located in the SE¼SW¼ sec. 26, to a point of connection with Colorado Interstate Gas Co.'s existing pipeline located in the SE¼SE¼ of sec. 26, T. 19 N., R. 93 W., in Carbon County, Wyo.

The purpose of this notice is to inform the public that the bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 78-29525 Filed 10-18-78; 8:45 am]

[4310-09-M]

Office of the Secretary

[INT FES 78-29]

FOUNTAIN VALLEY CONDUIT OF THE FRYINGPAN-ARKANSAS PROJECT, COLORADO

Availability of a Supplement to the Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a supplement to the final environmental statement for the authorized Fryingpan-Arkansas Proj-

ect, Colorado, to address the construction of the Fountain Valley Conduit.

The supplement concerns a change in alinement of the proposed water supply conduit which will furnish municipal and industrial water supplies to the cities of Colorado Springs, Security, Fountain, and Widefield, Colo. We will not make a decision on this feature of the project until the 30-day wait period has elapsed.

Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone 202-343-4991.

Office of the Regional Director, Bureau of Reclamation, Lower Missouri Region, Building 20, Room E2421, Denver Federal Center, Denver, Colo. 80225, telephone 303-234-3779.

Fryingpan-Arkansas Project Office, Bureau of Reclamation, 219 West 5th Street, Room 222W, Pueblo, Colo. 81002, telephone 303-544-5277.

Single copies of the supplement statement may be obtained on request to the Commissioner of Reclamation or the Regional Director.

Dated: October 16, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant,
Secretary of the Interior.

[FR Doc. 78-29502 Filed 10-18-78; 8:45 am]

[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[332-73]

DRAFT CHAPTERS OF THE HARMONIZED COMMODITY DESCRIPTION AND CODING SYSTEM

Release for Public Comment of U.S. Administration Draft Comments

AGENCY: U.S. International Trade Commission.

ACTION: Release for public comment, pursuant to Commission investigation No. 332-73, under the authority of section 332(g) of the Tariff Act of 1930, as amended, of drafts of, and draft U.S. comments on, the following chapters of the Harmonized Commodity Description and Coding System.

Chapter 31: Fertilisers.

Chapter 32: Tanning and dyeing extracts; tannins and their derivatives; dyes, colours, paints and varnishes; putty, fillers and stoppings; inks.

Chapter 35: Albuminoidal substances; glues.

Chapter 36: Explosives, pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations.[1]

Chapter 37: Photographic and cinematographic goods.

Chapter 85: Electrical machinery and equipment; parts thereof.

WRITTEN SUBMISSIONS: Parties wishing to submit written comments should do so by November 3, 1978.

HEARING: Parties desiring the Commission to hold a hearing on these draft chapters of the Harmonized Code should contact the Secretary of the Commission by October 20, 1978, and show good cause for holding a hearing.

COPIES OF DOCUMENTS: Copies of the draft chapters and draft U.S. comments thereon which are the subject of this notice are available for public inspection at the offices of the Commission, 701 E Street NW., Washington, D.C. 20436, or at 6 World Trade Center, New York, N.Y. 10048. The Commission will also send copies to interested parties who notify the Commission of their interest with respect to any particular chapter or group of chapters.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director, Office of Nomenclature, Valuation, and Related Activities, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone: 202-523-0370.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to obtain the comments and views of interested parties with respect to the above mentioned draft chapters of the Harmonized Commodity Description and Coding System, and of the draft U.S. comments thereon.

This notice is being issued pursuant to Commission investigation No. 332-73, instituted on January 31, 1975 (40 FR 6329), under section 332(g) of the Tariff Act of 1930. The investigation was initiated in accordance with section 608(c) of the Trade Act of 1974, which provides, in part, that the Commission shall institute an investigation which would provide the basis for—

(2) full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized Systems [sic] Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices * * *.

The Harmonized Commodity Description and Coding System (Harmonized Code) is being developed by the Customs Cooperation Council (CCC), an 80-member international organization with headquarters in Brussels, as an international commodity classification system which will be adaptable for modernized customs tariff nomenclature purposes and for recording, handling, and reporting of transactions in international trade. The Harmonized Code will be based on, and in many respects will be an extension of, the Customs Cooperation Council Nomenclature (CCCN), formerly known as the Brussels Tariff Nomenclature (BTN).

Currently, the Technical Team working under the auspices of the CCC prepares drafts of the various chapters of the Harmonized Code for consideration by the Harmonized System Committee, which was established in order to develop the code. These drafts are forwarded to the members and observers of the Committee for their review and submission of written comments. The Committee meets three times a year to consider these drafts and the written comments and presentations of the various delegations. The review of a particular chapter or group of chapters may extend to more than one meeting.

In 1971, the Department of the Treasury established an Interagency Advisory Committee on Customs Cooperation Council Matters in order to provide a basis for interested Federal agencies to participate with respect to CCC matters. In order to establish and develop U.S. programs and policies with respect to the Harmonized Code, the interagency committee has instituted procedures which take into account the provisions of section 608(c) of the Trade Act of 1974, which call for the Commission to contribute to the U.S. technical input to the Harmonized System Committee. Under these procedures the Commission is preparing technical comments and proposals on the various chapters of the Harmonized Code for consideration by the interagency committee in the determination of U.S. positions with respect to the Harmonized Code. In making proposals, the Commission is seeking and taking into consideration the views of trade and industry and other interested parties and of interested Government agencies.

The draft U.S. comments on the chapters of the Harmonized Code released for public comment today relate specifically to the Technical Team drafts of these chapters and should be read in conjunction therewith.

In its public notices of May 4, 1976 (41 FR 18716 of May 6, 1976), August 9, 1976 (41 FR 34370 of August 13, 1976), December 20, 1976 (41 FR 55948 of December 23, 1976), September 1, 1977 (42 FR 44852 of September 7, 1977), and February 7, 1978 (43 FR 5902 of February 10, 1978), the Commission identified those chapters which have been considered thus far by the Harmonized System Commit-

[1] Chapter 36 is believed to be acceptable as drafted by the Technical Team, and thus comments are not thought to be necessary.

tee, and the chapters for which a Technical Team draft has been released. Since those notices were issued the Commission has received the following draft chapters prepared by the Technical Team:

Chapter 37: Photographic and cinematographic goods.
Chapter 38: Miscellaneous chemical products.
Chapter 40: Semi-manufactures and articles of plastic materials or rubber.
Chapter 50: Silk.
Chapter 51: Wool, fine or coarse animal hair; horsehair yarn and woven fabric.
Chapter 52: Cotton.
Chapter 53: Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn.
Chapter 54: Man-made filaments.
Chapter 55: Man-made staple fibres (discontinuous).
Chapter 56: Wadding, felt and nonwovens; special yarn; twine, cordage, ropes, and cables and articles thereof.
Chapter 57: Textile floor coverings.
Chapter 58: Knitted or crocheted fabrics; pile and chenille fabrics; tufted textile fabrics; woven fabrics of metalliseds yarn; gauze; tulle and other net fabrics; lace, embroidery; tapestries; narrow woven fabrics; trimmings.
Chapter 59: Impregnated or coated textile fabrics; elastic textile fabrics; textile articles of a kind suitable for industrial use.
Chapter 60: Articles of apparel and clothing accessories, knitted or crocheted.
Chapter 61: Articles of apparel and clothing, not knitted or crocheted.
Chapter 62: Other made up textile articles.
Chapter 99: Works of art, collectors' pieces, and antiques.

Copies of these chapters are also available for inspection as specified above; the Commission will send copies of these chapters to interested parties upon request.

Issued: October 16, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-29558 Filed 10-18-78; 8:45 am]

[4410-09-M]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77-38]

BERNARD L. LANGSTON III

Revocation of Registration

On November 18, 1977, the Administrator of the Drug Enforcement Administration (DEA) issued to Bernard L. Langston III, M.D. (Respondent) an Order to Show Cause proposing to revoke the Respondent's DEA Certificate of Registration, AL7140724, for reason that on October 25, 1977, in the United States District Court for the District of South Carolina, in Docket No. Cr. 77-187, the Respondent was convicted of nine counts of unlawfully, knowingly and intentionally attempting to distribute Schedule II controlled substances, by means of prescriptions, in violation of Title 21, United States Code, sections 841(a)(1) and 846, felony offenses relating to controlled substances. Simultaneously, the Administrator suspended the Respondent's registration pending a final determination of these proceedings. Service of the Order to Show Cause and notice of suspension was effected on December 13, 1977.

The Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause and this matter was placed on the docket of the Honorable Francis L. Young, Administrative Law Judge.

During the pendency of prehearing proceedings before the Administrative Law Judge, counsel for the Respondent and for the Government jointly filed a stipulation and motion for continuance wherein, in view of the fact that the Respondent was in custody and would be imprisoned for at least the foreseeable future and in consideration of the fact that the State of South Carolina had commenced administrative proceedings with respect to the Respondent's medical licensure, it was requested that these proceedings be continued until the State had concluded its proceedings.

On July 12, 1978, the State Board of Medical Examiners for South Carolina, the State in which the Respondent was registered under the Controlled Substances Act, indefinitely suspended the Respondents license to practice medicine.

Thereafter, counsel for the Government filed with the Administrative Law Judge a motion requesting that the aforementioned Order to Show Cause be amended to include as a reason for the relief sought therein the indefinite suspension of the Respondent's medical license. The Government also requested that the stay of these proceedings be terminated and that the Government be granted the relief sought in the Order to Show Cause, as amended. By letter dated August 3, 1978, counsel for the Respondent conceded that the State Board action constituted a sufficient basis for the revocation of the Respondent's DEA registration.

On August 14, 1978, the Administrative Law Judge certified the record of these proceedings to the Administrator along with a recommendation that the Respondent's registration be revoked. The Administrator, pursuant to 21 CFR 1316.66, hereby publishes his Final Order in this matter based on the following findings of fact and conclusions of law.

The Administrator finds that prior to July 12, 1978, the Respondent was registered, pursuant to 21 U.S.C. 823(f), to dispense, prescribe and administer controlled substances as a practitioner licensed and authorized to handle such controlled substances under the laws of the State of South Carolina. The Administrator further finds that on July 12, 1978, the Respondent's license to practice medicine was indefinitely suspended by the South Carolina State Board of Medical Examiners and that his authorization to handle controlled substances as a practitioner was thereby terminated. The Administrator concludes, as a matter of law, that the Respondent is no longer authorized to handle controlled substances in the course of professional practice in the State in which he was heretofore registered under Federal law.

State authorization to handle controlled substances is a prerequisite to the issuance and retention of a Federal controlled substances registration (21 U.S.C. 823(f) and 824(a)(3)). See the Administrator's final order in the matter of *John W. Whitenight, D.O.*, Docket No. 77-30, 43 FR 28259, and prior cases cited therein. For this reason, it is the Administrator's decision that the Respondent's registration must be revoked.

Accordingly, pursuant to the authority vested in the Attorney General, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that DEA Certificate of Registration AL7140724, previously issued to Bernard L. Langston, III, M.D., be, and it hereby is, revoked, effective immediately.

Dated: October 13, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc. 78-29529 Filed 10-18-78; 8:45 am]

[4410-09-M]

[Docket No. 78-7]

JACK F. OSTERGAARD

Denial of Registration

On March 27, 1978, the Administrator of the Drug Enforcement Administration (DEA) issued an Order to show Cause to Jack F. Ostergaard, M.D. (Respondent), giving the Respondent an opportunity to show cause why his application for registration dated August 8, 1977, should not be denied, for reason that on May 30, 1974, he pled nolo contendere to one count of unlawfully obtaining a controlled substance in violation of section 11371 of the California Health and Safety Code, a drug related felony.

In response to the March 27, 1978, Order to Show Cause, the Respondent

requested a hearing on the issue of the "validity of the nolo contendere plea".

Subsequently, additional independent grounds for denial of Respondent's application became clearly evident to the Government, i.e., that Respondent was registered in California and Pennsylvania to practice medicine which included authorization to dispense controlled substances, and that there occurred revocation by California and Pennsylvania of Respondent's physician's certificate, and medical license, respectively. Citing these bases, the Administrator of DEA issued to Respondent a second Order to Show Cause on July 3, 1978, and Government counsel motioned the Administrative Law Judge presiding that the hearing which Respondent requested and which the Administrative Law Judge set down for July 11, 1978, in Washington, D.C., be continued until August 15, 1978. The Administrative Law Judge granted this motion on July 5, 1978.

As to the July 3, 1978, Order to Show Cause, the Respondent filed no response.

On August 14, 1978, the Government filed a motion for termination of proceedings, asserting that the Respondent was clearly without the requisite State authorizations to dispense controlled substances, and thus could not, under the Controlled Substances Act, obtain a DEA registration as a practitioner, and therefore, the final question of whether Respondent's pending application for registration should be denied is answered as a matter of law.

On August 15, 1978, the Administrative Law Judge presiding issued an Order terminating all proceedings pending in the instant matter, and recommended that the Administrator issue his final order without a hearing, at least as to the matters regarding and raised by the July 3, 1978, Order to Show Cause.

Therefore, upon review and consideration of the Memorandum and Order issued August 15, 1978, by the Administrative Law Judge presiding, and of the record in this case, and recognizing: 1. That in the instant administrative proceeding, the Government has served on the Respondent a motion to terminate these proceedings based upon the orders of the State of California and Commonwealth of Pennsylvania revoking Respondent's State licenses to practice medicine and consequent authorizations to dispense controlled substances; 2. that the Respondent has been given ample opportunity to oppose or make other response to the Government's motion, but that the Respondent has failed to do so; 3. that the record in this matter indicates that there is no genuine issue as to any material fact with respect to Respondent's entitlement to a DEA registration as a practitioner pursuant to 21 U.S.C. 823(f), because the record reveals that he is not authorized to dispense controlled substances under the laws of the States of California and Pennsylvania, in which, heretofore, he practiced medicine; 4. that there is a lawful basis for denying Respondent's pending application; and, 5. that since the Respondent is no longer licensed to practice medicine in California or Pennsylvania, his pending DEA application must be denied.

For reason that the Respondent is no longer licensed to practice medicine, nor is he authorized to dispense controlled substances, in the State of California or Pennsylvania in which he heretofore practiced and was registered with the Drug Enforcement Administration, it is the decision of the Administrator that the Respondent's pending application for registration be denied.

Therefore, pursuant to the authority vested in the Attorney General by sections 823 and 824 of Title 21, U.S.C., and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator orders that the pending application for registration of Jack F. Ostergaard, M.D., be, and it hereby is, denied, effective immediately.

Dated: October 13, 1978.

PETER B. BENSINGER,
Administrator.

[FR Doc. 78-29531 Filed 10-18-78; 8:45 am]

[4410-09-M]

MANUFACTURE OF CONTROLLED SUBSTANCES

Registration

By Notice dated August 21, 1978, and published in the FEDERAL REGISTER on August 28, 1978 (43 FR 38474), Fher Corporation, Ltd., Carretera 132, KM 25.3, P.O. Box 7468, Ponce, P.R. 00731, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of phenmetraz- ine (1630), a basic class of controlled substance listed in schedule II.

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations § 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: October 13, 1978.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 78-29530 Filed 10-18-78; 8:45 am]

[4410-18-M]

Law Enforcement Assistance Administration

ADMINISTRATIVE APPEAL OF THE ILLINOIS DEPARTMENT OF CORRECTIONS HEARING ON REFUNDING FOR THE COMPUTERIZED EDUCATION FOR ADULT INMATES

Notice is hereby given that the Administrative Appeal of the Illinois Department of Corrections on the denial of LEAA Refunding for the "Computerized Education for Adult Inmates" (PLATO) Program will be heard on October 25, 1978, commencing at 9:30 a.m. It is likely that the hearing will continue on October 26. The location of the hearing will be the Dirksen Building/Federal Courthouse Building, 219 South Dearborn Street, Room 1669, Chicago, Ill. The hearing will be presided over by Administrative Law Judge Paul N. Pfeiffer of the Consumer Product Safety Commission and will be open to the public.

For further information call Jay A. Brozost, Office of General Counsel, LEAA at 202-376-3691.

CHARLES A. LAUER,
Deputy General Counsel.

[FR Doc. 78-29528 Filed 10-18-78; 8:45 a.m.]

[4410-18-M]

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Program Plan for Fiscal Year 1979

INTRODUCTION

The National Institute of Law Enforcement and Criminal Justice was created in 1968 as the research branch of the Law Enforcement Assistance Administration. Congress gave the Institute this broad mandate: "to encourage research and development to improve and strengthen law enforcement and criminal justice."

In fulfilling the mandate, the Institute identifies research needs, sets research objectives and priorities, develops and sponsors research and development projects, and applies research findings in the development of action programs to improve criminal justice. For the most part, projects are conducted by independent grantees and contractors, although the Institute also has a staff research program.

The Institute's mission encompasses both basic and applied research into all aspects of crime prevention and control and the administration of criminal justice. Although the Institute supports some research relating to juvenile delinquency, the primary responsibility for such work rests with

LEAA's National Institute for Juvenile Justice and Delinquency Prevention. Given the scope of its mandate, Institute research projects necessarily involve many disciplines—the behavioral, social, biological, and physical sciences, the law, operations research, and systems analysis.

In addition to research and development, the Institute administers several other programs that fulfill legislatively assigned objectives:

- Evaluation of criminal justice programs;
- Design and field-testing of model programs based on promising research findings and advanced criminal justice practices;
- Training workshops for criminal justice practitioners in research and evaluation findings, and efforts to assist the research community through fellowships and special seminars;
- Operations of an international clearinghouse for criminal justice information, the National Criminal Justice Reference Service;
- Support for a science and technology program that tests and develops standards for equipment used by criminal justice agencies.

Organization

The Institute's organizational structure reflects its wide ranging responsibilities as the research arm of a mission agency. The work of the Institute is carried out through four major offices:

The *Office of Research Programs* administers the Institute's basic, applied, and developmental research activities primarily through external grants and contracts, but also through limited in-house research projects. The Office includes the following divisions: Police, Adjudicaton, Corrections, Community Crime Prevention, and the Center for the Study of Crime Correlates and Criminal Behavior.

The *Office of Research and Evaluation Methods* administers methodological research and development activities. Most projects are conducted by grantees and contractors, but limited in-house research also may be carried out. Activities focus on research and evaluation measurement problems and systemwide research and evaluation problems in criminal justice.

The *Office of Program Evaluation* sponsors evaluations of selected programs primarily through an external grant/contract program, although it, too, maintains a small internal capability. Among the functions of the office are evaluation of selected LEAA-sponsored national programs and of State and local criminal justice initiatives.

The *Office of Development, Testing, and Dissemination* assures that Institute research and evaluation findings are disseminated and applied. The Office identifies and develops program models; designs and sponsors field tests; supports training workshops and information sharing; provides reference, dissemination, and information services; and tests and develops standards for major items of equipment used by criminal justice agencies.

The *Office of the Director* oversees the entire Institute program. Institutewide planning, analysis, and management functions are handled by a special unit created to foster a coordinated approach that builds on the results of past Institute research.

In developing its research objectives and setting priorities for both long-range and immediate research needs, the Institute relies on the counsel of its Advisory Committee of distinguished researchers and practitioners. (See inside front cover of this booklet for a list of Advisory Committee members.) The Committee meets three times a year with the Institute staff to review program and project plans in light of current needs and issues and to assist in formulating long-range goals.

Long-Range Research Agenda

In concert with the Advisory Committee, in 1977 the Institute developed a long-term research agenda, covering major issues to be addressed over the next 5 years.

In developing the agenda, the Institute was guided by the following:

- The Congressional mandate;
- The priorities set by the Attorney General and the LEAA Administator;
- The judgments of the Institute's professional staff and the results of past research;
- The recommendations of the Institute's Advisory Committee and other experts in the field;
- The responses to a survey of criminal justice researchers;
- The suggestions for research contained in the comprehensive State criminal justice and law enforcement plans.

During the planning process, the Institute staff examined the results of past research to discern fruitful areas for further inquiry. It carefully considered recommendations by knowledgeable groups such as the National Academy of Sciences.

From this process came a list of 10 broad topics, reflecting both basic and applied research needs:

- Correlates of crime and determinants of criminal behavior;
- Violent crime and the violent offender;
- Community crime prevention;
- Career criminals and habitual offenders;
- Utilization and deployment of police resources;
- Pretrial process: consistency, fairness, and delay reduction;
- Sentencing;
- Rehabilitation;
- Deterrence;
- Performance standards and measures for criminal justice.

As part of the Institute's planning process, the research priorities are periodically reviewed and refined in consultation with the Advisory Committee. In addition, the Institute annually surveys members of the research community; criminal justice practitioners; Federal, State, and local officials; and public interest groups to get their views on research proposed in the priority areas, as well as on other Institute activities planned for the forthcoming fiscal year.

The Fiscal Year 1979 Program Plan

This booklet outlines both the long-range priorities of the Institute and the general areas of research and program activity proposed for fiscal year 1979. It is published as a general guide only. Detailed specifications, funding, deadlines, and application and review procedures for specific programs are set forth in program solicitations issued periodically throughout the fiscal year.

To insure wide dissemination of information about funding opportunities, all Institute program solicitations are announced in the Federal Register. Each Federal Register notice contains either the full text or a brief description of the official program announcement and the name of the Institute staff member to contact for additional information. Researchers interested in applying for Institute funds are urged to watch for these notices. (The Federal Register is available on a subscription basis for $5 a month or $50 a year from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402).

The Institute also disseminates information on funding opportunities through its "Research Bulletin," published from time to time throughout the year. (To receive copies of the Bulletin, please write: Research Bulletin, National Criminal Justice Reference Service, Box 6000, Rockville, Md. 20850).

Requests for proposals for competitive contracts are published in the Commerce Business Daily.

The Institute is authorized to enter into grants, cooperative agreements, and contracts with public agencies, institutions of higher education, private organizations, and individuals; as well as interagency agreements with other Federal agencies. The particular funding mechanism used for each project

depends upon the nature of the work to be performed. However, LEAA policy stipulates that profitmaking organizations are not eligible for Institute grants.

Solicited Research Program

Application and review procedures. Each program solicitation spells out the specific application and review procedures to be followed, and specifies the deadline. Generally, Institute solicitations call for submission of concept papers or preliminary proposals. The length may vary depending upon the topic, but concept papers usually should not exceed 20 pages. The paper should summarize the proposed study, including objectives, methodology, milestones and anticipated products, and the preliminary budget, and indicate the applicant's competence to perform the work proposed.

Based on a careful review of the concept papers, selected applicants are invited to submit full or final proposals. Requests for full proposals do not represent a commitment by the National Institute or LEAA to support a project. Final decisions on grant awards are made by the LEAA Administrator.

For projects in which the research objectives and issues are particularly well defined, the Institute may waive the concept paper stage and solicit full proposals.

Peer review process. The Institute uses the peer review process to insure fair and knowledgeable evaluation of papers and proposals. For each solicitation, the institute obtains written reviews from in-house reviewers and at least two—and often three—outside experts drawn from the criminal justice and academic communities, research organizations, and private industry. Usually, reviews are obtained at the concept paper stage and again at the proposal stage.

Proposals are evaluated according to the criteria specified in the program solicitation. The specific method may vary from formal numerical rankings based on weighted criteria to narrative responses only or a combination of both.

In making decisions on grant awards, the Institute is guided by the recommendations of the review panel and by the following considerations:

- Compatibility with the Institute's legislative mandate.
- Relationship to the Institute's plan and priorities and to priorities set by the Attorney General and the LEAA Administration.
- Originality, adequacy, and economy of the research design and methods.
- Experience and competence of the principal investigator and staff.
- Probability of acquiring important new knowledge that advances the understanding of or the ability to solve critical problems relating to crime and the administration of justice.

Unsolicited Research Program

To insure that creative approaches to criminal justice research issues are not overlooked, the Institute also sponsors an Unsolicited Research Program. In fiscal year 1979, there will be two funding cycles for unsolicited research, each announced through a formal solicitation. The deadlines are December 31, 1978, and June 30, 1979. Approximately $750,000 has been budgeted for unsolicited research in fiscal year 1979, half to be awarded in each funding cycle. Grants normally range from $10,000 to $150,000 for research projects of up to two years' duration.

The kinds of research eligible for funding through the Unsolicited Research Program are:

- Small, individual research projects for which there are few alternative funding mechanisms;
- Research emphasizing innovative approaches to criminal justice;
- Basic or theoretical research on interdisplinary subject areas relevant to criminal justice;
- Research not currently identified as priority or innovative approaches in priority areas for the Institute;
- Exploratory studies in criminal justice areas in which there has been little previous work.

Concept papers for the unsolicited research program are reviewed by Institute staff and at least two criminal justice specialists from outside the agency. In the first cycle of fiscal year 1978 funding, five panels were established: Police (including forensics), courts, corrections, correlates of crime, and community crime prevention. The panels reviewed a total of 200 concept papers and recommended that 16 applicant be asked to submit full proposals. Of the 16, 8 were ultimately recommended for funding by the Institute.

In the second cycle, 306 concept papers were reviewed by seven panels—in the five areas listed above, plus evaluation/methodology and forensics. The review is still in process.

For additional information on the Unsolicited Research Program, write to the Director, Office of Research Programs, National Institute of Law Enforcement and Criminal Justice, LEAA, Washington, D.C. 20531.

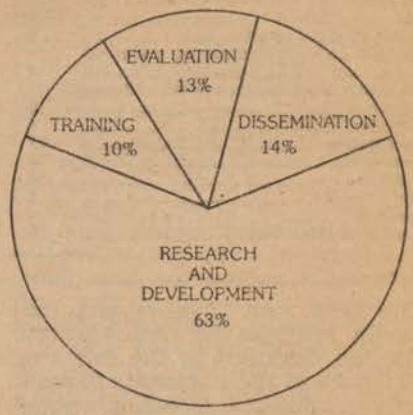
Fiscal Year 1979 Budget, Priorities, and Programs

The Institute's budget for fiscal year 1979 is $25 million.* Those funds will support research and development, as well as the Institute's legislatively mandated programs in evaluation and program development, testing, and dissemination. An additional $2.2 million will be available for training programs administered by the Institute.

*Although Institute funds are appropriated annually, the Institute is not required to obligate these funds in the same fiscal year. Thus, some carryover funds also may be awarded in fiscal year 1979.

FISCAL YEAR 1979 NILECJ BUDGET

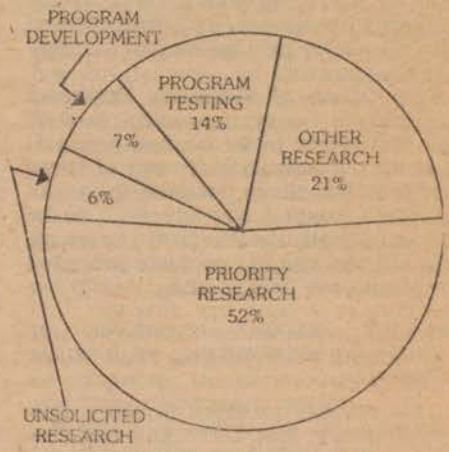
Current plans call for these funds to be allocated as follows:



For fiscal year 1979, approximately $9 million has been tentatively allocated for research in the 10 priority areas. This does not preclude major efforts in other areas, and the Institute continues to fund research in the traditional areas of police, courts, corrections, and community crime prevention. Among the major Institute efforts now underway are studies of white-collar crime, including employee theft, fraud against government benefit programs, consumer fraud, public corruption and corporate illegalities; police management; alternatives to adjudication; and probation and parole.

RESEARCH AND DEVELOPMENT

Research and development funds are apportioned approximately as follows:



By functional area, priority and other research funds are planned as follows:

Priority and Other Research

	Percent
Enforcement	15
Adjudication	15
Corrections	14
Community crime prevention	14
Correlates and determinates	25
Methodology development	17
Total	100

Funds for priority research are apportioned as follows:

PRIORITY RESEARCH

	Percent
Community crime prevention	9
Utilization and deployment of police resources	12
Pretrial process: Delay reduction and consistency	18
Sentencing	4
Rehabilitation	11
Violence	10
Correlates	22
Career criminal	4
Deterrence	4
Performance measures	6
Total	100

The fiscal year 1979 research and program activities for each Institute office are described in the following pages. Each of the 10 priority topics is briefly summarized, including a recap of efforts to date in each area and work proposed for fiscal year 1979. For information on the status of specific programs and projects, please write to the Director of the relevant Office. The mailing address is: National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, Washington, D.C. 20531.

OFFICE OF RESEARCH PROGRAMS

Focusing upon the Institute's long-range research priorities and LEAA's applied program development needs, the Office of Research Programs sponsors a balance of both basic and applied research directed toward building a body of knowledge about key criminal justice issues. Within each priority area, the emphasis is on cumulating knowledge, including systematic efforts to synthesize and summarize findings.

The Office of Research Programs administers research projects in 8 of the Institute's 10 long-range research priorities. Summaries of each of these topics follow. They describe the problem area, suggest the approach to be taken in Institute research programs, and outline specific projects proposed for fiscal year 1979 funding.

PRIORITY RESEARCH.—CORRELATES OF CRIME AND DETERMINANTS OF CRIMINAL BEHAVIOR

This priority program involves multidisciplinary, long-term, and basic research into criminal behavior. Research in this area builds on earlier Institute work as well as fundamental research now being carried out under the Research Agreements Program. (See page 20 for a fuller description of the Research Agreements). Three of these long-term research programs—on the habitual offender, unemployment and crime, and community reactions to crime—are yielding data on correlates and determinants of crime. Also included in this priority is work underway on drugs and crime, much of it carried out in collaboration with the National Institute on Drug Abuse.

CURRENT EFFORTS

In shaping the research program on correlates and determinants, the Institute has been guided by recommendations that emerged from a colloquium it sponsored in March 1978. The meeting assembled experts from a cross section of the disciplines involved in behavioral research. Among the topics reviewed were early deprivation, environmental influences, school dropout, psychobiological factor, psychopathy, and the role of alcohol and drugs in criminal behavior. The group strongly endorsed studies with a multidisciplinary, longitudinal approach.

Work continued in 1978 on articulating a detailed agenda for research into the correlates of crime and the factors that influence criminal behavior. Future projects in this area will emphasize historical and longitudinal studies, comparative research, and work in the sociological and biological sciences.

A project launched in fiscal year 1978 will exploit the particularly rich data bank developed by the perinatal study begun in 1959 by the National Institutes of Mental Health. The data includes socioeconomic, medical, developmental, and psychological statistics on 50,000 children now in the 13- to 19-year age bracket. The Institute's pilot study will review the mass of data collected and computerized in Philadelphia, which covers more than 9,000 boys and girls, to determine what part of the sample has become delinquent. New data wil be assembled and analyzed on such characteristics as violent behavior, drug and alcohol abuse, psychopathy, and learning disabilities. If the pilot study proves fruitful, the cohort of delinquents could be followed through early adulthood to reveal new insights into the development of criminal careers.

Another project will survey past and present longitudinal surveys carried out in the United States. By reviewing these existing efforts, it may be possible to uncover data that would lend itself to secondary analysis as well as to learn from the experience of others in carrying out such long-term studies.

Institute research on drugs and crime, a legislative mandate, is emphasizing a collaborative approach with other Federal agencies. Present efforts include a study in Harlem that is observing the Economic Behavior of Non-Addict Career Criminals (with the National Institute on Drug Abuse), a Washington State study of Drug and Alcohol Use Among Inmates of Correctional Facilities (with the National Institute of Corrections), and an analysis of Drug-Crime Relationships Within the PROMIS/NTA Data Bases in Washington, D.C. (with the National Institute on Drug Abuse).

Under another grant, the Institute is developing a long-term agenda for research on drugs and crime. The results of this project will influence fiscal year 1980 funding of projects in this area.

In the planning stage are similar collaborative efforts for research on alcohol and crime. As with the work in drugs and crime, the emphasis is on pulling together available information on alcohol use, which is known to be a correlate in much criminal activity, isolating the gaps in our knowledge—such as the precise relationships between alcohol use and specific crimes—and devising preliminary research designs for the most promising areas of inquiry.

Research on the subject of minorities and crime is also being supported. A state-of-the-art review of the topic is underway, and a program solicitation has been issued for a project that will examine the minorities/crime relationship from the social, economic, and political perspectives of minority communities themselves.

Similarly, inquiry into the topic of women and crime has begun with an effort to assemble a comprehensive data base on female crime and arrests, convictions, incarcerations, etc. This project will gather together existing statistical information, and where possible, fill in the gaps by collecting new data.

FISCAL YEAR 1979 PLANS

The following topics are planned for research for fiscal year 1979:

- Exploratory research on drugs and crime is now in progrss and will point to directions for future inquiry. Based on the agenda, a group of interrelated projects might be formulated for funding.
- Explorations of alcohol and crime also are in the initial stages. the topic might serve as a single focus of inquiry in a Research Agreement, or perhaps

combined with drugs and crime for a broader inquiry of these two correlates of crime.

● Complementing research on the relationship between specific types of communities and neighborhoods and crime, a new effort may be launched to study the family unit and how it contributes to or inhibits the potential for criminality. This study would concentrate not only on the "traditional family" but would examine the alternative relationships now prevalent to determine impact of the family on crime.

● A study of the psychopathic personality, which remains a pervasive concept in criminology, will attempt to clarify the major issues and sum up the existing information on them.

● Research into early deprivation will attempt to provide more definitive information on the precise impact of early deprivation. While many studies have suggested that emotional and physical deprivation in infancy and childhood have a bearing on delinquent behavior, the relationship has never been conclusively established.

● A multidisciplinary exploration of the avoidance learning deficiency is planned to gain a greater understanding of the social and biological orgins of this characteristic.

● A longitudinal study of disruptive behaivor in school will attempt to differentiate among various kinds of hyperactivity and impulsive behavior and the learning disabilities involved and to determine the relationship of these problems to delinquency. the study would follow a sample into young adulthood to determine if a particular behavioral profile is associated with the career criminal or with certain categories of crime.

● If a significant relationship between the early developmental data and criminal behavior is found, further research could examine the issue of labeling varsus the need for helping children with demonstratred, serious problems. The study would also consider whether a criminal justice agency can or should sponsor early intervention projects.

● The legal and management issues inherent in the conduct of long-term studies involving investigators from various disciplines will be analyzed. Examples of the kinds of questions to be explored are: How can continuity of funding be assured? How can privacy be safeguarded? What guidelines are needed for behaviroal research on individuals in prisons? What are the implications of these questions for research management?

For information on research in this priority, please contact Dr. Richard Barnes, Director, Center for the Study of Crime Correlates and of Criminal Behavior Office of Research Programs.

VIOLENT CRIME AND THE VIOLENT OFFENDER

Institute research in this priority program is divided into these major categories:

● *Individual crimes of violence:* Causes, correlates, incidence, and trends; strategies for prevention and control; characteristics and treatment of the violent offender (including such aspects as drug and alcohol abuse).

● *Collective violence:* Causes, correlates, incidence, trends, and methods for preventing and controlling such disorders.

● *Weapons and violent crime:* weapons availability, use, relationship to violent crime, and implications for regulation and control.

CURRENT EFFORTS

Priority for new research starts in fiscal year 1978 was given to collective violence and to weapons and violent crime. As a prelude to developing specific research projects in these two categories, the Institute held working meetings with knowledgeable specialists to sort out the complex issues involved and discuss general directions for future inquiry. In the category of individual violent crimes, projects completed last year added to the body of knowledge about such specific crimes as rape and arson.

Individual crimes of violence. A major, 2-year study of rape has been completed, producing guidelines to improve the criminal justice system's response to this crime. The violent crime of robbery will be among the major crimes explored in depth as part of a recently funded project to investigate the environmental correlates of crime and crime prevention.

Arson, a growing national concern, also has been the subject of previous research. A report describing the dimensions of the crime and the difficulties of investigating arson was published last year. A planning effort currently underway is reviewing the literature on arson and identifying gaps in information on the crime and unresolved research issues. From this an agenda for future arson research will be developed.

Collective violence. Based on the recommendations that emerged from several workshops convened on this topic, the Institute has solicited proposals for a project that will design a detailed agenda for research on nonterrorist collective disorders. The project will include an extensive analysis of the literature. To collect primary data on the nature of disorders and their control, researchers will interview staffs of law enforcement and regulatory agencies as well as groups involved in legitimate protests.

The Institute also will sponsor a national workshop on collective disorders, bringing together researchers and law enforcement personnel with the aim of producing preliminary guidelines for disorder control.

Weapons and violent crime. Before launching new efforts in this category, too, the Institute drew upon the insights of the research and practitioner communities. Based in part on suggestions from a workshop of experts, a planning project was solicited, which will review the literature, compile existing data to develop a knowledge base, design a research agenda, and initiate procedures for collecting certain basic data from police and court records. This effort will be coordinated with another Institute-funded study of firearms now being carried out by the Department of Justice, which emphasizes the legislative aspects of the problem.

FISCAL YEAR 1979 PLANS

The plans for fiscal year 1979 funding are the following:

● Research on the nature and patterns of homicide will develop a typology of various kinds of homicide. The research will study different types of offenders and victims and the community and the criminal justice system reaction to each. It will explore the relationship of homicide to other crimes and acts of violence and analyze the implications for preventing specific kinds of homicide.

● The methods of the criminal justice system uses to deal with the crime of robbery will be examined.

● A study of terrorism will emphasize the problems of State and local law enforcement in confronting local terrorist hostage situations in the United States.

● Analysis of arson prevention and control will clarify some of the key issues relating to particular forms of arson, identify the major determinants of the crime, and isolate the factors that promote or inhibit effective prevention. Among the candidates for this research are studies of building ownership and insurance patterns that might offer a method for anticipating arson targets, the psychology of arson, and fires of unknown origin.

● Basic research will be conducted on the origins of violent and aggressive behavior, the influence of drugs and alcohol, and the characteristics of the violent offender. This long-term effort is slated for funding under the research agreements program described on page 20. For information on research in this priority, please contact Lois Mock, Community Crime Prevention Division, Office of Research Programs.

COMMUNITY CRIME PREVENTION

Research in community crime prevention focuses on two areas: Crime and the environment, and citizen and community action relevant to crime prevention.

CURRENT EFFORTS

Crime and the environment. Institute research has probed the relationship between the physical and design features of particular environmental settings and the citizen's fear of and vulnerability to crime. Initial studies in public housing suggested that physical design had an effect on both the rate of victimization and the public's perception of security. Further, the research hypothesized that certain types of physical design may prompt individuals to adopt a proprietary attitute toward their surroundings and exercise social control in their environment. Subsequent research has included demonstrations conducted in school, commercial, and residential settings to integrate urban design, community organization, and criminal justice tactics into a cohesive crime prevention strategy for each site. Evaluation of these efforts was nearing completion in fiscal year 1978.

To assess the growing body of knowledge on crime and the environment, the Institute has solicited proposals for a study to synthesize the results of the research to date and evaluate the soundness of the methodologies employed.

Related programs launched in fiscal year 1978 included a study of the relationship of environmental features of informal social control. This project will refine the earlier "defensible space" hypotheses to pin down those social and environmental variables that influence citizen surveillance, crime reporting, mutual aid, and other forms of "public-minded" behavior.

Th relationship between crime and neighborhood decline is also the subject of a fiscal year 1978 program solicitation. This new project will look at various indicators that appear to signal changes in a neighborhood and gauge the effect of crime prevention activities on neighborhood cohesion and well-being.

Research was also initiated this year to examine how offenders, citizens, and police perceive and respond to specific features of the environment. Expanding on past efforts, this project will attempt to identify those features that make buildings, streets, and neighborhoods likely or unlikely settings for such crimes as robbery, assault, larceny, purse-snatch, and rape. This study will include commercial and residential areas.

Citizen involvement in crime prevention and control activities. Research findings indicate that citizen actions can impede crime, enhance security, and promote justice. Such individual behavior as making one's home secure and reporting crimes promptly has been identified as important to crime prevention and control. The cooperation of victims and witnesses with police and courts has been found to be crucial to successful investigation and prosecution of crime. Collective forms of citizen action—citizen patrols and block watch projects, for example—also can be useful in increasing security and reducing fear of crime.

One of the major Institute programs relating to this subject is a research agreement with Northwestern University that supports long-range, fundamental research on community crime prevention. This 5-year endeavor is studying specific urban neighborhoods to discern how and why certain neighborhoods and organizations adopt particular crime prevention strategies. The researchers are also studying the relationship between police service and various forms of collective citizen action and the connection between an individual's reaction to crime and his/her participation in neighborhood programs. (For a fuller description of the research agreements program, please see page 20.)

Other current Institute research will focus on the mechanics of citizen involvement—how people can be recruited and how their involvement can be maintained in crime prevention efforts. Another study will examine how the mass media influence citizen awareness about crime and/or prompt people to take appropriate crime prevention actions.

FISCAL YEAR 1979 PLANS

The topics planned for fiscal year 1979 funding are the following:

- How an individual's responses to crime (including crime prevention activities) are influenced by social characteristics, past experience with crime, knowledge about crime and the criminal justice system, and perception of the citizen's proper crime-control role vis-a-vis official criminal justice roles will be studied. Since these are likely to differ for different types of crime, the research will analyze such disparate crime categories as violent crime, white-collar crime, victimless crime, and misdemeanors.
- Hypotheses about the interaction of social and economic variables, crime prevention activities, and reduced fear of crime will be examined in more detail. Building on current exploratory studies of incentives and disincentives for crime prevention behavior and the influence of social and interpersonal networks on citizen action, this research will gauge the extent to which a "sense of community" promotes crime prevention activities in various urban settings.
- "Safe and secure" neighborhoods will be analyzed. Earlier studies have shown that certain neighborhoods have unexpectedly low crime rates and the data suggest that environmental factors may help to account for these differences. This project will attempt to uncover the reasons behind the success of certain neighborhoods in maintaining safety and security. It will consider how a number of physical and urban design characteristics may influence the resident's reaction and response to crime and to the neighborhood in general. Among the factors that will be examined are access control, natural boundaries, enclave patterns, land use, transportation, and other public services and facilities.

Other tentative research issues:

- Relationship between urban environment and crime patterns, with attention to the factors that most influence mutual aid and bystander intervention among strangers;
- Impact of land use and transportation planning decisions on intrametropolitan crime patterns;
- The organizational dynamics which enhance positive citizen action, including issues of sponsorship and procedures used to mobilize and maintain citizen involvement.

For information, please contact Dr. Fred Heinzelmann, Director, Community Crime Prevention Division, Office of Research Programs.

CAREER CRIMINALS AND HABITUAL OFFENDERS

Research in the career criminal priority program area is based on the assumption—now buttressed by research findings—that a small fraction of all offenders is responsible for a disproportionately large amount of crime. The framework for career criminal research remains basically twofold: First, a continuing basic inquiry into the nature, identification, classification, and characteristics of the career criminal population; and, second, a better understanding of the variety of ways in which the criminal justice system deals with these offenders.

While the problem of the career criminal has been of interest to the Institute and LEAA for some time, the major inquiry into the classification and characteristics of the habitual offender was launched in 1975 when the Institute began a 5-year research agreement with the Rand Corp.

CURRENT EFFORTS

Preliminary findings from Rand studies of the career criminal cover a broad spectrum of issues including patterns of criminal activity, offense rates, motivation for crime, contacts

with the criminal justice system, and potential effects of incapacitation on crime rates. For example, by studying detailed criminal histories of a sample of 625 defendants, researchers were able to estimate the incapacitation effect likely to result from mandatory sentencing approaches along with the potential impact on prison population. Analysis of the data consistently indicates that significant reduction in crime from incapacitation effects alone would require very large increases in prison population. In addition, the Rand study is also examining the characteristics of career criminals and highly active offenders. A survey of California inmates is providing a rich source of information about these issues. A report of the findings will be available in the fall of 1978.

One of the early recommendations emerging from the career criminal research is that greater efforts be made to identify the "intensive offender early in his career. One source of information is the criminal record of juvenile offenders. The adult criminal justice system often lacks information on the unlawful activity of young adults, making it difficult to distinguish those with serious criminal backgrounds from delinquents whose offenses are not so grave. A fiscal year 1978 project will study the role of juvenile records in adult criminal proceedings, examining the various practices relating to the withholding of such information as well as the practical effects of such policies.

FISCAL YEAR 1979 PLANS

The Rand Research Agreement runs through 1980.

Research issues outlined for the program include the following:

- The existing data base will be expanded by replicating the inmate survey in three or four other States. The new surveys would incorporate improvements in the original methodology, which called for self-reported data. When the surveys are repeated, respondents will be assured confidentiality but actual names will be requested so that data can be cross-checked against available records.
- Additional research is planned on the criminal justice system's treatment of the career criminal, with special emphasis on correctional practices.
- Continued inquiry will be made into the patterns of criminal activity.
- Various aspects of the habitual offenders' behavior will be studied, including offense rates, motivations, attitudes toward crime, social stability and drug use, and contents with the criminal justice system.

For more information, please contact Dr. Richard Barnes, Center for the Study of Crime Correlates and Criminal Behavior, Office of Research Programs.

UTILIZATION AND DEPLOYMENT OF POLICE RESOURCES

Research in this priority program focuses on police services for the public and the support and management frameworks necessary for effective delivery of those services. The goal is to create a more rational, effective delivery system, not merely to improve current approaches within existing organizational arrangements.

Earlier research on police—including studies of response time and of preventive patrol conducted in the Kansas City Police Department and a national study of criminal investigation practices carried out by Rand—has pointed up the need for a radical restructuring of the entire police services delivery system. Further, the growing body of police research demonstrates a receptivity to experimentation that offers the opportunity for significant changes in law enforcement.

CURRENT EFFORTS

In planning for fiscal year 1978 research activities, the Institute held extensive discussions with noted scholars and practitioners of law enforcement, as well as joint planning sessions with the Police Foundation. Building on earlier research, the Institute continues to focus on three themes: the nature of current police operations, overall objectives of police operations, and alternative approaches for providing field services. Among the studies initiated during the past fiscal year were the following:

Nature of current police operations. The Institute solicited proposals for a project to assess the general applicability of research findings that showed significant citizen delays in reporting crimes to police. The Kansas City Response Time Study, the first effort to isolate the citizen reporting interval in the response time continuum, found that citizens often fail to report crimes promptly, and the delays tend to diminish the impact of rapid police response. The new research will look at how long citizens in other cities take to report crimes, and the variables affecting voluntary citizen actions that impinge upon reporting crime will be analyzed in more detail. Another project is reviewing the research on police operations that has already been conducted. The study will pull together what is known on various issues and disclose the gaps that could be filled through further research and experimentation.

Overall objectives of police operations. In an attempt to sort out and understand the overall objectives of police operations, the Institute in 1977 funded a reconceptualization of the police function. The analysts are looking at what police are expected to do, what they actually do, how their activities are perceived by citizens, and what the primary determinants of police behavior are. Other studies slated for funding late in fiscal year 1978 are an examination of how police administrators make decisions in operational situations and an exploration of the interaction between citizens and police and how these relations affect policy-setting.

Alternative approaches for providing field services. Three research efforts were initiated under this heading in the past fiscal year. One project builds on the findings of the Kansas City Response Time Study by exploring alternative methods for handling various types of calls for police service. A second project will develop a system for making resource allocation calculations of an minicomputer rather than the larger automatic data processing equipment now typically required for operational planning. A third effort will explore the extent to which police agencies are using modern management concepts and techniques in their day-to-day operations.

FISCAL YEAR 1979 PLANS

Funding plans for fiscal year 1979 include the following:

- *Replication of the Kansas City preventive patrol experiment* that will modify the original research design based on criticisms and suggestions made of the earlier work. Using the improved design, the experiment will be recreated in a jurisdiction to assess the soundness of the earlier findings about the effectiveness of random preventive patrol.
- *Exploration of the advantages and disadvantages of crime-focused police operations.* Scholars and commissions often have recommended that police agencies focus as exclusively as possible on crime-related activities. This project will test the feasibility of creating a crime-focused police unit in one or more selected cities. The research will specify how the functions of a department would have to be reshaped, and the implications of the new structure for municipal government services. Among the police functions to be addressed are preventive patrol, directed patrol, differential response strategy, and criminal investigation. If the crime-focused approach appears feasible, a continuation effort might be funded to evaluate the actual operating experience in one city.
- *Study of how information is acquired and used by police investigators.* This research will parallel studies of the investigative process to be carried out by researchers in England, Australia, Canada, and Holland. Build-

ing upon earlier research, the study will look at the range of information sources tapped by police: informants, modus operandi analyses, and crime scene analysis, for example.

● *Defining directed patrol.* As deficiencies in traditional patrol tactics have become evident through research, a number of departments have moved toward a more directed approach to patrol, with tighter management control over the patrol officer's duties and time. To date, however, there has been little systematic treatment of the concept in the literature. Hence, this project will attempt to formulate an operational definition and description of a directed patrol. The approach used will be an assessment of directed patrol operations in several cities.

For information on research in this priority, please contact David Farmer, Director, Police Division, Office of Research Programs.

PRETRIAL PROCESS: CONSISTENCY, FAIRNESS, AND DELAY REDUCTION

The topics emphasized in the pretrial process priority area are consistency, fairness, and delay reduction. A wealth of case-processing information from courts and prosecution agencies has recently been made available through computerized data bases. This mass of data has permitted cross-jurisdictional analysis of the pretrial process providing indicators relevant to both delay and consistency. With the availability of these new research-generated data bases, it has been possible to identify specific problem areas where further investigation is warranted and to generate hypotheses which may account for variations revealed.

Delay reduction. A major court delay reduction project supported by LEAA's Office of Criminal Justice Programs found that delay was a widespread but not universal problem in large jurisdictions. But the project was unable to relate variations in delay to the formal characteristics of the court—number of staff, existence of particular procedures, and/or financing available. Hence, the most recent work undertaken by the Institute has tried to explore new hypotheses that would explain delay. These studies focus on the incentives and accountability systems under which a judge or a court operates. One study is examining the local environment in which a court operates to see how such variables as community interest in the courts, media publicity, and the political climate affect judicial incentives to reduce delay. A separate activity will evaluate the local implementation of innovative approaches to reduce delay developed under the Court Delay action program.

Consistency. Plea bargaining is considered by many to be a major reason for inconsistency in case processing. It is also criticized on other grounds such as excluding the victim from participating in the disposition of the case. To provide the national data that has been lacking, the Institute is examining plea-bargaining practices as they operate throughout the country. Another project is experimenting with a pretrial hearing procedure involving the judge, defendant, victim, and arresting officer. While both of these studies are exploring mechanisms designed to make plea negotiations more structured and not totally dependant on the individual judgments of the attorneys involved, other research has just begun to develop mechanisms capable of measuring the degree of consistency in case processing within an office. Development of a tool for identifying and measuring policy within a prosecutor's office and for determining how consistently that policy is administered is also underway. An onsite analysis in a number of cities will search for explanations of the routinely high dismissal rates for felony arrests and, if possible, identify ways to reduce them.

FISCAL YEAR 1979 PLANS

The following research is proposed for the coming fiscal year:

● *An analysis of court policies, practices and behavior that affect efficiency and fairness.* The project will entail a systematic examination of key sets of variables that have been advanced as affecting case-processing and decisionmaking. The variables include such factors as the goals and incentives governing court personnel, the pressures exerted by their sponsoring organizations, and the influence relationships that develop as the workflow is processed. Analysis of these variables could help to build a valid theoretical framework for judicial administration and might yield incentives that could enable the courts to manipulate certain variables to achieve greater efficiency and fairness.

● A continuation project that is looking at prosecutorial decisionmaking to determine whether different policies produce different case outcomes.

● A study of the role norms of key court personnel. The work of court administration is generally performed by judges, court administrators, and court clerks. There are a number of questions that might be answered through research and thus suggest ways to improve performance and enhance the courts' ability to process cases efficiently and fairly. Among the research questions to be probed in this project are: How are functions delineated among court personnel? What results? What are the behavioral expectations? Who gains administrative decisionmaking power in what types of court structures and for what reasons? What incentive structures exist for different groups of court workers?

● Assessment of alternative organizational designs for defense and prosecution services. Since the Supreme Court's decision in *Argersinger* v. *Hamlin*, nearly half the States have legislated statewide public defenders services. Some States have organized their defense services under a State defender director, others on a regional basis. In half the States, provision of counsel is a matter for local jurisdictions to decide. Prosecutorial systems likewise may be organized statewide (although this is not common), regionally, or most frequently, locally. Despite numerous claims, no empirical data exist to prove that one organizational arrangement is more effective than another. This study will assess whether organizational structure makes a difference to effectiveness or efficiency of prosecutorial and defender delivery systems. Are there differences in the scope of services available, the degree of autonomy, professionalism of the office, quality and uniformity of services, provision of training, etc. under different organizational structures?

● Comparison of the negotiated and adversarial resolution of criminal cases. This project would examine negotiated and adversarial processing and analyze the way characteristics of each method affect the overall results and contribute to or detract from an appropriate outcome. It would also look at the existing range of processing styles available from the most freewheeling bargaining to the most formal adversarial process and attempt to develop new approaches to resolving cases that combine the best aspects of both the negotiated and the adversarial process.

● Court unification: An examination of empirical consequences of court unification. The major research question to be addressed in this study is whether a unified court system results in a more efficient and equitable legal system than a nonunified system. It will be necessary to develop specific measurable goals for those elements of unification that are to be studied and appropriate performance criteria to determine whether those goals have been met. It is anticipated that such dimensions as court consolidation, centralized administration, centralized rulemaking, unitary budgeting, and State financing will be assessed.

For more information on research in this priority, please contact Cheryl Martorana, Director, Adjudication Division, Office of Research Programs.

SENTENCING

Research under this priority remains focused on three sets of basic questions: (1) What degree of determinacy governs each sentencing approach? How does that degree of determinacy conceptually and operationally realize the purpose(s) for which each sentencing approach was devised? (2) Who does and who should do the sentencing? (3) What is the impact of these approaches on the policies and operations of police, courts, and corrections on community perceptions of attitudes, and on offenders?

Each question provides a context for conducting conceptual, basic, and evaluation research. The first two suggest descriptive studies of structure, implementation processes, and procedures. They also suggest studies of the intended versus the actual consequences of these approaches. The third question suggests impact studies of the effects of various sentencing measures on all segments of the criminal justice system.

CURRENT EFFORTS

Within the framework outlined above, research to date has focused on sentencing guidelines and on determinate sentencing. One study is examining the effects of sentencing guidelines in three jurisdictions currently using the guidelines approach, and a field test of multicounty sentencing guidelines will begin in at least two States next year. Workshops on developing sentencing guidelines have been conducted for judges throughout the country and an evaluation of statewide sentencing guidelines will commence this year. Evaluators will attempt to determine if the implementation of the guidelines improves the processing of offenders through the courts, lessens sentencing disparity, influences the offenders' perception of fairness, and affects the length of incarceration. Candidate States include Alaska, Minnesota, Michigan, and New Jersey.

To help clarify some of the issues involved in determinate sentencing, the Institute in June 1977 sponsored a workshop for judges, legislators, correctional administrators, and researchers. The proceedings were published* earlier this year, and provide a detailed discussion of the salient issues.

The Institute also completed a preliminary assement of existing and future needs in correctional facilities based on a national survey. As part of the project, researchers projected possible increases or decreases in prison populations that might result from various changes in sentencing policies, such as the shift toward mandatory minimums. The population forecasts will be refined in a second phase of the work now underway.

In Maine, researchers are measuring the impact of changes in the State's criminal code on the courts and corrections system. In particular, the effects of the abolition of parole and the adoption of determinate sentencing on type of disposition and sentence length are being assessed.

During fiscal year 1978, the Institute began a sentencing initiative that will explore the ramifications of determinate sentencing for the management and operations of the courts and the correctional system. Specific areas of inquiry include the effects of determinate sentencing on court caseloads and backlogs, prosecutorial discretion and plea bargaining, judicial discretions, sentencing practices, institutional programs in corrections, the use of good time, the parole function, the use of community alternatives, and the monetary costs of shifting to a determinate sentencing approach.

FISCAL YEAR 1979 PLANS

Research plans for 1979 include:

● *The feasibility of comparing sentencing approaches.* This research will delineate the conceptual and measurement issues involved in making empirical comparisons of different sentencing approaches. If comparisons of sentencing guidelines with determinate sentencing approaches seem warranted, a preliminary research design would be developed.

For more information on research in this priority, please contact Cheryl Martorana, Director, Adjudication Division, Office of Research Programs.

REHABILITATION

Increasingly, the goal of rehabilitating offenders has been challenged on both empirical and philosophical grounds. Research relating to rehabilitation then focuses on the need to expand knowledge in the following three areas: (1) The nature and effects of recent shifts in corrections purpose and philosophy; (2) the environments in which rehabilitative services are provided; and (3) the effectiveness of rehabilitative programs for both the offender and the community.

CURRENT EFFORTS

In examining the impact and future implications of change, the Institute has focused on actual and proposed changes in criminal codes and evolving case law. Advances are expected through a study of the impact of determinate sentencing in Maine and an assessment of alternative approaches to more determinate sentences enacted by several other States. A study forecasting future inmate populations and prison capacity requirements under a variety of sentencing scenarios is also providing useful data on the potential effects of change. These studies will contribute to future investigation of such concepts as the relationship between equity and individualized treatment and the development of techniques to reduce disparity in the decisions to release an offender into the community.

In the area of rehabilitative environments, past Institute research has looked at how rehabilitative services are delivered in overcrowded facilities. The findings suggest that intake rates are far more crucial to population pressures than either length of stay or exist rates, and that policy determinations significantly affect these intake rates. Other studies will examine such phenomena as the effect of different prison environments on inmates' physiology, and the prevalence and structure of inmate organizations.

The third area of inquiry has sought to develop a base of knowledge about the efficacy of various rehabilitative programs. One of the obstacles to assessing results has been the lack of accurate methods of measuring subsequent behavior. Researchers at the University of Illinois are examining a variety of methods which can be applied uniformly to measure rehabilitative outcome based on subsequent contact with the criminal justice system. Other work includes a major assessment of available evaluative studies, a national study of rehabilitation by a National Academy of Sciences panel, and syntheses of published research on probation and parole.

FISCAL YEAR 1979 PLANS

These research projects are proposed for fiscal year 1979:

● *Reanalysis of the effectiveness of correctional programs.* This project will reanalyze the rich data base developed under previous Institute research. It will assess what types of correctional programs appear to be most effective for various types of offenders.

● *Parole/probation revocations for technical violations.* The Uniform Parole Reports indicate that more paroles are revoked for technical violations than for new crimes. This study would explore the relationship between rehabilitation goals and revocation for technical violations. Specific issues to be examined include the nature of parole/probation rules and the relevance to rehabilitation, the exercise of discretion by supervising officers, administrative mechanisms for controling supervisory discretion, and the criteria employed in making revocation (or continuation) decisions.

The final report of the National Academy of Sciences Panel on Re-

*Determinate Sentencing: Reform or Regression? Washington, D.C.: U.S. GPO, 1978.

search in Rehabilitative Techniques will be completed in the fall of 1978. The Institute plans to follow up on the research recommendations outlined in the report. Specific topics to be investigated will be determined after the report has been published.

For more information on research in this priority, please contact John Spevacek, Director, Corrections Division, Office of Research Programs.

OTHER RESEARCH

In addition to work outlined above under the priority topics, the divisions of the Office of Research Programs will conduct a variety of other research projects. Among those proposed for fiscal year 1979 are the following:

POLICE DIVISION

● *Admissible evidence.* This project will attempt to isolate the types of evidence most helpful in solving crimes and obtaining convictions and identify methods for insuring that such evidence is properly collected and preserved. The study will complement current research into the characteristics of police officers whose large numbers of arrests result in convictions.

● *Excessive/deadly use of force by police.* This exploratory research will delve into a major concern of both police and the public—use of excessive or deadly force. The project will assess the incidence of excessive or deadly force and citizen complaints against police and review divergent opinions held by different segments of society. Collecting and analyzing data from selected cities, researchers will make an initial attempt to describe the dimensions of the problem and possible ways to alleviate it.

● *Synthesis of police management research.* This study will evaluate the large number of projects undertaken that bear on police administration. A synthesis of the findings will be produced, which will help to identify directions for future inquiry and promising action programs.

FORENSICS ANALYSIS

The Police Division also administers research in the forensic sciences. These are among the projects proposed for fiscal year 1979:

● *Antisera for blood stain analysis.* Forensic serologists generally agree that the available antisera for bloodstain analysis are of poor quality. The aim of this research is to develop more reliable antisera. This study will include surveying and evaluating commercially available antisera for specificity. In addition, research may be necessary to purify antigens prior to the preparation of antisera. A manual will be developed to teach laboratory examiners quality control procedures to eliminate batch-to-batch variations of intisera.

● *Serology standards.* Institute-sponsored research has recently developed a new system that will greatly improve the bloodstain analysis capability of the Nation's crime laboratories. Under this project, the techniques will be taught to more than 100 selected serologists throughout the country. After the training, each student will be tested with 30 blind samples to insure accuracy in phenotyping bloodstains.

● *Forensic analysis of hair.* Hair is probably one of the most common and perhaps overlooked items of physical evidence found at a crime scene. At present, however, no technique exists that would allow a crime laboratory examiner to state that a given hair sample came from one individual to the exclusion of all others.

Institute-sponsored research in this area has produced an electrophoretic technique that will determine specie identification of animal hair with almost 100 percent certainty. In fiscal year 1979, the method will be made available to the Nation's crime laboratories.

Another project is using electrophoretic techniques to examine the protein composition of the hair. This method makes it possible to identify hairs from an individual in 10 percent of the population only.

In fiscal year 1979, research on human hair will continue, using newly developed immunological techniques that greatly increase the probability of accurately linking hair samples to individuals. The basis for this individualization has to do with the large number of proteins present in the hair and their variation and composition. The separation and eventual identification of these specific proteins will lead to the identification of the hair sample.

● *Forensic analysis certification program.* This continuation project is establishing nationwide standards for the performance of forensic science professionals. Boards have been established for forensic toxicology, forensic odontology, forensic psychiatry, forensic anthropology, and forensic document examination, which test and implement certification programs in their respective disciplines. Work will continue on the design and test of standards for criminalistics for eventual implementation by an official certification board.

● *Management policies for forensics.* This study would take a comprehensive look at the entire forensics function including crime laboratories, medical examiners, toxicology, document examination, forensic toxicology, forensic psychiatry, and forensic odontology. The aim is to develop a model for effective interaction between the forensic and criminal justice systems which would be evaluated in a continuation grant.

ADJUDICATION DIVISION

● *Conflict resolution procedures in criminal cases.* This research would examine the kinds of disputes least amenable to formal adjudication. After weighing such issues as access to justice, ability to resolve disputes, and costs, the project will set criteria for deciding which disputes should be referred to alternative forums and which should remain within the formal court system. The study also will assess the compatibility of alternative forums of justice with traditional legal principles and the function of the judiciary.

COMMUNITY CRIME PREVENTION DIVISION

In addition to funding research in the priority areas of community crime prevention and violent crime, this division also sponsors studies of crimes that have a significant impact on the community and its resources, such as white-collar crime.

The following projects are planned:

● *Employee theft.* Earlier research has produced data on the patterns and characteristics of employee theft and the factors that influence its prevention and control in two large cities. The continuation project will gauge to what extent the findings can be generalized to other areas. The research will look not only at security measures but also at business policies and practices that may relate to employee theft.

● *Fraud and abuse in Government benefit programs.* This continuation effort will focus on a group of priority issues relating to existing and emerging patterns of fraud and abuse in Government benefit programs. The emphasis is on issues that have implications for policymaking and program management.

● New initiatives in white-collar crime. The Institute plans to award one or two grants to stimulate research in areas of white-collar crime not yet explored. Among the possible topics are a historical perspective of social values and white-collar crime, public awareness of and response to the problem, the role of professional organizations in controlling white-collar crime, and cross-cultural studies of white-collar criminals.

CORRECTIONS DIVISION

● *Correctional/mental health transfer decisions.* This study will examine the use of mental health facilities for offenders. It will look at the volume of transfers between prisons and hospitals, the reasons for the transfers, and the degree to which mental health facilities concur with correctional deci-

sions in accepting the transfer. The research should yield information on the decisionmaking process and the relationship between correctional and mental health facilities, as well as indications of how well the treatment needs of mentally ill offenders are being met.

CENTER FOR THE STUDY OF CRIME CORRELATES AND CRIMINAL BEHAVIOR

This new division was established in 1978 as an expression of the Institute's growing commitment to basic research. The Center supports basic inquiries into crime and criminal behavior and addresses fundamental issues that cut across the functional lines of the criminal justice systems. Emphasis is given to long-range projects that are integrated and sequenced to foster steady cumulation of knowledge in a given area. Much of the Center's work is carried out under the priority program, *Correlates and Determinates of Criminal Behavior*, described earlier.

RESEARCH AGREEMENTS PROGRAM

The foundation of the Center's effort is the Research Agreements Program, which the Institute began in 1975. Research agreements are long-term and typically awarded to universities or research organizations capable of pursuing fundamental research in crime and criminal behavior, and the criminal justice system's response. Each grant supports a number of interrelated projects in an agreed upon area of basic research, some of the projects initiated by the Institute and others by the researchers.

Research Agreements are now supporting studies in five areas: the habitual offender, white-collar crime, econometric studies of criminal justice problems, unemployment and crime, and community reactions to crime.

In fiscal year 1979, the Center plans to fund another Research Agreement on:

● *Violent and aggressive behavior.* This multidisciplinary study will synthesize what is known about violent and aggressive behavior and attempt to expand our knowledge about which of the social, psychological, biological, and environmental factors play a significant part in stimulating such behavior.

VISITING FELLOWSHIP PROGRAM

The Center also administers the Visiting Fellowship Program, which is open to highly qualified criminal justice professionals and scholars. Fellowship recipients come to Washington, D.C., to work on research of their own design. Project periods range from 3 months to 2 years. In selecting fellowship recipients, the Institute looks for creative, independent research on the major issues involved in crime prevention and control and the administration of justice. Applicants are required to submit concept papers by November 15 each year.

For information about the Center's programs, please write to Dr. Richard Barnes, Director, Center for the Study of Crime Correlates and Criminal Behavior, Office of Research Programs, at the address listed at the end of this section.

GRADUATE RESEARCH FELLOWSHIPS

Fiscal year 1979 Institute funds will be used for a limited number of fellowships awarded to doctoral candidates through sponsoring universities. The fellowships support students engaged in the writing of a doctoral dissertation in the area of criminal justice. Applicants must have completed all degree requirements except for defense of the dissertation prior to awarding of the grant. The maximum amount of any fellowship is $10,000. Concept papers are reviewed by Institute staff, as well as the staff of LEAA's Office of Criminal Justice Training and Education and by panels of academicians knowledgeable about research needs in the field of criminal justice. For more detailed information on the Graduate Research Fellowship Program, please contact the Office of Criminal Justice Education and Training, Law Enforcement Assistance Administration, Washington, D.C. 20531.

Additional information on any of the foregoing priorities or programs may also be obtained by writing:

Robert Burkhart, Director, Office of Research Programs, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, Washington, D.C. 20531.

OFFICE OF RESEARCH AND EVALUATION METHODS

The Office of Research and Evaluation Methods supports projects that explore the methodological and measurement problems facing criminal justice researchers and evaluators. The research usually entails the development or adaption of advanced analytical techniques to problems in crime analysis and control. Emphasis is placed on those measurement and methodological issues that recur in a wide variety of criminal justice settings, so that approaches developed can be extended to systemwide research and evaluation.

Most of the research supported by the Office is performed under grants or contracts, but the Office also maintains a small internal research program and advises other Institute and LEAA offices about methodology and measurement.

This Office administers two of the Institute's long-range priorities—Deterrence and Criminal Justice Performance Standards and Measures.

PRIORITY RESEARCH DETERRENCE

General deterrence is one of the most fundamental and controversial concepts underlying the design of crime control policy. It is based on the idea that the risk of suffering undesired consequences for a contemplated criminal act has a crime-suppressive effect on the potential offender.

Which sanctioning policies offer the best promise of deterrence has long been the subject of public debate. By 1975, general deterrence had also generated controversy within the scientific community as seemingly contradictory findings were reported in the literature.

To clarify the issues involved, the National Institute commissioned the National Academy of Sciences to make a detailed technical inquiry into the analytic merits and shortcomings of research on deterrence and incapacitation.

In its report, the NAS Panel concluded that it "could not yet assert that the evidence warrants an affirmative conclusion regarding deterrence." But the Panel noted that its "reluctance to draw a stronger conclusion does not imply that deterrence does not exist, since the evidence certainly favors a proposition supporting deterrence more than * * * one asserting that deterrence is absent." The major challenge for future research, the Panel said, is to "estimate the magnitude of the effects of different sanctions on various crime types, an issue on which one of the evidence available thus far provides very useful guidance."

CURRENT EFFORTS

In fiscal year 1978, the National Institute announced a research program on the "Theory of General Deterrance," based in part on problems uncovered in the NAS study. As this report was being prepared, the 47 concept papers submitted were undergoing peer review, with selection of proposals for funding anticipated in the fall of 1978

The projects to be funded will fall under two broad headings:

Modeling advances. In constructing models of how sanctions affect human behavior, researchers inevitably make a host of tacit, often complex assumptions, particularly in drawing conclusions about whether a particular sanction caused a reduction in crime. Projects in this area will examine how inferences of a deterrence effect are drawn from analysis and how objectivity might be enhanced.

Quasi-experiments. The deterrence hypothesis assumes that a credible and significant change in sanctioning

level would result in a change in crime rates in the opposite direction. (The more severe the penalty, the lower the crime rate, and vice versa.) The validity of this theory can be tested in "quasi-experimental" settings such as a well advertised change in penalties or a police crackdown on certain classes of offenders. Projects in this category will investigate the effects of what happens in real-life situations when criminal justice sanctioning policy is changed.

FISCAL YEAR 1979 PLANS

Two perennial problems confronting researchers studying general deterrence are the confounding effects of incapacitation and the lack of information on the careers and crime rates of different types of offenders. Research reported in the literature suggests that this is an opportune time to expand the number of scholars working on these lines of inquiry.

In fiscal year 1979, the Institute plans to continue to work toward development of a scientifically sound basis for estimating the crime control effects of incapacitation. As with any crime control strategy, quantitative measures of effects cannot be observed directly. Rather they must derive from plausible models of what would have happened if certain actions had not been taken. In the case of incapacitation, crime reduction estimates must be calculated on the basis of the number of crimes likely to have been committed if the population in question had not been incarcerated.

To expand our understanding of the variety of criminal careers and how each evolves, the Institute in fiscal year 1979 will support research on the *Modeling of Criminal Histories. Specific projects might include such approaches as:*

- Development of offender history typologies and empirical estimates of crime commission rates for well defined classes of offender:
- Incorporation of specific deterrence or rehabilitation effects into model structures;
- Inquiry into possible changes in the behavior of young offenders when they leave the juvenile justice system and enter the adult criminal justice system.

PERFORMANCE STANDARDS AND MEASURES

Research in this priority is concerned with the development and validation of performance measures based on an overall theory or set of theories about the purposes of the criminal justice system and its components. The program emphasizes cumulative knowledge building over an 8- to 10-year period.

The first phase of the long-range effort has been aimed at developing definitions of the issues and problems in performance measures and identifying future research needs. Supplementing this basic strategy is a smaller program with limited funds that studies operational performance measurement systems or the practitioner's state-of-the-art.

CURRENT EFFORTS

Conceptualization of performance measurement issues. During fiscal year 1978, funds were awarded to create a consortium of five research institutions whose task is to develop a coherent conceptualization of performance in the criminal justice system and its subsystems. They will attempt to elucidate the many-faceted, and sometimes conflicting nature of the measures used to assess the performance of specific parts of the system. For example, a police performance measurement system that unduly rewards sheer number of arrests affects the performance of the prosecutor's office which must deal with the large number of cases police turn over to them.

By breaking down the generic "performance" into separate aspects, by exploring the influences of organizational style on these aspects, and by providing a cohesive measurement context, the consortium should produce a platform for further empirical research.

Operational performance measurement systems. The Institute's primary interest here is to sort out the kinds of performance information gathered, how it is used, and the factors influencing its acceptance by practitioners. This relatively new area for research has been largely limited to stimulating and observing innovative processes at the State and local levels. One grant was awarded to the New Jersey State Planning Agency to contine the evaluation efforts it has incorporated into the block-grant awards decision process, which might serve as a possible model for developing standardized performance measures for LEAA discretionary programs. Other projects under consideration include a study of the implementation of performance measures in State correctional institutions and the implementation of a systemwide resource allocation planning process by a Regional Planning Unit.

FISCAL YEAR 1979 PLANS

The consortium grants solicited in fiscal year 1978 will continue into fiscal year 1980 so additional funding of empirical studies directly related to their eventual findings will be limited in fiscal year 1979. However, basic and applied research in other aspects of performance measurement will be encouraged.

Research planned includes:

- A study of the non-crime-related social services delivered by the criminal justice system, including an analysis of the areas where it overlaps with other social service delivery systems in the community;
- A study of how resources are distributed within and across the total criminal justice system to determine whether significant increases in efficiency could be achieved through reallocations;
- Initial development of system performance indicators to create criminal justice counterparts to indicators of economic progress; and
- Comparative analyses of juvenile and adult systems with emphasis on treatment philosophies, offender flows, deterrence and youth crime, and the attitudes of young adult offenders after they have left the juvenile system.

OTHER RESEARCH

METHODOLOGY RESEARCH

The Office of Research and Evaluation Methods also sponsors a modest program of support for a range of studies of high technical merit aimed at research, development, and testing of methodological innovations of potential significance to criminal justice.

A fiscal year 1978 program solicitation received more than 200 concept papers, 12 of which have been selected for funding late in 1978. Some are investigating the validity of crucial assumptions that underlie certain commonly used elements of criminal justice evaluation designs. Some explore sophisticated techniques that have demonstrated their utility in other social research and evaluation to determine their applicability to criminal justice research. Finally, some of the projects seek a theoretical breakthrough of critical measurement and methodological issues.

FISCAL YEAR 1979 PLANS

Two areas are likely to be given priority in methodology research:

- Efficient and valid techniques for estimating the long-range effects of criminal justice initiatives and programs.
- Investigations aimed at achieving increased utility of "official" data in the design and conduct of criminal justice research and evaluation.

In addition to the foregoing, the Office will manage a project stemming from the National Academy of Sciences Panel on Research in Rehabiliative Techniques. The effort will examine successful treatment programs used in fields such as education and mental health and assess the feasibility of transferring the approaches to a correctional setting.

For information about any of the above research write:

Dr. Richard Linster, Director, Office of Research and Evaluation Methods, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, Washington, D.C. 20531.

OFFICE OF PROGRAM EVALUATION

The Office of Program Evaluation designs, funds, and administers evaluation of national-level LEAA programs, innovative and experimental projects and programs at the State and local level, selected criminal justice techniques and procedures, and significant State and local legislative or administrative reforms. The Office is responsible for the National Evaluation Program, evaluations of LEAA demonstration programs, and field tests sponsored by the National Institute, as well as other evaluation priorities. It also supports the development of evaluation guides and handbooks for State and local evaluations.

The major objectives of the Office are to assess the efficiency and effectiveness of LEAA-funded projects and programs and to evaluate the impact of other State and local community and criminal justice initiatives.

NATIONAL EVALUATION PROGRAM

Created as a tool for evaluating the LEAA block grant programs, the National Evaluation Program has sponsored a series of phased evaluations in 34 topic areas. Each topic area has been defined to include ongoing criminal justice projects with similar objectives and strategies, such as employment services for ex-offenders, street lighting projects, and coeducational correctional institutions.

The initial step in the process has been a "Phase I" study that identifies the key issues, assesses what is currently known about them, and outlines approaches or methodological needs for more intensive national or local evaluation. Phase I studies are not meant to be definitive evaluations; rather they analyze what is presently known and what is still uncertain. Each Phase I study results in an assessment of the project type based on available data, documentation, and limited pretesting of possible designs for more intensive Phase II evaluation.

Among the Phase I assessments currently underway are the LEAA Victim/Witness Assistance Program, Police Training Programs, Correctional Data System Projects, and Shoplifting/Employee Theft Programs. A new Phase II Program will undertake a controlled experiment to compare the effectiveness of different probation techniques used by a single jurisdiction. This multiyear assessment should produce new knowledge on levels of supervision and on the utility of different treatments for different types of offenders.

FISCAL YEAR 1979 PLANS

The Institute proposes to shift the emphasis of the studies to specific functions performed by criminal justice agencies, with special attention to those involving relationships among agencies and those involving the entire criminal justice system. These functions are tentatively planned to be assessed in the coming fiscal year:

- *Liaison offices.* The focal point for this study would be the police and their liaison activities, which include (a) police/prosecutor's offices in the courts, (b) police/community relations, (c) police-based social service workers, (d) police legal advisers. This topic area will investigate linkages within the criminal justice system in particular and should primarily involve formally established offices or officers.
- *Family counseling.* Family counseling is performed by probation officers and police and is increasingly being applied by central intake units of correctional facilities. This function is found across the criminal justice system, performed in the community and by police, courts, and correctional personnel and may involve both formal and informal programs/projects.
- *Screening and evaluation for mental health services.* This function is performed by police and court personnel in particular. This Phase I study would investigate the linkages between the criminal justice system and mental health/drug treatment service delivery. Investigation would involve all components of the criminal justice system as well as the community and other government offices.

PROGRAM EVALUATION

LEAA supports many national level programs designed to demonstrate the effectiveness of various concepts and methods to reduce crime and improve criminal justice. The Office of Program Evaluation funds evaluations of a select number of these programs each year.

The Office currently is sponsoring an evaluation of the LEAA Community Anti-Crime Program which supports community organizations operating independently of State and local governments and agencies. The evaluation uses a major decision theoretic technique, the Multi-Attribute Utility Theory.

The success of this decision theory approach resulted in its application in the evaluation of another major community initiative launched by LEAA in 1978, the Comprehensive Urban Crime Prevention Program. This program focuses on the coordinated efforts of various agencies and community groups. Another 1978 evaluation is assessing LEAA's Integrated Criminal Apprehension Program.

In addition to these demonstration program evaluations, the Office is completing the national evaluation of the LEAA Career Criminal Program and the Standards and Goals Program, and will continue to support an evaluation of the antifencing programs known as Sting.

FISCAL YEAR 1979 PLANS

The Office will fund national evaluations of three or four LEAA demonstration programs. They will be chosen from among the following:

- *Major criminal conspiracies.* This new LEAA program involves Federal, State, and local law enforcement officials in the identification and prosecution of major criminal conspiracies. The program consists of three distinct but interrelated functions: analysis of financial and intelligence data to determine the nature and scope of a major criminal conspiracy, followup investigations to obtain and analyze specific data, and prosecution based on results obtained from the data.
- *Court delay reduction.* This program supports efforts at the State level to analyze alternatives to the present organization, management, and structure of court systems that promise improved delivery of services. The program also assists in implementing the improvements.
- *Jail overcrowding and pretrial detainees.* The objective of the program is to reduce jail overcrowding in selected jurisdictions, particularly where it stems from large pretrial populations. This program concentrates LEAA's past research and training efforts related to jails into a cohesive package that can be utilized by jurisdictions facing a "jail crisis."
- *Statistical analysis centers.* The centers coordinate the analysis of information produced from Comprehensive Data Systems programs in the States. Producing both analytic and descriptive reports on the operations of the State criminal justice system, the Center can provide important input into policy decisions.
- *Field test evaluations.* The Office also conducts evaluations of experimental programs that are designed and conducted on a test basis by the Institute's Office of Development, Testing, and Dissemination. For fiscal year 1979, these tests are candidates for evaluation: (For descriptions of each, please see page 29).
- *Multi-County sentencing guidelines.*
- *Neighborhood action to reduce residential burglary.*

● *Commercial security.*

In addition, the Office of Program Evaluation is evaluating the field test of the Neighborhood Justice Center Program begun last year to experiment with the use of dispute resolution techniques to divert certain types of criminal and civil cases from the courts. The Office will assess other tests launched in 1978: Managing Patrol Operations, Pre-Release Centers, and Improved Correctional Field Services.

OTHER EVALUATIONS

The Office is funding an assessment of a special Industrial Security Program initiated by the Chicago Planning Commission of the city of Chicago, designed to aid in the development of the city's evaluation capability.

The Office also is launching an assessment of governmental responses to crime during the period 1968–1978. This historical assessment will trace the criminal justice, social, and economic responses to the problem of rising crime following World War II. The study will examine 10 cities and their suburbs across the country, and will reassess such major LEAA efforts as the Impact Cities Program and the Environmental Design Program.

For information about any of the above activities of the Office of Program Evaluation, write to:

Director, Office of Program Evaluation, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, Washington, D.C. 20531.

OFFICE OF DEVELOPMENT, TESTING AND DISSEMINATION

The Office of Development, Testing, and Dissemination administers the Institute's research utilization program. It reviews research results to identify findings of potential significance to practitioners, policymakers, and other researchers, and shapes the information into forms most suitable to effect transfer to the appropriate audience.

A key function of the Office is to design, develop, and test action programs through an applied research process. Drawing on Institute research findings and selected innovative practices of demonstrated merit, the Office designs model programs and field tests them in a variety of settings. When results warrant further development, the Office then develops a refined model suitable for wider demonstration by LEAA.

These functions are part of an agencywide program development process, which is designed to insure systematic development of programs based on knowledge. The process involves the following steps:

● Identifying problem areas manifest through research;

● Selecting response strategies—additional research if more knowledge is needed, or * * *.

● Development of a model program based on the best available research and practical experience;

● Designing a field test of the model program;

● Implementing and evaluating the field test, and incorporating the results in * * *

● A refined model program, called a validated program design;

● Wider demonstration of the validated design and, if successful;

● Marketing by LEAA nationwide.

The three divisions of ODTD carry out specific steps in this process, principally in the early phases of problem identification, program development, and testing.

MODEL PROGRAM DEVELOPMENT DIVISION

This unit is responsible for the research utilization program, studies of the process of change in criminal justice agencies, and the Exemplary Projects Program.

The research utilization program was expanded in 1978 to increase program development and dissemination options available to the Institute. In fiscal year 1979, this effort will:

● *Review completed research, recommend research utilization strategies, and prepare specialized materials for selected target audiences.* Examples of the products would include articles, pamphlets, manuals, and state-of-the-art papers for particular audiences—for example, policy and legislative option papers on criminal justice issues for use by Governors, State legislature, or local executives and legislative bodies.

● *Develop program models* which synthesize research data, empirical experienced, and expert opinion, present detailed analyses of a series of programmatic options in the topic area, and discuss the advantages and limitations of each approach.

● *Design field tests for implementation* in a variety of settings. The division chairs teams made up of Institute staff, researchers, and practitioners which develop the program design based on findings from related research studies and documented, successful practice. The design specifies the essential elements of the model, the objectives of the program, operations, and management, selection criteria for test sites, and evaluation measures and methods.

● *Develop validated program designs.* Based on the evaluation results of the field test, the original design is modified to eliminate those features which produced unintended or undesired effects and to highlight those that demonstrated their effectiveness.

In fiscal year 1979, the Institute will produce program models from among the following topics:

● *Methods for analyzing community security problems.* This manual would assist community crime prevention planning efforts by developing methodologies for conducting an integrated analysis of crime problems, major community concerns, and community resources.

● *Police crime prevention programs.* The report would focus on organizational, operational, and management procedures to bolster the effectiveness and responsiveness of police crime prevention activities. Methods for enhancing the involvement of citizens and community groups will be emphasized.

● *Consumer fraud intervention.* The document would identify promising intervention strategies to detect and prosecute consumer fraud.

● *Pretrial release criteria and standards.* This synthesis of guidelines and evaluative research would examine operational procedures and prediction of risk techniques for pretrial release programs including bail, ROR, and supervised release programs.

● *State victim compensation programs.* The handbook would offer practical guidelines for establishing and operating statewide victim compensation programs, emphasizing the use of LEAA victimization survey data to identify the scope and nature of victim needs.

● *Employment services for ex-offenders.* The report would compile information on programs that provide training, job development, and job placement services for parolees and probationers.

● *Police services for the elderly.* The manual would provide information on police and community programs designed to reduce fear of crime among the elderly and minimize the difficulties encountered by the police in delivering services to older people.

The Division also develops program designs based on the findings of Institute research and the best available practical experience. The carefully crafted designs are then tested in a limited number of sites to evaluate their effectiveness in different settings, identify the need for further research, and determine their suitability for LEAA marketing.

Among the candidates for field test design in fiscal year 1979 are:

● *Neighborhood action to reduce residential burglary.* This test will experiment with a number of specific approaches identified through research that promise to reduce vulnerability to burglary. These include such efforts as Block Watch, property-marking, and citizen crime reporting.

● *Commercial security.* This effort will test the effectiveness of police programs that assist businesses in strengthening security on their premises.

After a program has been implemented and evaluated, the results are incorporated into a validated program design. Validated designs are nearing completion for the following programs: Prosecution of Career Criminals, Neighborhood Team Policing, and Local Criminal Justice Planning. Now in preparation are validated designs for Managing Criminal Investigations, Juror Usage and Management, and Community Response to Rape.

While the research utilization program focuses on expanding the use of existing dissemination and program development techniques, a new effort will seek knowledge that can lead to new and improved research utilization strategies. Proposals have been solicited for an exploration of how change occures—how knowledge is diffused and adopted in the form of programs and how those innovations can be made permanent.

The division also is responsible for the exemplary projects program, a systematic effort to tap the best experience of the criminal justice community nationwide. Outstanding projects operated by State, local, or private agencies are identified, and information on them is disseminated throughout the country.

To be considered exemplary, a project must have demonstrated consistent success in reducing crime or achieving a measurable criminal justice improvement for at least one year. Other selection criteria include cost effectiveness, avialiability of evaluation data, suitability for transfer, and willingness of the sponsoring agency or community to provide information to other communities. LEAA funding is not a prerequisite.

Candidate projects are prescreened by Institute staff and the most promising programs submitted to a contractor for onsite validation. The validation reports are reviewed by a board of LEAA and State Planning Agency representatives which selects the best projects for Exemplary status.

All Exemplary Projects are widely publicized. Brochures and detailed instructional manuals are prepared on each project and distributed to agencies and communities throughout the nation so they can consider adopting the approach in their localities. The manuals spell out the planning, operation, budget, and staffing necessary and explain evaluation procedures, so that communities adopting the program can gauge their own success or shortcomings. To date, 29 Exemplary Projects have been selected from more than 515 candidates.

A brochure describing the program and forms for recommending projects are available from the Model Program Development Division. The deadline for submitting project recommendations for the next round of screening will be early in 1979. The exact date will be announced through the National Criminal Justice Reference Service.

TRAINING AND TESTING DIVISION

The division has two key responsibilities: Field tests of Institute-designed experiments and national training in advanced concepts for criminal justice executives.

The Field Test Program functions both as part of the Institute's research and development process and in support of LEAA action program development. Each year, two to four program designs based on the findings of Institute programs are tested in a limited number of sites. The Training and Testing Division funds, conducts, and monitors the tests, assessing and selecting sites on the basis of criteria established in the test design. Institute funding normally supports an 18- to 24-month test in three to five communities for each program.

The Division also provides special training seminars, on-site consultation, and conferences for key staff of all test sites.

In fiscal year 1979, the Division will conduct a test of Multi-County Sentencing Guidelines. This study will examine the effects of judicial guidelines on sentencing consistency and equity in two or more counties of two States.

Other candidates for fiscal year 1979 field tests, described under the Model Program Development Division, are Neighborhood Burglary Prevention Programs and Commercial Security Surveys.

The executive training program presents regional workshops for senior criminal justice officials and special national workshops and seminars for selected researchers and practitioners. It also provides specialized training to support Institute field tests.

Executive workshops are held throughout the country on selected new programs resulting from outstanding research and evaluation findings, Exemplary Projects, and Program Models. Senior officials of State and local agencies participate in workshops conducted by national experts on the particular topic—wherever possible by those who originate the concepts. A complete training curriculum and resource materials are given to officials who plan to adopt the program in their own communities. Limited follow-on training also is available to help participants sponsor additional training sessions for their own or their client organizations.

Four to five workshop series are conducted nationwide each year on subjects with national implications. Topics are selected annually based on a survey of State Planning Agencies, major regional planning units, LEAA central offices, and National Institute staff.

Last year workshops were held on Managing Patrol Operations, Developing Sentencing Guidelines, Victim/Witness Services, and health Care in correctional Institutions. More than 2,200 officials attended the workshops, and another 2,000 practitioners were reached through follow-on training.

The following workshops are scheduled to be held in fiscal year 1979:

● Improved probation strategies. A number of questions have been raised about the role and effectiveness of probation as it currently exists. This workshop will train probation executives in innovative techniques for delivering services more efficiently, with an emphasis on effective management techniques.

● Community crime prevention. Hundreds of programs that involve citizens in crime prevention now exist throughout the country. Although research and evaluation suggests that they have the potential for making a significant contribution to crime control, many projects are plagued by problems in planning, management, operating methods, and mobilizing and maintaining community involvement. The workshop series will train law enforcement executives, urban administrators, and citizens in approaches designed to overcome the most common deficiencies.

● Maintaining municipal integrity. The aim of this workshop is to heighten the awareness among police executives and other government officials of their primary responsibility for ensuring integrity in government. The topics to be covered include the extent of municipal corruption, the common problems faced by most jurisdictions, and research-based strategies for more effective prevention and control of corruption.

● Operating a defender office. This workshop will explore the basic problem involved in providing legal representation to the indigent: How best to organize and manage the delivery of defense services. The sessions will cover various structures and will emphasize techniques for evaluating a public defender's office from both the administrative and client perspectives.

In fiscal year 1979, four of the following topics will be developed and presented as workshops:

● Police/community services to the elderly. This workshop would examine the problems of crime and the elderly from four dimensions: Victimization, fear, elderly dissatisfaction with police

services, and difficulties encountered by the police in delivering services. It would train participants in implementing police and community programs to alleviate these problems.

● Drug law enforcement. The workshop would be based on results of research conducted in six cities to determine effective strategies for managing police narcotics units.

● Prosecutor career criminal programs. Training would be based on the validated program design which will provide detailed guidelines on project operations in prosecutor offices of varied size. The design is based on assessment of 8 of the 26 career criminal demonstration programs funded by LEAA.

● Court management. Four program models will be integrated into a training program for court administrative personnel. The training will cover the theoretical framework of trial court management, establishing operational goals and objectives, developing an improvement program, managing change, and budgeting.

● Parole decisionmaking. Based on research that produced guidelines for making decisions about who should be released from prison, this training would be directed at State parole board members and State legislators responsible for the oversight of paroling authorities. The training would also review alternatives to parole now being advanced by some scholars and practitioners. The purpose of the training would be to provide a sound basis for decisionmaking on the questions of who gets released and when.

● *Presentence reports.* Based on a Program Model, this workshop would train participants to develop more useful presentence reports designed to meet specific needs of a jurisdiction. Multilevel reports of varying degrees of detail may be needed to meet the requirements of specific judges in specific cases.

Special national workshops bring key researchers and practitioners together to discuss particularly significant research findings and other critical criminal justice issues. Special national workshops in the coming fiscal year will be selected from the following candidates:

● *Mental health in jails.* Jointly sponsored by NILECJ, NIMH, and NIC, this workshop will explore the status of mental health services in American jails, examine the legal and Constitutional issues, review implementation of the standards recommended by the National Advisory Commission on Criminal Justice Standards, recap the literature and research on psychological behavioral pathology in jails, examine prevention models for mental health services in jails, and assess the extent and status of research on mental health services for and problems of jailed offenders.

● *Second evaluation workshop.* An update on current best work in criminal justice evaluation will be presented in 15 panels to researchers and evaluators. Evaluation methodology and problems would be discussed with SPA and RPU evaluation managers as the target participants.

● *Collective disorders.* A panel of up to 25 law enforcement and emergency preparedness executives will examine present and anticipated issues relating to collective disorders and terrorism, determine the needs for prevention and management of such incidents, and recommend programs for updating response capabilities in the criminal justice system. A secondary function would be to identify research and data development needs in this area.

● *Governors' workshop.* A national workshop or a series of regional presentations are tentatively planned to acquaint Governors with criminal justice issues and the roles of research and LEAA in supporting State decisionmaking in this area.

● *State planning agency workshop.* With the combined sponsorship of NILECJ and the National Conference of State Criminal Justice Planning Adminstrators, this workshop would address the primary issues affected by SPA programs and supported by the research community. In addition to SPA administrators, RPU directors, State budget officers, and executive staffers from Governors' offices would be invited.

● *Community crime prevention.* The purpose of this workshop would be to review completed and ongoing research in this area as well as major questions that merit further research attention. Special consideration would be given to social science findings and experiences relevant to crime prevention. Problems and issues dealing with the planning, design, and conduct of research and evaluation in crime prevention would also be addressed. The workshop would draw upon Institute research results and work in progress.

● *Criminal careers.* The workshop would address benefits of identifying career criminals and analyze selective treatment potential, based upon a better understanding of how career criminals differ from the general offender population in such characteristics as frequency and scope of activities, success in avoiding arrest or incarceration, motivations and receptivity to correctional treatment.

● *Update 1979.* The third in a series of annual sessions for local elected officials, the workshop would present panel discussions of significant research efforts with implications for cities and counties.

● *Prison overcrowding.* The workshop would provide data and projections for all States on the issue of prison populations and related needs in manpower and physical resources. Other factors such as services, unionism, and management may be considered. The primary audience would be State legislatures.

● *Retrenchment planning.* Elected officials, budget officers, planners, and criminal justice officials would be presented with systematic approaches to reduce costs through utilization of more effective management procedures and more efficient criminal justice practices and manpower allocation.

The HOST program gives officials seriously interested in implementing a new program the opportunity to spend up to two weeks working with administrators of selected "host" Exemplary Projects. The Institute pays travel and living expenses for the visitor. The first-hand, on-location experience provides the chance to study the project operation in detail and prepares the visitor to transfer all or part of it to his own community. Response to the program is encouraging: 13 communities have made major modifications or established new procedures as an outgrowth of Host visits, and another 36 communities have initiated some changes based on what they learned through onsite observation of outstanding projects.

The program will support approximately 50 visitors to 15 host agencies in fiscal year 1979. Visitors are nominated by State Planning Agencies and professional organizations.

REFERENCE AND DISSEMINATION DIVISION

This Division supervises the operation of the National Criminal Justice Reference Service, maintains the LEAA library, and manages the publication program of the National Institute.

The National Criminal Justice Reference Service, an international clearinghouse, is the Federal information resource center for criminal justice researchers and practitioners. Through a wide range of distribution and notification services, the Reference Service informs more than 40,000 subscribers of the latest research and operating experience in criminal justice. Its computerized data base can provide quick response to individual queries on criminal justice topics. A limited number of single copies of National Institute, LEAA, and other selected publications are provided free to subscribers.

Selected foreign documents are provided in English translation.

For further information and registration details, write:

National Criminal Justice Reference Service, Box 6000, Rockville, MD. 20850.

The division also maintains the LEAA Library whose special collection serves as a resource for LEAA staff and the public.

In addition to publishing and distributing all Institute research and program documents, the Institute's publication program produces specialized information products including brochures, journal articles, the Program Plan, the Annual Report, the Research Bulletin, the Research Briefs (in the LEAA Newsletter), and a new monograph series entitled Criminal Justice Perspectives. In fiscal year 1979, the Institute will publish the first annual review of criminal justice research.

Because equipment is a major budget item for law enforcement agencies, the Office also supports testing of particularly significant equipment items and dissemination of the results. The Equipment Technology Center, operated by the International Association of Chiefs of Police with Institute support, supervises the testing process and publishes performance reports to help law enforcement agencies make sound purchasing decisions.

A corollary effort is the ongoing Law Enforcement Standards Laboratory. (LESL) established at the National Bureau of Standards. It serves as the Institute's scientific laboratory in researching and developing performance standards for selected items of law enforcement and criminal justice equipment. The standards support the work of the Equipment Technology Center and also are published and disseminated directly to criminal justice purchasing agents.

For additional information on the Office of Development, Testing, and Dissemination programs and services described above, contact:

Paul Cascarano, Director, Office of Development Testing and Dissemination, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, Washington, D.C. 20531.

BLAIR G. EWING,
Acting Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc. 78-29348 Filed 10-18-78; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-284]

IDAHO STATE UNIVERSITY

Proposed Issuance of Amendment to Facility License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility License No. R-110, issued to Idaho State University (the licensee), for operation of the AGN-201 Research Reactor located on the licensee's campus in Pocatello, Idaho.

The amendment would authorize an increase in the reactor's licensed maximum power level from 100 milliwatts (thermal) to 5 watts (thermal), in accordance with the licensee's application for amendment dated August 10, 1978.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By November 20, 1978, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 800-325-6000 (in Missouri 800-342-6700). The Western Union operator should be given Datagram Identification No. 3737 and the following message addressed to Robert Reid: (petitioner's name and telephone number); (date petition was mailed); (Idaho AGN-201); and (publication date and page number of this FEDERAL REGISTER notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing

of the factors specified in 10 CFR 2.714(a)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated August 10, 1978, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 10th day of October 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-29322 Filed 10-18-78; 8:45 am]

[4910-58-M]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-42]

ACCIDENT REPORTS; RESPONSES TO SAFETY RECOMMENDATIONS

Availability

The National Transportation Safety Board has concluded its investigations of three major accidents which occurred earlier this year—a truck collision in North Carolina, the sinking of the M/V HALLIBURTON in the Mississippi River Delta, and a train derailment in South Carolina. Copies of the narrative reports on these accidents were released last week and are now available to the public.

HIGHWAY ACCIDENT REPORT

A Kohler Company tractor-semitrailer, carrying a 43,000-lb. cargo of feldspar, was southbound last January 25 on North Carolina Route 226. As the truck descended a steep winding grade near Marion, braking capability was lost because the brakes were out of adjustment. The operator steered the truck into the northbound lanes at a blind curve and struck a northbound pickup truck headon. A passenger in the pickup truck was killed; both drivers and a second passenger in the pickup were injured. (Report No. NTSB-HAR-78-6)

The Safety Board determined that the probable cause of this accident was: (1) The loss of truck braking capability because the brakes were out of adjustment and (2) the southbound truckdriver's poor judgment in steering into the northbound lanes at a blind curve and into the path of the pickup truck. Contributing to the cause of the accident was an inadequate, preventive maintenance program by the carrier.

As a result of its investigation, the Safety Board on September 29 forwarded the following "Class II, Priority Action" recommendations to:

State of North Carolina—

Upgrade State guardrail installations at this location to conform with current American Association of State Highway and Transportation Officials (AASHTO) and Federal Highway Administration (FHWA) design and performance standards. (H-78-67)

Maintain edge line markings at this location by clearing debris from the pavement surface as recommended by Highway Safety Manual Standard No. 12, Chapter 4. (H-78-68)

Federal Highway Adminstration—

Review North Carolina's barrier rail installation practices to assure that guardrails are upgraded when roadway resurfacing alters their relative height to the extent that they no longer conform to the AASHTO standards. (H-78-69)

Ryder Truck Rental, Inc.—

Amend its maintenance program relative to brake adjustment by requiring an adjustment at least at each preventive maintenance inspection. (H-78-70)

Also as a result of this truck collision, the Safety Board reiterates its safety recommendation H-78-48, issued to the National Highway Traffic Safety Administration on June 3:

Develop a Federal Motor Vehicle Safety Standard stating a performance requirement for all newly manufactured commercial vehicles to have equipment that would insure brakes being in proper adjustment at all times.

MARINE ACCIDENT REPORT

The industrial vessel M/V HALLIBURTON 207 exploded last February 4 while attempting to plug an offshore oil well in the Garden Island Bay section of the Mississippi River Delta. Investigation showed that the explosion raised the forward section of the vessel's main deck approximately 4 feet, distorted internal bulkheads and strength members, and breached the hull. The vessel flooded slowly and sank. The explosion killed one person and injured two others. (Report No. NTSB-MAR-78-8)

The Safety Board determined that the probable cause of this accident was the entry of natural gas from an offshore oil well into the vessel's interior through a failed piping joint, and the subsequent ignition of the gas by the arcing of the contacts of an electric motor controller. Contributing factor was the lack of a device in the vessel's piping system to prevent flowback from the well, the interior location of the piping, and the lack of emergency procedures to insure that valves at the wellhead were closed at the first indication of difficulty.

On September 28, as a result of its investigation of this accident, the Safety Board issued the following Class II recommendations to:

Halliburton Services—

Alter the cement discharge piping of all Halliburton Services cementing vessels by installing a device at the outlet end of the piping to prevent flow from the well back into the vessel, and by providing a means to release entrapped pressure downstream of the device. (M-78-70)

Establish instructions requiring the hydrostatic testing of both the cement discharge lines and the mixing discharge lines before servicing petroleum wells. (M-78-71)

Establish instructions requiring Halliburton Services employees who supervise petroleum well servicing operations to formulate contingency plans with the person in charge of the well, before commencing service operations. Such plans should include, but not be limited to, the manning of key valves. (M-78-72)

Texaco, Inc.—

Establish instructions requiring Texaco, Inc., employees who supervise petroleum well drilling or production operations to formulate contingency plans with the person in charge of personnel who are contracted to service the well, before commencing service operations. Such plans should include, but not be limited to, the manning of key valves. (M-78-73)

RAILROAD ACCIDENT REPORT

Last February 24, 19 cars and a locomotive unit of Auto-Train No. 4 derailed on Seaboard Coast Line Railroad trackage at Florence, S.C. Twenty-four of the 503 passengers were injured, and the total accident damage was estimated to be nearly $775,000. (Report No. NTSB-RAR-78-6)

The Safety Board determined that the probable cause of the accident was a locomotive unit axle fracture that originated in an undetected void that developed during the manufacture of the axle. Contributing to the cause of the accident was the lack of a system for detecting an axle failure independent of crewmembers' inspection.

Investigation of this accident prompted the Safety Board on September 27 to issue the following Class II recommendations to:

Association of American Railroads—

Amend the procedures for testing and inspecting used locomotive unit axles before they are remounted to insure that internal defects can be detected. (R-78-53)

Federal Railroad Administration—

Revise 49 CFR 230.213, Axles, to establish specifications for the manufacturing and testing of locomotive axles to insure the discovery of internal defects before they are placed in service. (R-78-54)

Revise 49 CFR 230.213, Axles, to establish procedures and methods to test in-service locomotive axles to insure the detection of internal defects so they may be removed from service. (R-78-55)

Develop a method that will automatically detect the failure of a locomotive unit truck

or any of its components, independent of crew observation. (R-78-56)

Responses to Safety Recommendations

Aviation

A-74-97, A-75-11 through 13, A-75-35 through 38, and A-76-96.—Federal Aviation Administration's letter of September 21 updates information in response to Safety Board Recommendations which were issued following investigation of several midair collisions of civilian and military aircraft.

Recommendation A-74-97 (issued in connection with the October 11, 1974, midair collision between a New Jersey Air National Guard F-106 and a civil aircraft, N6876P near Saxis, Va.) called for FAA to take positive action to assure that low-level military intercept training operations are confined to designated restricted airspace. FAA reports that on July 1, 1975, the following paragraph was added to FAA Handbook 7610.4C:

> Interceptor training operations shall be conducted in either air traffic control (ATC) assigned airspace or within currently designated restricted/warning areas during existing published hours of operation. To the extent feasible, first preference shall be given to the use of restricted/warning areas. While conducting intercepter training within ATC assigned airspace, the aircraft shall be under radar surveillance at all times by the appropriate military facility.

Recommendations A-75-11 through 13 were issued as a result of investigation of the midair collision between an Aero Commander 6T and an F-111A on November 12, 1974. The recommendations called for reviewing locations of all military aerial refueling tracks and verifying their accuracy as described in the Airman's Information Manual (AIM), including in the AIM a diagram of the aerial refueling tracks, and broadcasting appropriate alerting information periodically on the VOR voice frequency when operations are being conducted within military aerial refueling tracks.

In response, FAA states that a review of the locations of all military aerial refueling tracks to assure their accuracy was completed on June 24, 1975. Aerial refueling tracks, established outside of positive control airspace, are depicted in the AIM. The format, in graphic form, is derived from the route description as published in the Department of Defense (DOD) Flip military training routes (copy attached to FAA's response). Also on July 1, 1975, FAA inserted a new paragraph in Handbook 7610.4C requiring air route traffic control centers to notify the appropriate tie-in flight service station (FSS) at least 2 hours in advance when an established aerial refueling track will be activated if all or part of the activity will take place outside of restricted/warning areas or positive control area. The tie-in FSS will then transmit an all circuit message to all FSS's within 200 nmi of the track centerline. FAA says that this information is then provided to pilots upon request during inflight/preflight briefings. (Exception—mandatory briefing item in Southern Region.)

Recommendations A-75/35 through 38 resulted from investigation of the midair collision between a Cessna-150H and a USAF T-29D at Newport News, Va., on January 9, 1975. These recommendations asked FAA to establish a Group II traffic control area (TCA) to encompass designated airports in the Tidewater, Va., area, or, should this prove impractical, to coordinate and establish a terminal radar service area (TRSA), similar to the one in Sacramento, Calif., which will encompass the Tidewater area (A-75-35); extend the approach gates to runway 7-25 at Langley Air Force Base to a distance of 12 miles (A-75-36); determine which other military areas require either a terminal control area or terminal radar service area and establish them (A-75-37); and initiate action to enable DOD to establish and maintain Group I type terminal control area around military facilities (A-75-38).

FAA's September 21 response reports that the expension of the Norfolk TRSA is being implemented in two phases. On December 5, 1975, the TRSA was expanded to include Langley AFB, providing for additional control zone protection. Equipment needed to further expand the TRSA to include both Patrick Henry International Airport and Felker Army Airfield was included in the fiscal year 1978 budget. On completion of the Norfolk Tower modifications, the TRSA will be expanded to include the remaining airports.

Commenting on A-75-37, FAA says that a DOD letter of September 15, 1975, stated that DOD accepted FAA's conclusion that stage III service offers a practicable alternative to TCA's; as a result, they plan to implement Stage III service at selected military airfields. Concerning A-75-38, FAA reports that during the past 3 years FAA/DOD established TRSA's at selected military locations in Texas, Florida, Mississippi, North Carolina, and South Carolina.

Recommendation A-76-96, issued following investigation of the emergency landing near Garrett County Airport, Oakland, Md., March 12, 1976, after a Cessna 172's engine failed because of fuel exhaustion, asked that FAA include all of the various meanings of the word "Beacon" in a revision to the Pilot/Controller Glossary. FAA reports that the various meanings of "Beacon" have been included in the Glossary and have appeared in Handbooks 7110.65, Change 4, and 7110.10D, dated January 1977, and in the AIM, effective February 1977 (copy provided).

A-78-42.—Supplementary its response of September 11 (see 43 FR 46090, October 5, 1978), FAA on October 4 provided additional information recently developed concerning the 65 accidents cited by the Safety Board in its recommendation letter issued last July 5. The Safety Board cited as caustive factors in these accidents the improper loading of the aircraft, the failure to arrange for a proper lease agreement, the failure to maintain the aircraft in accordance with 14 CFR 91.217(a), the lack of evidence that the copilot met the provisions of 14 CFR 91.213 or 14 CFR 61.55, and the fact that no qualified flight engineer was on board.

FAA's October 4 letter reports that an indepth analysis of the accident reports reveals that 14 or 21.5 percent of the 65 accidents could be attributed to improper maintenance. This review disclosed that 17 of the accidents were in these categories: (1) Six accidents involved air carriers operating under FAR 121; (2) three were FAA airplanes maintained under FAR 121; (3) two involved small airplanes which are not required to comply with 14 CFR 91, Subpart D; (4) one involved a military type airplane operated by CIA, which was not required to comply with FAR but did display an "N" number; and (5) five occurred in foreign countries, now being investigated by foreign authorities, but there is no conclusive information to indicate that maintenance was a cause or factor.

FAA states that its review further indicates that maintenance was a related or causal factor in 14 of the remaining 48 accidents, and, of the 98 fatalities cited by the Safety Board, FAA finds that 3 ocurred in a maintenance-associated accident. FAA again expresses the opinion that the intent of the recommendation will be satisfied with the completion of the Airworthiness and Operational Review Programs, the 14 CFR Part 91 regulatory project, and the agency's surveillance program as stated in FAA Order 1800.12D, Flight Standards Program Guidelines.

A-78-66.—FAA's letter of October 2 is in response to the Safety Board's recommendation issued following investigation of the crash of a McDonnell Douglas DC-3 shortly after takeoff last July 9 from the Richmond (Ind.) Airport. The recommendation asked FAA to issue an immediate Airworthiness Directive requiring an inspection of the DC-3/C-47 elevator "up" cables for interference where they pass through the bulkhead at fu-

selage station 63 and to correct before their next flight those aircraft found to have cables which can interfere with the bulkhead.

FAA reports that Airworthiness Directive No. 78-18-02 (copy provided) effective September 6, was issued on August 24. This AD requires inspection of the right and left elevator "up" and cable fittings for possible interference with the bulkhead frame and channel at fuselage station F. S. 63 on the DE-3 and F. S. 24 on the Super DC-3 within the next 25 hours time in service after the effective date.

Highway

H-78-43 and 44.—Letter of October 4 from the Federal Highway Administration addresses recommendations issued following investigation of the accident last May 12 near Marion, N.C., involving a partially loaded flatbed truck which was towing a flatbed utility semitrailer fully loaded with a loader-backhoe tractor when it accelerated out of control while descending a curved, steep, long grade. Recommendation H-78-43 called on FHWA to investigate and report on the feasibility of a specially funded program to construct truck escape ramps, and recommendation H-78-44 asked FHWA to expedite the establishment of a design policy concerning long steep grades and escape ramps.

In response, FHWA states that it does not consider it advisable to recommend a specially funded Federal program to provide escape routes for out-of-control vehicles along already constructed grades for inclusion in Federal-aid highway legislation. However, FHWA is preparing a Notice emphasizing the need for countermeasures, and is encouraging each State to assess grade problems and to take appropriate action. Such action may consist of construction of emergency escape ramps for which Federal funds are currently available from the regular highway construction apportionments.

FHWA also reports that it has offered technical assistance to the American Association of State Highway and Transportation Officials which is rewriting its current policies on geometric design of highways. The revised policy will have a section on the design and location of emergency escape ramps. Since the final publication of the revised policy is still 2 or 3 years away, FHWA says that a Technical Advisory providing interim guidelines for the design of emergency escape ramps is being prepared for issue this year.

FHWA notes that a report, "Emergency Escape Ramps for Runaway Heavy Vehicles," was recently completed. Part of the work associated with this report was the development of a slide/tape presentation. The report and the presentation package, currently being reviewed by FHWA staff, emphasizes the runaway problem and offers practical solutions, i.e., various types of escape ramps that have proven to be effective. This package is planned for distribution in early 1979.

A currently active research study, "Evaluation of Techniques to Counteract Runaway Truck Accidents on Downgrades," is investigating existing and new countermeasures, FHWA states. Such countermeasures consist of signing, brake test centers at the top of a grade, or grade severity ratings. The feasibility of developing a single number grade severity rating which, with other information, allows a driver to judge the relative severity of any grade, familiar or unfamiliar to him, and choose a proper gear for descent, has been shown by a recent study. Another new study would develop design criteria for use by highway officials in determining which, if any, corrective or preventive measures to take where a steep downgrade may be a hazard. Parameters to be considered will include road geometry, traffic volume, truck traffic volume, accident history, and the cost of implementation, operation, and maintenance of specific remedial techniques. Findings of that study will be included in any future design policies, FHWA states.

H-78-53 and 54.—Letter of September 29 from the National Highway Traffic Safety Administration responds to recommendations issued as a result of investigation of the July 21, 1977, accident near Chantilly, Va., involving a dump truck loaded with 17 tons of stone which, after violating a red traffic signal at an intersection, struck an automobile, killing four persons. The recommendations asked NHTSA to actively encourage and aid the States to conform to the Model Classified Licensing System developed by the American Association of Motor Vehicle Administrators (AAMVA), and to conduct research to establish the relationship between crash exposure rates, types of trucks, and ages of truck drivers.

NHTSA agrees with the first recommendation, H-78-53, and has contracted with AAMVA to develop the Model Classified Driver Licensing System as recommended; a copy of the model guidelines is provided with NHTSA's response. These guidelines are being distributed to all licensing jurisdictions and will serve as the foundation for joint NHTSA/AAMVA encouragement to the States to design their licensing systems in a similar manner. Additionally, AAMVA has offered to provide staff guidance and assistance to the States upon request, to assist them in converting to classified licensing.

Concerning recommendation H-78-54, NHTSA says it is trying to approach data on truck crashes through an ongoing study by the Highway Safety Research Center (HSRC), University of North Carolina entitled "Requirements Analysis for Heavy Vehicle Driver Licensing." NHTSA expects this study will provide a base for further research. Previous studies by Ms. Patricia Waller, HSRC, and Ms. Susan Baker, The Johns Hopkins University, have provided NHTSA with only partial data which is expected to be expanded under the current study.

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 in their entirety and letters in response to 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. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

OCTOBER 16, 1978.

[FR Doc. 78-29526 Filed 10-18-78; 8:45 am]

[3195-01-M]

OFFICE OF ADMINISTRATION EXECUTIVE OFFICE OF THE PRESIDENT

ADVISORY COMMITTEE ON FINANCIAL REPORTING FOR THE EXECUTIVE OFFICE OF THE PRESIDENT

Establishment

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. (1976)) and Office of Management and Budget Circular A-63 of March 1974, and after consultation with the General Services Administration, it has been determined that the establishment of the Advisory Committee on Financial Reporting for the Executive Office of the President is in the public interest in connection with the performance of duties imposed on the Executive Office of the President by law.

The Committee will advise the Director, through the Director for Financial Management on current financial reporting standards and how they

relate to the financial management of the Executive Office of the President.

The Committee will consist of 10 members, with representation from both the public and private sector.

The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. Its charter has been filed under the act with appropriate congressional committees.

Interested persons are invited to submit comments regarding the establishment of the Advisory Committee on Financial Reporting for the Executive Office of the President. Comments should be addressed to Director for Financial Management, Office of Administration, Executive Office of the President, Washington, D.C. 20500, telephone, 202-456-6640.

Dated: September 27, 1978.

RICHARD M. HARDIN,
Director,
Office of Administration.

[FR Doc. 78-29514 Filed 10-18-78; 8:45 am]

[1505-01-M]

OVERSEAS PRIVATE INVESTMENT CORPORATION

[Redelegation of Authority No. A-78-19]

AUTHORITY OF OFFICERS

Redelegation of Authority

Correction

In FR Doc. 78-28520 appearing at page 46612 in the issue for Tuesday, October 10, 1978, in the middle column of page 46613, under paragraph (4)(a), change the portion of the text from lines 7 through 11 to read as follows: "* * * the Corporation is duly authorized to act as agent in the name and on behalf of any association, corporation or other entity, in the name and on behalf of such association, corporation or other entity any such contract of insurance or reinsurance, provided that * * *."

[7715-01-M]

POSTAL RATE COMMISSION

[Order No. 216; Docket No. MC78-3]

ELECTRONIC MAIL PROPOSAL, 1978

Order Granting Petitions for Intervention, Allowing Participation, Designating Presiding Officer and Officer of the Commission, Fixing Date for a Prehearing Conference, and Establishing Procedures

OCTOBER 12, 1978.

The U.S. Postal Service, on September 8, 1978, filed with the Postal Rate Commission a request for a recommended decision on establishing an electronic computer originated mail (ECOM) subclass. The Commission issued a notice to that effect on September 13, 1978. The notice was published in the FEDERAL REGISTER on September 13, 1978 (43 FR 41441). The notice announced the docketing of the Postal Service's request as MC78-3 and directed persons who wished to participate in Docket No. MC78-3 to file, on or before September 29, 1978, petitions for leave to intervene or requests for leave to be heard as a limited participator. The notice also invited persons who wished to express their views, but did not wish to become a party or a limited participator, to file comments (39 CFR 3001.19-.20). Additionally, the notice pointed out that the Postal Service requested waiver of certain filing requirements of the rules of procedure of the Commission (39 CFR 3001.21-.22, .61-.66). We are directing that responses to this motion be filed within 10 days. See ordering paragraph (G), infra.

I. INTERVENTION

Fourteen persons have petitioned to intervene in Docket No. MC78-3 and twelve persons have requested to be heard as limited participators. These persons are listed in Attachment A. In order to advise these persons of their status at the earliest possible date and to establish an initial service list for this docket, we have decided to rule on the petitions at this time, subject to reconsideration on the basis of any answers which may be filed.

The persons listed in Attachment A either are users of the mails or have otherwise demonstrated an interest in Docket No. MC78-3. Accordingly, the requests for participation will be granted, subject to reconsideration as noted above.

Pursuant to section 65 of the rules of practice (39 CFR 3001.65) the Service will be required to serve copies of its Request and its prepared direct evidence upon the persons identified in Attachment A and upon the Officer of the Commission. Where service upon more than one representative has been requested in the petition to intervene or request to be heard as a limited participator, the Service will be required to serve only the first two named representatives in the petition. See sections 12 (c) and (d) of the rules of practice (39 CFR 3001.12(c)-(d)).

II. APPOINTMENT OF PRESIDING OFFICER AND DATE OF INITIAL PREHEARING CONFERENCE

In furtherance of the Commission's desire for expeditious consideration and pursuant to section 30(b) of the Commission's rules of practice (39 CFR 3001.30(b)), the Commission will conduct all prehearing conferences and hearings en banc. Clyde S. DuPont, Chairman, will be the presiding officer in such proceedings (39 CFR 3001.5(e), 3001.23). An initial prehearing conference will be held on November 2, 1978 and, therefore, on such further dates as may be designated by the presiding officer. Conferences and hearings will commence each day at 9:30 a.m. at the Postal Rate Commission's hearing room, suite 500, 2000 L Street NW., Washington, D.C. 20268, and shall be on the record and a transcript made except where the presiding officer determines otherwise.

III. APPOINTMENT OF THE OFFICER OF THE COMMISSION

The Officer of the Commission (OOC) designated to represent the general public (*see* 39 U.S.C. 3624(a)) in this proceeding will be Stephen L. Sharfman.[1] During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor any such personnel will participate in or advise as to any Commission decision in the case. *See* 39 CFR 3001.8. The OOC will supply for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case. In this proceeding the OOC shall be separately served three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of the rules of practices (39 CFR 3001.10(c)).

IV. PROCEDURES FOR EXPEDITION

To the degree consistency with procedural fairness permits, it is our intention to expedite the proceedings in Docket No. MC78-3.[2] Accordingly, we are issuing a proposed schedule of procedural stages (including dates for the first three stages) which all participants should review and be prepared to comment upon at the initial prehearing conference. We also alert the parties that our intention to expedite this proceeding applies with equal force to the briefing stage following the close of the record. Parties should therefore be prepared to adhere to a briefing schedule consonant with this policy.

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[1] Mr. Sharfman is the Commission's Acting Assistant General Counsel (Litigation).

[2] The Postal Reorganization Act requires us to consider request for changes in the classification schedule "promptly" and to conduct proceedings "with utmost expedition consistent with procedural fairness" (39 U.S.C. 3624). While the statute does not specify a particular time frame for classification cases, we are inclined to adopt the 10-month schedule to which we must adhere in rate cases (*see* 39 U.S.C. 3624(c)) as a general guideline. Of course, some cases can, and will, be completed in considerably less time, and we recognize that others which involve particularly complex or novel issues may require somewhat lengthier proceedings.

V. PREHEARING CONFERENCE STATEMENTS

In preparation for the initial prehearing conference, each participant should serve a document captioned "Prehearing Conference Statement" on or before October 20, 1978, containing the following:

1. A suggested list which states with particularity the issues the party believes should be addressed in this case. (Asterisks, denoting those issues on which the party intends to present evidence, should precede the stated issue.) In view of the novel competition issues which may arise in this proceeding, the parties should also set forth, with specificity, any competition or antitrust considerations which it is believed ought to be addressed. Legal principles, decided cases or statutory references relating to competition considerations relevant to this case should also be included. (In view of the novelty of the competition or antitrust considerations, a party will not be foreclosed from subsequently refining its definition of those issues.)

2. A statement of the participant's tentative position on each of the proposed issues.

3. A brief statement describing for each issue the evidence, if any, the participant proposes to introduce.

4. A legal memorandum, where appropriate, in support of the issues proposed, the positions taken, the evidence to be presented and other legal matters which should be considered.

5. Any other matter the participant believes should be pursued at the prehearing conference.

Prior to the initial prehearing conference, all participants are encouraged informally and promptly to inform the Postal Service of desired preliminary clarification in the Service's presentation which each participant believes necessary in order to expedite this proceeding.

The Commission orders. (A) Each of the petitioners identified in attachment A to this order is hereby permitted to intervene or to become a limited participator in this proceeding, subject to the provisions of paragraph (B), below.

(B) The participation of the intervenors and limited participators permitted by paragraph (A), above, is subject to the rules and regulations of the Commission: *Provided, however,* That their participation shall be limited to matters affecting rights and interests specifically set forth in their respective petitions to intervene and requests to become limited participators: *And provided, further,* That the admission of such intervenors and limited participators shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) The Postal Service shall serve copies of its request and its prepared direct evidence upon representatives of petitioners permitted to intervene and the representatives of the limited participators. For purposes of such service, where service upon more than one representative has been requested in the petition to intervene or in a request for leave to be heard as a limited participator, including those petitions and requests filed jointly and severally by two or more persons, only the first two named representatives in the petition need be served.

(D) the Commission will sit en banc, with Clyde S. DuPont, Chairman, as presiding officer, in the above-captioned proceeding.

(E) A prehearing conference in this proceeding will be held on November 2, 1978, commencing at 9:30 a.m. in the Postal Rate Commission hearing room, suite 500, 2000 L Street NW., Washington, D.C. 20268. The conference will be held for the purposes specified in section 24 of the Commission's rules of practice (39 CFR 3001.24) and in this order, and to afford all participants in the proceeding an opportunity to be heard with respect to the procedures to be followed in expeditiously determining the issues to be resolved in Docket No. MC-78-3. The conference proceedings shall be recorded by an official reporter except where otherwise directed by the presiding officer.

(F) Stephen L. Sharfman is hereby designated as the Officer of the Commission to represent the general public in this proceeding. Service of documents on the Commission shall not constitute service on the OOC, who shall separately be served three copies of all documents.

(G) The participants have 10 days from the date of this order in which to file answers to the service's request for a waiver of compliance with certain rules of practice.

By the Commission.

CYRIL J. PITTACK,
Acting Secretary.

PERSONS FILING PETITIONS TO INTERVENE

American Bankers Association.
American Business Press, Inc.
American Cable and Radio Corp.
Association of American Publishers, Inc.
Computer and Business Equipment Manufacturers Association.
Council of Public Utility Mailers.
Direct Mail/Marketing Association, Inc.
Graphnet Systems, Inc.
Magazine Publishers Association, Inc.
Mail Order Association of America.
National Association of Greeting Card Publishers.
J. C. Penney Co., Inc.
TDX Telecommunications, Inc.
Xerox Corp.

PERSONS FILING REQUESTS TO BECOME LIMITED PARTICIPATORS

American Newspaper Publishers Association.
American Retail Federation.
DHL Communications, Inc.
Envelope Manufacturers Association.
Federal Communications Commission.
GTE Service Corp.
U.S. Department of Justice.
MCI Telecommunications Corp.
National Industrial Traffic League.
National Telecommunications and Information Administration.
United Parcel Service.
Dr. George M. Wattles.

TENTATIVE HEARING SCHEDULE FOR PROCEEDINGS—DOCKET MC78-3

Month, Date, Year, and Procedural Stage

November 2, 1978—Prehearing Conference.
December 15, 1978—Completion of all discovery directed to the Postal Service.
January 30, 1979—Filing of the case-in-chief of each participant (including that of OOC).
Beginning of hearings, i.e., cross-examination of the Postal Service's case-in-chief.
Completion of evidentiary hearings as to the Service's case-in-chief.
Completion of all discovery directed to the intervenors.
Beginning of evidentiary hearings as to the case-in-chief of each participant.
Completion of the evidentiary hearings as to the case-in-chief of each participant.
Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination.)
Beginning of evidentiary hearings on rebuttal evidence.
Close of evidentiary record.
Initial briefs filed.
Reply briefs filed.
Oral argument (if requested).

[FR Doc. 78-29468 Filed 10-18-78; 8:45 am]

[7715-01-M]

[Order No. 214; Docket No. MC78-1]

PARCEL POST PROPOSAL, 1978

Order Granting Petitions for Intervention, Allowing Participation, Designating Presiding Officer and Officer of the Commission, Fixing Date for a Prehearing Conference, and Establishing Procedures

OCTOBER 12, 1978.

The United States Postal Service filed with the Postal Rate Commission on September 8, 1978, a request for a recommended decision on a restructuring of parcel post. The Commission issued a notice to that effect on September 13, 1978. The notice was published in the FEDERAL REGISTER on September 18, 1978 (43 FR 41441-42). the notice announced the docketing of the Postal Service's request as MC78-1 and directed persons who wished to participate in Docket No. MC78-1 to file, on or before September 29, 1978, petitions for leave to intervene or requests to be heard as a limited partici-

pator. The notice also invited persons who wished to express their views, but did not wish to become a party or limited participator, to file comments (39 CFR 3001.19-.20).

I. INTERVENTION

Ten persons have petitioned to intervene in Docket No. MC78-1, and four persons have requsted to be heard as limited participators. These persons are listed in Attachment A. In order to advise these persons of their status at the earliest possible date and to establish an initial service list for this docket, we have decided to rule on the petitions at this time, subject to reconsideration on the basis of any answers which may be filed.

The persons listed in Attachment A either are users of the mails or have otherwise demonstrated an intrest in Docket No. MC78-1. Accordingly, the requests for participation will be granted, subject to reconsideration as noted above.

Pursuant to section 65 of the Rules of practice (39 CFR 3001.65) the Service will be required to serve copies of its Request and its prepared direct evidence upon the persons identified in Attachment A and upon the Officer of the Commission. Where service upon more than one representative has been requested in the petition to intervene or request to be heard as a limited participator, the Service will be required to serve only the first two named representatives in the petition. See sections 12(c) and (d) of the rules of practice (39 CFR 3001.12(c)-(d)).

II. APPOINTMENT OF PRESIDING OFFICER AND DATE OF INITIAL PREHEARING CONFERENCE

In furtherance of the Commission's desire for expeditious consideration and pursuant to section 30(b) of the Commission's rules of practice (39 CFR 3001.30(b)), the Commission will conduct all prehearing conferences and hearings en banc.

Clyde S. DuPont, Chairman, will be the presiding officer in such proceedings (39 CFR 3001.5(e), 3001.23). An initial prehearing conference will be held on October 31, 1978, at 9:30 a.m. and, thereafter, on such further dates as may be designated by the presiding officer. Conferences and hearings will commence each day at 9:30 a.m. at the Postal Rate Commission's hearing room, Suite 500, 2000 L Street NW., Washington, D.C. 20268, and shall be on the record and a transcript made except where the presiding officer determines otherwise.

III. APPOINTMENT OF THE OFFICER OF THE COMMISSION

The Officer of the Commission (OOC) designated to represent the general public (see 39 U.S.C. 3624(a)) in this proceeding will be Stephen L. Sharfman.[1] During this proceding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor any personnel will participate in nor advise as to any Commission decision in the case. See 39 CFR 3001.8. The OOC will supply for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case. In this proceeding the OOC shall be separately served three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of the rules of practice (39 CFR 3001.10(c)).

IV. PROCEDURES FOR EXPEDITION

To the degree consistency with procedural fairness permits, it is our intention to expedite the proceedings in this docket.[2] Accordingly, we are issuing a proposed schedule of procedural stages (including dates for the first three stages) which all participants should review and be prepared to comment upon at the initial prehearing conference. See Attachment B. We also alert the parties that our intention to expedite this proceeding applies with equal force to the briefing stage following the close of the record. Parties should therefore be prepared to adhere to a briefing schedule consonant with this policy.

V. PREHEARING CONFERENCE STATEMENTS

In preparation for the initial prehearing conference, each participant should serve a document captioned "Prehearing Conference Statement" on or before October 20, 1978, containing the following:

1. A suggested list which states with particularity the issues the party believes should be addressed in this case. (Asterisks, denoting those issues on which the party intends to present evidence, should precede the stated issue.)

2. A statement of the participant's tentative position on each of the proposed issues.

3. A brief statement describing for each issue the evidence, if any, the participant proposes to introduce.

4. A legal memorandum, where appropriate, in support of the issues proposed, the positions taken, the evidence to be presented and other legal matters which should be considered.

5. any other matter the participant believes should be pursued at the prehearing conference.

Prior to the initial prehearing conference, all participants are encouraged informally and promptly to inform the Postal Service of desired preliminary clarification in the Service's presentation which each participant believes necessary in order to expedite this proceeding.

The commission orders: (A) Each of the petitioners identified in Attachment A to this Order is hereby permitted to intervene or to become a limited participator in this proceeding, subject to the provisions of paragraph (B), below.

(B) The participation of the intervenors and limited participators permitted by paragraph (A), above, is subject to the rules and requlations of the Commission: *Provided, however,* That their participation shall be limited to matters affecting rights and interests specifically set forth in their respective petitions to intervene and requests to become limited participators: *And provided, further,* that the admission of such intervenors and limited participators shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) The Postal Service shall serve copies of its Request and its prepared direct evidence upon representatives of petitioners permitted to intervene and the representatives of the limited participators. For purposes of such service, where service upon more than one representative has been requested in the petition to intervene or in a request for leave to be heard as a limited participator, including those petitions and requests filed jointly and severally by two or more persons, only the first two named representatives in the petition need be served.

(D) The Commission will sit en banc, with Clyde S. DuPont, Chairman, as presiding officer, in the above-captioned proceeding.

(E) A prehearing conference in this proceeding will be held on October 31, 1978, commencing at 9:30 a.m. in the Postal Rate commission hearing room, suite 500, 2000 L Street, NW., Washington, D.C. 20268. The conference will be held for the purposes specified in section 24 of the Commission's rules of practice (39 CFR section 3001.24)

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[1] Mr. Sharfman is the Commission's Acting Assistant General counsel (Litigation).

[2] The Postal Reoprganization Act requires us to consider requests for changes in the classification schedule "promptly" and to conduct proceedings "with utmost expedition consistent with procedural fairness" (39 U.S.C. 3624). While the statute does not specify a particular time frame for classification cases, we are inclined to adopt the 10-month schedule to which we must adhere in rate cases (see 39 U.S.C. 3624(c)) as a general guideline. Of course, some cases can, and will, be completed in considerably less time, and we recognize that others which involve particularly complex or novel issues may require somewhat lengthier proceedings.

and in this Order, and to afford all participants in the proceeding an opportunity to be heard with respect to the procedures to be followed in expeditiously determining the issues to be resolved in Docket No. MC78-1. The conference proceedings shall be recorded by an official reporter except where otherwise directed by the presiding officer.

(F) Stephen L. Sharfman is hereby designated as the Officer of the Commission to represent the general public in this proceeding. Service of documents on the Commission shall not constitute service on the OOC, who shall separately be served three copies of all documents.

By the Commission.

CYRIL J. PITTACK,
Acting Secretary.

ATTACHMENT A

PERSONS FILING PETITIONS TO INTERVENE

American Business Press, Inc.
Association of American Publishers.
Direct Mail Marketing Association.
Growers & Shippers League of Florida and Florida Gift Fruit Shippers Association.
Magazine Publishers Association, Inc.
Mail Order Association of America.
National Association of Greeting Card Publishers.
Parcel Shippers Association.
J. C. Penney Company, Inc.
United Parcel Service.

PERSONS FILING REQUESTS TO BECOME LIMITED PARTICIPATORS

American Retail Federation.
Associated Third Class Mail User.
National Industrial Traffic League.
George M. Wattles.

ATTACHMENT B

TENTATIVE HEARING SCHEDULE FOR PROCEEDINGS—DOCKET MC 78-1

October 31, 1978

Prehearing Conference.

December 11, 1978

Completion of all discovery directed to the Postal Service.

January 15, 1979

Filing of the case-in-chief of each participant (including that of OOC).
Beginning of hearings, *i.e.*, cross-examination of the Postal Service's case-in-chief.
Completion of evidentiary hearings as to the Service's case-in-chief.
Completion of all discovery directed to the intervenors.
Beginning of evidentiary hearings as to the case-in-chief of each participant.
Completion of the evidentiary hearings as to the case-in-chief of each participant.
Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination.)
Beginning of evidentiary hearings on rebuttal evidence.
Close of evidentiary record.
Initial briefs filed.
Reply briefs filed.
Oral argument (if requested).

[FR Doc. 78-29466 Filed 10-18-78; 8:45 am]

[7715-01-M]

[Order No. 215; Docket No. MC 78-2]

THIRD-CLASS DISCOUNT PROPOSAL, 1978

Order Granting Petitions for Intervention, Allowing Participation, Designating Presiding Officer and Officer of the Commission, Fixing Date for a Prehearing Conference, and Establishing Procedures

OCTOBER 12, 1978.

The U.S. Postal Service filed with the Postal Rate Commission, on September 8, 1978, a request for a recommended decision on establishing a third-class carrier route presort subclass. The Commission issued a notice to that effect on September 13, 1978. The notice was published in the FEDERAL REGISTER on September 18, 1978 (43 FR 41440-41). The notice announced the docketing of the Postal Service's request as MC78-2 and directed persons who wished to participate in Docket No. MC78-2 to file, on or before September 29, 1978, petitions for leave to intervene or requests for leave to be heard as a limited participator. The notice also invited persons who wished to express their views, but did not wish to become a party or limited participator, to file comments (39 CFR 3001.19-.20).

I. INTERVENTION

Ten persons have petitioned to intervene in Docket No. MC78-2 and five persons have requested to be heard as limited participators. These persons are listed in Attachment A. In order to advise these persons of their status at the earliest possible date and to establish an initial service list for this docket, we have decided to rule on the petitions at this time, subject to reconsideration on the basis of any answers which may be filed.

The persons listed in Attachment A either are users of the mails or have otherwise demonstrated an interest in Docket No. MC78-2. Accordingly, the requests for participation will be granted, subject to reconsideration as noted above.

Pursuant to section 65 of the rules of practice (39 CFR 3001.65) the Service will be required to serve copies of its Request and its prepared direct evidence upon the persons identified in Attachment A and upon the Officer of the Commission. Where service upon more than one representative has been requested in the petition to intervene or request to be heard as a limited participator, the Service will be required to serve only the first two named representatives in the petition. See sections 12(c) and (d) of the rules of practice (39 CFR 3001.12 (c)-(d)).

II. APPOINTMENT OF PRESIDING OFFICER AND DATE OF INITIAL PREHEARING CONFERENCE

In furtherance of the Commission's desire for expeditious consideration and pursuant to section 30(b) of the Commission's rules of practice (39 CFR 3001.30(b)), the Commission will conduct all prehearing conferences and hearings en banc.

Clyde S. DuPont, Chairman, will be the presiding officer in such proceedings (39 CFR 3001.5(e), 3001.23). An initial prehearing conference will be held on October 26, 1978, at 2 p.m. and, thereafter, on such further dates as may be designated by the presiding officer. Subsequent conferences and hearings will commence each day at 9:30 a.m. at the Postal Rate Commission's hearing room, suite 500, 2000 L Street NW., Washington, D.C. 20268, and shall be on the record and a transcript made except where the presiding officer determines otherwise.

III. APPOINTMENT OF THE OFFICER OF THE COMMISSION

The Officer of the Commission (OOC) designated to represent the general public (see 39 U.S.C. 3624(a)) in this proceeding will be Stephen L. Sharfman.[1] During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor any such personnel will participate in nor advise as to any Commission decision in the case. See 39 CFR 3001.8. The OOC will supply for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case. In this proceeding the OOC shall be separately served three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of the rules of practice (39 CFR 3001.10(c)).

IV. PROCEDURES FOR EXPEDITION

To the degree consistent with procedural fairness permits, it is our intention to expedite the proceedings in this docket.[2] Accordingly, we are issu-

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[1] Mr. Sharfman is the Commission's Acting Assistant General Counsel (Litigation).

[2] The Postal Reorganization Act requires us to consider requests for changes in the classification schedule "promptly" and to conduct proceedings "with utmost expedition consistent with procedural fairness" (39 U.S.C. 3624). While the statute does not specify a particular time frame for classification cases, we are inclined to adopt the 10-month schedule to which we must adhere in rate cases (see 39 U.S.C. 3624(c)) as a general guideline. Of course, some cases can, and will, be completed in considerably less time, and we recognize that others which involve

Footnotes continued on next page

ing a proposed schedule of procedural stages (including dates for the first three stages) which all participants should review and be prepared to comment upon at the initial prehearing conference. See Attachment B. We also alert the parties that our intention to expedite this proceeding applies with equal force to the briefing stage following the close of the record. Parties should therefore be prepared to adhere to a briefing schedule consonant with this policy.

V. Prehearing Conference Statements

In preparation for the initial prehearing conference, each participant should serve a document captioned "Prehearing Conference Statement" on or before October 20, 1978, containing the following:

1. A suggested list which states with particularity the issues the party believes should be addressed in this case. (Asterisks, denoting those issues on which the party intends to present evidence, should precede the stated issue.)

2. A statement of the participant's tentative position on each of the proposed issues.

3. A brief statement describing for each issue the evidence, if any, the participant proposes to introduce.

4. A legal memorandum, where appropriate, in support of the issues proposed, the positions taken, the evidence to be presented and other legal matters which should be considered.

5. Any other matter the participant believes should be pursued at the prehearing conference. Prior to the initial prehearing conference, all participants are encouraged informally and promptly to inform the Postal Service of desired preliminary clarification in the Service's presentation which each participant believes necessary in order to expedite this proceeding.

The Commission orders: (A) Each of the petitioners identified in attachment A to this order is hereby permitted to intervene or to become a limited participator in this proceeding, subject to the provisions of paragraph (B), below.

(B) The participation of the intervenors and limited participators permitted by paragraph (A), above, is subject to the rules and regulations of the Commission: *Provided, however,* That their participation shall be limited to matters affecting rights and interests specifically set forth in their respective petitions to intervene and requests to become limited participators: *And provided, further,* That the admission of such intervenors and limited participators shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) The Postal Service shall serve copies of its request and its prepared direct evidence upon representatives of petitioners permitted to intervene and the representatives of the limited participators. For purposes of such service, where service upon more than one representative has been requested in the petition to intervene or in a request for leave to be heard as a limited participator, including those petitions and requests filed jointly and severally by two or more persons, only the first two named representatives in the petition need be served.

(D) The Commission will sit en banc, with Clyde S. DuPont, Chairman, as presiding officer, in the above-captioned proceeding.

(E) A prehearing conference in this proceeding will be held on October 26, 1978, commencing at 2 p.m. in the Postal Rate Commission hearing room, suite 500, 2000 L Street NW., Washington, D.C. 20268. The conference will be held for the purposes specified in section 24 of the Commission's rules of practice (39 CFR 3001.24) and in this order, and to afford all participants in the proceeding an opportunity to be heard with respect to the procedures to be followed in expeditiously determining the issues to be resolved in docket No. MC78-2. The conference proceedings shall be recorded by an official reporter except where otherwise directed by the presiding officer.

(F) Stephen L. Sharfman is hereby designated as the Officer of the Commission to represent the general public in this proceeding. Service of documents on the Commission shall not constitute service on the OOC, who shall separately be served three copies of all documents.

By the Commission.

Cyril J. Pittack,
Acting Secretary.

PERSONS FILING PETITIONS TO INTERVENE

The National Easter Seal Society For Crippled Children and Adults, et al.
The Council of Public Utility Mailers.
The Association of American Publishers.
Mail Order Association of America.
American Business Press, Inc. (ABP).
Associated Third Class Mail Users
Magazine Publishers Association, Inc.
Mail Advertising Service Association (International), Inc.
National Association of Greeting Card Publishers.
J. C. Penney Co., Inc.
Direct Mail/Marketing Association, Inc. (DMMA).

PERSONS FILING REQUESTS TO BECOME LIMITED PARTICIPATORS

The National Industrial Traffic League.
American Newspaper Publishers Association and National Newspaper Association.
Warshawsky & Co.
American Retail Federation.
United Parcel Service.

ATTACHMENT B

TENTATIVE HEARING SCHEDULE FOR PROCEEDINGS—DOCKET MC78-2

	Procedural stage
Month/date/year:	
Oct. 26, 1978	Prehearing conference.
Nov. 30, 1978	Completion of all discovery directed to the Postal Service.
Jan. 4, 1979	Filing of the case-in-chief of each participant (including that of OOC).
	Beginning of hearings, i.e., cross-examination of the Postal Service's case-in-chief.
	Completion of evidentiary hearings as to the Service's case-in-chief.
	Completion of all discovery directed to the intervenors.
	Beginning of evidentiary hearings as to the case-in-chief of each participant.
	Completion of the evidentiary hearings as to the case-in-chief of each participant.
	Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination.)
	Beginning of evidentiary hearings on rebuttal evidence.
	Close of evidentiary record.
	Initial briefs filed.
	Reply briefs filed.
	Oral argument (if requested).

[FR Doc. 78-29467 Filed 10-18-78; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-5269]

COMINVEST OF HARTFORD, INC.

Filing of Application for Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to 13 CFR 107.701 (1978) for the transfer of control of Cominvest of Hartford, Inc. (licensee), a small business investment company licensed by the Small Business Administration on March 8, 1973, and operating under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (the Act).

Licensee, a Connecticut Corporation with its principal place of business located at 18 Asylum Street, Hartford, Conn. 06103, is presently owned by the following stockholders:

Footnotes continued from last page

particularly complex or novel issues may require somewhat lengthier proceedings.

Name	Voting Shares	Percent of Ownership
Antonio J. Sota, 74 Nilan St., Hartford, Conn. 06106	15	12.6
Glenda L. Reed, 57 Sharon St., Hartford, Conn. 06112	15	12.6
Thomas D. Harris, 135 Canterbury St., Hartford, Conn. 06112	15	12.6
Robert E. Stevens, Keighley Pond Road, Cobalt, Conn. 06104	15	12.6
Society for Savings, 31 Pratt St., Hartford, Conn. 06103	59	49.6
Society for Savings, 31 Pratt St., Hartford, Conn. 06103	600	60
Aetna Life and Casualty, 151 Farmington Ave., Hartford, Conn. 06156	200	20
Travelers Insurance Co., One Tower Square, Hartford, Conn. 06105	160	16
Connecticut Mutual Life Insurance Co., 140 Garden St., Hartford, Conn. 06105	40	4

Under a Plan of Exchange, the licensee's Certificate of Incorporation will be amended to eliminate the present classes of voting Common Stock, par value $1.00 per share, and nonvoting Common Stock, par value $500.00 per share, and to provide for a single class of voting Common Stock, par value $500.00 per share.

Each share of the licensee's currently issued and outstanding voting Common Stock, par value $1.00 per share (the "Old Voting Common"), shall be converted into and exchanged for a fractional interest right (Right) entitling the holder to one five-hundredths (1/500) share of newly created voting Common Stock, par value $500.00 per share (the "New Common").

Each share of the licensee's currently issued and outstanding non-voting Common Stock, par value $500.00 per share (the "Old Non-Voting Common"), shall be converted into and exchanged for one share of New Common.

Upon consummation of the Plan of Exchange, the owners of the former "Old Non-Voting Common" will own 100 percent (for the most part) of the licensee's outstanding stock.

There is no change of management of the licensee being considered at this time.

Notice is further given that any person may submit written comments on the proposed transfer of control to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, not later than November 3, 1978.

A similar notice shall be published by the licensee in a newspaper of general circulation in Hartford, Conn.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: September 29, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-29554 Filed 10-18-78; 8:45 am]

[8025-01-M]

REGION II ADVISORY COUNCIL MEETING

Public Meeting

The Small Business Administration Region II Advisory Council, located in the geographical area of New York City, N.Y., will hold a public meeting at 2 p.m. on Friday, October 20, 1978, in Room 29-118, 26 Federal Plaza, New York City 10007, to discuss such business as may be presented by members, staff of the Small Business Administration, or others attending.

For further information, write or call Woodie G. Williams, District Director, U.S. Small Business Administration, 26 Federal Plaza, New York City 10007, 212-264-1318.

Dated: September 28, 1978.

K. DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 78-29555 Filed 10-18-78; 8:45 am]

[8025-01-M]

[Declaration of Disaster Loan Area No. 1521; Amdt. No. 2]

TEXAS

Declaration of Disaster Loan Area

The above numbered Declaration (see FR 40583) and Amendment No. 1 (see FR 43593) are amended by adding the following counties:

County, Natural Disaster(s), and Dates

Bowie: Drought—March 1, 1978 to August 14, 1978.
Cameron: Rain and High Winds—July 30, 1978.
Dallam: Drought—June 10, 1978 to August 14, 1978.
Reagan: Drought—May 1, 1977 to July 24, 1978.

And adjacent counties within the State of Texas as a result of natural disasters as indicated. All other information remains the same; i.e., the termination date for filing applications for physical damage is close of business on March 6, 1979, and for economic injury until the close of business on June 6, 1979.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 27, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-29552 Filed 10-18-78; 8:45 am]

[8025-01-M]

[Declaration of Disaster Loan Area No. 1457; Amdt. No. 10]

TEXAS

Declaration of Disaster Loan Area

The above-numbered Declaration (see 43 FR 16584), Amendment No. 1 (see 43 FR 20070), Amendment No. 2 (see 43 FR 24641), Amendment No. 3 (see 43 FR 26511), Amendment No. 4 (see 43 FR 29205), Amendment No. 5 (see 43 FR 30634), Amendment No. 6 (see 43 FR 33984), Amendment No. 7 (see 43 FR 35777), Amendment No. 8 (see 43 FR 37294), and Amendment No. 9 (see FR 40583) are amended by extending the filing date for physical damage until the close of business on November 13, 1978, and for economic injury until the close of business on January 11, 1979.

Dated: October 12, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-29553 Filed 10-18-78; 8:45 am]

[4701-06-M]

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 633]

CERTAIN FOREIGN PASSPORTS

Validity

Under the provisions of section 212(a)(26) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possesion of a passport which is valid for a minimum period of 6 months from the date of expiration of the initial period of his admission into the United States or his contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period. By reason of the foregoing requirement, certain foreign governments have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of 6 months beyond the expiration date specified in the passport. These agreements have the effect of extending the validity period of the foreign passport an additional 6 months notwithstanding the expiration date indicated in the passport. Notice is hereby given that the following foreign governments have concluded such an agreement with the Government of the United States:

[4701-06-M]

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 633]

CERTAIN FOREIGN PASSPORTS

Validity

Under the provisions of section 212(a)(26) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possesion of a passport which is valid for a minimum period of 6 months from the date of expiration of the initial period of his admission into the United States or his contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period. By reason of the foregoing requirement, certain foreign governments have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of 6 months beyond the expiration date specified in the passport. These agreements have the effect of extending the validity period of the foreign passport an additional 6 months notwithstanding the expiration date indicated in the passport. Notice is hereby given that the following foreign governments have concluded such an agreement with the Government of the United States:

Algeria
Australia
Austria (Reisepass only)
Bahamas, The
Bangladesh (travel permit and passport)
Belgium
Bolivia
Brazil
Cambodia (Khmer Republic)
Canada
Chile
Columbia
Cuba
Cyprus
Denmark
Dominican Republic
Ecuador
Egypt
El Salvadorq
Ethiopia
Finland
France
Germany (FRG) (reisepass and kinderausweiss)
Greece
Guatemala
Guinea
Guyana
Honduras
Iceland
India
Iran
Ireland
Israel
Italy
Ivory Coast
Jamaica
Japan
Korea
Laos
Lebanon
Libya
Liechtenstein
Luxembourg
Madagascar (Malagasy Republic)
Mauritius
Mexico
Monaco
Netherlands
Nicaragua (diplomatic and official passports only)
Nigeria
Norway
Pakistan
Panama
Paraguay
Peru
Philippines
Portugal
Qatar
Soviet Union (U.S.S.R.) (seaman only)
Spain
Sri Lanka (Ceylon)
Sudan
Sweden
Switzerland
Syria
Thailand
Togo
Trinidad and Tobago
Tunisia
United Kingdom
Uruguay
Venezuela
Yugoslavia

Public Notice 375 of January 10, 1973 issued at 38 FR 1224 and amendments thereto are hereby superseded.

Dated: October 4, 1978.

BARBARA M. WATSON,
Assistant Secretary for Consular Affairs.

[FR Doc. 78-29470 Filed 10-18-78; 8:45 am]

[4701-06-M]

[Public Notice 634]

CERTAIN NONIMMIGRANT VISAS

Validity

Notice is hereby given that consular officers are authorized to issue, in their discretion, nonimmigrant visas under section 101(a)(15)(B) of the Immigration and Nationality Act (temporary visitors for business or pleasure) valid for an indefinite period of time to otherwise eligible nationals of the following countries, inclusive of British subjects resident in the Bahamas and Netherlands nationals resident in Surinam, which offer reciprocal or more liberal treatment to nationals of the United States who are in similar class. This order will be amended from time to time to include other countries which accord similar privileges to United States citizens.

Argentina
Austria
Bahamas
Barbados
Belize
Belgium
Botswana
Central African Empire

Chile
Cyprus
Denmark
Fiji
Finland
France
Germany, Federal Republic of
Greece
Iceland
Ireland
Israel
Italy
Jamaica
Lesotho
Liechtenstein
Luxembourg
Malawi
Maldives, Republic of
Malta
Monaco
Morocco
Netherlands
Netherlands Antilles
New Zealand
Norway
Paraguay
Portugal
Saint Pierre and Miquelon
San Marino
Singapore
Spain
Surinam
Sweden
Switzerland
Trinidad and Tobago
Tunisia
Turkey
United Kingdom
Uruguay

Public Notice 376 of January 10, 1973, issued at 38 FR 1224 and any amendments thereto are hereby superseded.

Dated: October 4, 1978.

BARBARA M. WATSON,
Assistant Secretary for Consular Affairs.

[FR Doc. 78-29469 Filed 10-18-78; 8:45 am]

[4710-07-M]

[Public Notice CM-8/118]

STUDY GROUP 5 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 5 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on November 7, 1978, from 9:30 a.m. until 12:30 p.m. in Room 1107, Radio Building, Department of Commerce, Boulder Laboratories, Boulder, Colo.

Study Group 5 deals with propagation of radio waves (including radio noise) at the surface of the earth, through the non-ionized regions of the earth's atmosphere, and in space where the effect of ionization is negligible. The purpose of the meeting is to review decisions of the CCIR XIVth Plenary Assembly, and determine work programs and action assignments in preparation for the next international meeting of Study Group 5.

Members of the general public may attend the meeting and join in the discussions subject to the instructions of the Chairman. Requests for further information should be directed to Mr. Gordon Buffcutt, State Department, Washington, D.C. 20520, telephone 202-632-2592.

Dated: October 12, 1978.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc. 78-29471 Filed 10-18-78; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 78-138]

CHEMICAL TRANSPORTATION ADVISORY COMMITTEE

Public 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 Chemical Transportation Advisory Committee's Subcommittee on Breakbulk/Container Facilities to be held on November 15, 1978, beginning at 9 a.m., Room 6332, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. The agenda for this meeting is as follows:

1. To introduce Captain Donald W. Gates of the National Cargo Bureau as new Subcommittee Chairman.

2. To discuss the status of proposed waterfront facility regulations under the authority of the Ports and Waterways Safety Act of 1972 and other statutes.

3. To discuss the most effective means for this Subcommittee to provide input to the breakbulk and container facilities portions of the regulations being developed.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the neeting, Lt. (jg) D. G. Dickman, c/o Commandant (G-WLE—1/73), U.S. Coast Guard, Washington, D.C. 20590, 202-426-1927. Any member of the public may present a written statement to the Committee at any time.

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

F. P. SCHUBERT,
Captain, U.S. Coast Guard,
Acting Chief, Officer of Marine Environment and Systems.

[FR Doc. 78-29490 Filed 10-18-78; 8:45 am]

[4910-14]

[CGD 78-136]

VAPOR CONTROL SEMINAR

The Clean Air Act of 1970 charged the Environmental Protection Agency (EPA) with publishing regulations for a national primary air quality standard and a national secondary air quality standard for each air pollutant for which quality criteria were established. Section 110 of the Clean Air Act requires each State to adopt and submit to EPA's Administrator, a plan which sets forth a control strategy to attain the established air quality standard.

The State of Texas proposed such a plan, the Texas Air Pollution Implementation Plan, but it was rejected by EPA. On July 3, 1973, the Administrator of EPA proposed an alternate control strategy which was based upon the reduction of reactive organic compound (hydrocarbon) emissions. One of the regulations contained in this control strategy required the recovery of vapors normally emitted during the loading or unloading of gasoline and other volatile hydrocarbons from ships and barges in the Houston-Galveston Intrastate Air Quality Control Region.

The U.S. Coast Guard, under the Ports and Waterways Safety Act (33 U.S.C. 1221-1227; 46 U.S.C. 391a), is responsible for the safety of vessels and U.S. ports from the inherent hazards associated with the handling of petroleum products. The use of vapor control systems, such as vapor recovery, vapor return to shore, etc., could pose serious hazards. The Coast Guard must insure that tank vessels and ports are adequately protected from fires, explosions, and other hazards that may be generated via the use of these systems.

Toward achieving this goal, the Coast Guard funded a number of research and development studies directed at a better understanding of the principles of how flames and detonations propagate in pipelines and how they may be arrested. These studies, commenced approximately 3 years ago, are presently continuing.

To disseminate the results of these studies as they relate to vapor control systems, and to discuss additional hazards posed by the use of vapor control systems, the Coast Cuard intends to hold a Vapor Control Seminar on December 6, 1978, beginning at 9 a.m., room 8236, Nassif Building, 400 7th Street SW., Washington, D.C. 20590. The topics to be discussed include:

1. Background of Vapor Control Systems and the Level of Involvement of the Coast Guard.

2. Toxicological Effects of Vapor Emissions on Humans.

3. The Environmental Protection Agency's Role in Controlling Ambient Air Quality.

4. Coast Guard R. & D. Efforts (present and future) Relating to Vapor Control Systems.

5. Technical Assessment of Vapor Control Technology.

The seminar will include papers by Coast Guard and EPA representatives followed by an open discussion period. The emphasis of the seminar will be on the engineering and technical aspects associated with the safe design and use of vapor control systems.

Attendance is open to the interested public. For additional information, contact:

Dr. Anthony L. Rowek, Commandant (G-MHM-1/83), U.S. Coast Guard, Washington, D.C. 20590, 202-426-1217.

For scheduling and for providng adequate seating, those wishing to attend the seminar should notify the above office no late than December 1, 1978.

Issued in Washington, D.C., on October 11, 1978.

HENRY H. BELL,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc. 78-29489 Filed 10-18-78; 8:45 am]

[4910-22-M]

Federal Highway Administration

NATIONAL ADVISORY COMMITTEE ON UNIFORM TRAFFIC CONTROL DEVICES

Solicitation of Public Views

The National Advisory Committee on Uniform Traffic Control Devices reviews currently approved standards, guides and warrants for traffic control devices including traffic signs, markings and signals as contained in the Manual on Uniform Traffic Control Devices. The Committee recommends revisions of such standards and guides, proposes new ones to meet new developments and improvements and provides advice to the Federal Highway Administrator to the end that the Manual shall be at all times and as far as practicable a complete and up-to-date presentation of best practices.

Notice is hereby given of the major topics currently scheduled for consideration by the respective Technical Subcommittees at the semiannual meeting of the Committee in January and public input solicited.

A. *Highway Traffic Signs.* Task Forces have been appointed to review and make recommendations on the following subjects:

1. The Location of Turn Prohibition signs and the Placement of One-Way Signs at Signalized Intersections.

2. Standards and Guidelines for Specific Service and Recreational and Cultural Interest Signs.

3. Determination of the Most Advantageous Placement of Warning Signs.

4. Signing for Official Agencies Monitoring CB Channel 9.

5. Use of a Symbol Warning Sign on Roadways Parallel to a Railroad.

6. A Standing Task Force on Symbols is studying and developing additional symbol signs as alternates to standard word messages.

7. Experimentation has been approved to determine the effectiveness of:

a. The Star of Life Symbol to direct motorists to emergency medical services.

b. A symbolic No Right Turn on Red sign.

c. The use of the word Traveler or Tourist on guide signs.

B. *Highway Traffic Signals.* 1. Consideration is being given to the elimination of the flashing Walk pedestrian signal indication.

2. Use of an audible signal for blind pedestrians at signalized intersections.

3. Warrants for use of traffic control signals. Under study for potential revisions to existing warrants in the MUTCD.

4. Handbook material to be developed to supplement current standards concerning application and maintenance.

5. Current Task Forces and their subject areas are:

a. Signal Indications, Sequences and Phasing.

Preparation of a matrix table for acceptable and unacceptable signal sequences.

b. Pedestrian Signal Indication.

Alternatives to full pedestrian signalization at school crossings.

c. Signal Design Considerations.

Preparation of traffic signal design configuration revisions based on completed NCHRP research studies.

d. Traffic Signal Warrants.

Preparation of recommendations for new or revised signal warrants including peak hour conditions, left turns, bicycles and other special crossing conditions.

e. Part IV—Handbook.

Preparation of material to update and rewrite the signal portion of the Traffic Control Devices Handbook.

C. *Markings.* 1. Optional use of roadside delineators on tangent sections of highways.

A recommendation has been made to permit the optional use of roadside, post-mounted delineators where raised pavement markers are in place to adequately define the alinement of the roadway for drivers under all weather conditions. A required spacing of these raised pavement markers is under study as a subsequent revision to the recommended standards.

2. Standards for the use and spacing of all raised pavement markers are to be developed for recommendation.

3. Current practices are being solicited for evaluation of improved marking patterns for freeway lane drop application supplemented by overhead and/or shoulder mounted signing.

D. *Traffic Control for Construction and Maintenance Areas.* Preparation of a Handbook to supplement Part VI of the MUTCD is underway. The objective of this effort is to develop an operating handbook of best current practice on design, installation, and maintenance of traffic control for construction and maintenance operations including utility operations to supplement the standards in the MUTCD.

Comments, suggestions or technical input related to the above subjects may be sent to R. E. Conner, Executive Director, National Advisory Committee on Uniform Traffic Control Devices, Office of Traffic Operations, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590.

All material received will be transmitted to the appropriate subcommittee or task force for consideration prior to their next public meeting scheduled for January 10-12, 1979. A notice of the time and place of this meeting will be published in the FEDERAL REGISTER at least 15 days in advance.

Issued on October 12, 1978.

J. J. CROWLEY,
Director,
Office of Traffic Operations.

[FR Doc. 78-29472 Filed 10-18-78; 8:45 am]

[4810-22-M]

DEPARTMENT OF THE TREASURY

Office of the Secretary

CERTAIN FRESH WINTER VEGETABLES FROM MEXICO

Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumpting Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether certain fresh winter vegetables from Mexico are being, or are likely to be, sold at less than fair value within the meaning of the Antidumpting Act of 1921, as amended. Sales at less than fair value generally occur when the prices of merchandise sold for exportation to the United States are less than the prices in the home market or to countries other than the United States, or less than the constructed value.

EFFECTIVE DATE: October 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Ready, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On September 12, 1978, a petition in proper form was received pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel on behalf of the Southwest Florida Winter Vegetable Growers Association, the Palm Beach-Broward Farmers Committee for Legislative Action, Inc., and the South Florida Tomato and Vegetable Growers, Inc., alleging that certain fresh winter vegetables from Mexico are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended (19 U.S.C 160 et seq.).

For purposes of this notice, the term "certain fresh winter vegetables" means cucumbers, eggplant, peppers, squash, and tomatoes (except cherry tomatoes), all of the foregoing fresh,

the product of Mexico, provided for in §§ 135.90 through 135.92, 136.20 through 136.22, 137.10, 137.50, and 137.60 through 137.63, respectively, of the Tariff Schedules of the United States, and meeting the U.S. Department of Agriculture minimum standards for grades as set out in 7 CFR 51.2220 through 51.2239, 51.2190 through 51.2207, 51.3270 through 51.3286, 51.4030 through 51.4062, and 51.1855 through 51.1877, respectively. It is noted that this investigation concerns fresh vegetables shipped during the winter vegetable season and for this reason is limited to shipments of the subject merchandise made during the period November 1, in any year to the last day of the following April inclusive.

The petitioners allege margins of dumping which, based on a comparison of sales for export to the United States with the prices of this merchandise for sale to Canada or the constructed value of the products in Mexico, range up to 624 percent. Petitioners allege that sales in the home market of such or similar merchandise are insufficient in relation to that exported to the United States during the relevant time period, in total quantity, to constitute a viable home market. Therefore, price information was submitted on sales to a third country (Canada), which indicates that significant sales occurred to Canada at prices less than the cost of production as reflected by information submitted by the Petitioners. To the extent that sales to Canada appear to have occurred at prices less than the cost of producing the merchandise, the constructed value was used as the basis of comparison.

Based on the above, information will be requested from Mexican growers exporting this merchandise to the United States on those sales, and on sales in the home market and to third countries, and the cost of producing the merchandise.

The Southern Florida growers produce virtually all of the domestically-grown fresh winter vegetables and for this reason are considered to represent the domestic fresh winter vegetable industry for purposes of this investigation.

All five of the vegetables in question are considered to be the production of a single industry since individual growers often produce more than one of the vegetables and since production of all five vegetables within the same general area of Southern Flordia is essential to establish a marketing area that can service buyers who often require mixed lots of vegetables rather than a straight lot of any single vegetable.

Unfavorable weather has been a factor in the injury sustained by the Florida growers in recent years. Taking this factor into consideration, however, does not create a substantial doubt that domestic industry is being, or is likely to be, injured by large shipments of Mexican produce often selling at prices substantially below their constructed value.

There is evidence on record concerning injury to or likelihood of injury to an industry in the United States. Petitioners' share of the market for these vegetables has declined considerably over the past three growing seasons with a concomitant increase in imports of these products from Mexico, both in absolute terms and as a share of domestic consumption. In the 1977/78 growing season, petitioners' f.o.b. Florida prices, frequently already depressed in relation to their prices in the prior growing season, were often undercut by Mexican prices f.o.b. Nogales, Ariz. Further, it appears that elimination of the alleged margins of dumping would result in a restoration of the competitiveness of prices of the petitioners.

During the three growing seasons from 1974 through 1977, the petitioners' return on sales revenue declined significantly.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29), and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

OCTOBER 12, 1978.

[FR Doc. 78-29509 Filed 10-18-78; 8:45 am]

[4810-22-M]

MOTORCYCLES FROM JAPAN

Modification of Determination of Sales at Less Than Fair Value and Exclusion From Investigation and Discontinuance of Investigation

AGENCY: U.S. Treasury Department.

ACTION: Modification of Determination of Sales at Less Than Fair Value and Exclusion from Investigation, and Discontinuance of Investigation.

SUMMARY: This notice is to advise the public that the determination of sales at less than fair value under the Antidumping Act, 1921, as amended, concerning motorcycles from Japan is being amended to discontinue the antidumping investigation with respect to motorcycles produced and sold by Yamaha, and to report certain changes in the margins by which sales of Honda and Kawasaki are at less than fair value. Honda and Kawasaki will, therefore, remain subject to the Determination of Sales at Less Than Fair Value; Suzuki remains excluded from the investigation.

EFFECTIVE DATE: October 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard Rimlinger, U.S. Customs Service. Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: A "Determination of Sales at Less Than Fair Value and Exclusion from Investigation" with respect to motorcycles from Japan was published in the FEDERAL REGISTER of August 8, 1978 (43 FR 35140-2). In that notice it was determined that motorcycles from Japan, with the exception of those produced and sold by Suzuki Motor Co., Ltd., are being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act of 1921 as amended (19 U.S.C. 160(a)).

Subsequent to the publication of this notice, information was received indicating that recalculations of certain prices used for fair value comparisons were appropriate. The following amendments to the original Determination reflect the changes resulting from those recalculations.

Subheading (d) in the "Statement of Reasons" of that notice is hereby amended to indicate that an adjustment has been made to home market prices for credit costs attributable to differences in payment terms between United States and Japanese home market sales. The items subject to such adjustments, indicated under this subheading remain unchanged.

Subheading (f) in the "Statement of Reasons" is hereby amended to indicate the following revisions: Comparisons have been made on approximately 89 percent of the total sales of the subject merchandise to the United States by all manufacturers investigated for the period under investigation. Margins were found on approximately 18.2 percent of the sales ranging from 0.3 to 54.2 percent resulting in a weighted average margin of 2.08 percent on all sales compared. Weighted average margins found with respect to the companies under investigation, computed over all sales compared, were as follows: Honda, 2.6 percent; Kawasaki, 6.9 percent; Suzuki, 0.15 percent; and Yamaha 0.82 percent.

In the case of Yamaha, the weighted average margin on that firm's sales

compared was considered to be minimal in relation to the total volume of exports. In addition, formal assurances have been received from that producer that it would make no future sales at less than fair value within the meaning of the Act.

In view of the significant change in the value of the yen since June 1977, the end of our reference period for investigation purposes, it was determined that information on Yamaha sales during a later period should be requested and scrutinized in order to determine whether Yamaha had revised current prices so as to eliminate all less than fair value sales. Accordingly, information was requested from Yamaha on all motorcycles sold to unrelated U.S. buyers during the period May-July 1978 and appropriate home market sales for comparison purposes. This information has been received, verified, analyzed, and indicates that during the three-month period sales by Yamaha were made at prices which were less than fair value by an amount considered minimal.

This information then was analyzed to determine whether margins resulted solely from exchange rate fluctuations. Section 153.52(b) of the Customs Regulations (19 CFR 153.52(b)) provides:

> For purposes of fair value investigations, manufacturers, exporters, and importers concerned will be expected to act within a reasonable period of time to take into account price differences resulting from sustained changes in prevailing exchange rates. Where prices under consideration are affected by temporary exchange rate fluctuations, no differences between the prices being compared resulting solely from such exchange rate fluctuations will be taken into account in fair value investigations.

For each of the three quarters reviewed, Customs analyzed home market sales by applying the Federal Reserve exchange rate for the quarter preceding the one under examination. The one quarter lag was used because § 153.52(b) allows foreign sellers a "reasonable period" in which to adjust prices. This analysis resulted in a determination that the differences between the prices being compared resulted solely from such exchange rate fluctuations. It has therefore been determined to discontinue the antidumping investigation with respect to Yamaha Motor Co., Ltd., in accordance with section 153.38, customs Regulations (19 CFR 153.38). The order issued April 26, 1978, (42 FR 17900-02) to withhold appraisement on the subject merchandise from Japan is hereby terminated with respect to Yamaha effective upon publication of this notice.

Accordingly, the notice of "Determination of Sales at Less Than Fair Value and Exclusion from Investigation" referred to above is modified to discontinue the antidumping investigation with respect to motorcycles produced and sold by Yamaha Motor Co., Ltd., and to reflect the change in computing home market price and the statistical changes resulting from recalculations of the prices used for fair value comparisons.

The United States International Trade Commission is being advised of this modification.

This notice is published pursuant to § 153.42, Customs Regulations (19 CFR 153.42).

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

OCTOBER 13, 1978.

[FR Doc. 78-29510 Filed 10-18-78; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

PROGRAM EVALUATIONS OF CHAPLAIN SERVICE AND CANTEEN SERVICE

Availability of Summary Reports

Notice is hereby given that the program evaluations of the veterans Administration's Chaplain Service and Veterans Canteen Service have been completed.

Single copies of the Chaplain Service and Veterans Canteen Service evaluations are available free. Printing of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying which program evaluation is desired, to Mr. Errol D. Clark, Director, Program Evaluation and Appraisal Service, Veterans Administration (074), 810 Vermont Avenue NW., Washington, D.C. 20420.

Dated: October 10, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc. 78-29527 Filed 10-18-78; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Decisions Volume No. 38]

DECISION—NOTICE

Decided: October 10, 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, on or before November 20, 1978, 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 thing 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 requirments 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) provided, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below, some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We find: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform

the service proposed and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

It is ordered: In the absence of legally sufficient protests, filed on or before November 20, 1978 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

By the Commission, Review Board No. 2, Members Boyle, Eaton, and Liberman.

H. G. Homme, Jr.,
Acting Secretary.

MC 1395 (Sub-10F), filed August 23, 1978. Applicant: ALVAN MOTOR FREIGHT, INC., 3600 Alvan Road, Kalamazoo, MI 49001. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Evart and Grand Rapids, MI, from Evart over U.S. Hwy 10 to junction U.S. Hwy 131, then over U.S. Hwy 131 to Grand Rapids, and return over the same route, serving no intermediate points. (Hearing site: Chicago, IL, or Washington, DC.)

MC 11207 (Sub-442F), filed August 17, 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 vehicles, transporting: *Steel piling, pile-driving equipment, and machinery* (except commodities which because of size or weight require the use of special equipment), from Charleston, SC, Savannah, GA Miami, FL, and Wilmington, NC, to points in AL, FL, MS, and TN. (Hearing site: Jacksonville, FL or Birmingham, AL.)

MC 19105 (Sub-51F), filed August 28, 1978. Applicant: FORBES TRANSFER CO., INC., P.O. Box 3544, Wilson, NC 27893. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicles, transporting: *Malt beverages*, in containers, from Williamsburg, VA, to points in NC in and east of Granville, Durham, Chatham, Lee, Harnett, Cumberland, and Robeson Counties, NC. (Hearing site: Raleigh, NC or Washington, DC.)

MC 19157 (Sub-53F), filed August 16, 1978. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., Rural Delivery 3, Box 4, Campbell Road, Schenectady, NY 12306. Representative: Paul Montarello (same address as applicant). To operate as a *common carrier*, by motor vehicle, transporting: *Such commodities* as are dealt in by tire stores (except commodities in bulk, and those which because of size or weight require the use of special equipment), between Gadsden, AL Tyler, TX, and Indiana, PA, on the one hand, and, on the other, those points in and east of ND, SD, NE, KS, OK, and TX. Condition: In view of the findings in MC 19157 (Sub-22), et al., of which official notice is taken, the issuance of the authority in this proceeding will be held in abeyance during the consideration of applicant's fitness in MC 19157 (Sub-41). (Hearing site: San Francisco, CA or Washington, DC.)

MC 24784 (Sub-14F), filed August 8, 1978. Applicant: BARRY, INC., 463 South Water Street, Olathe, KS 66061. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. To operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Building materials and insulation materials (except iron and steel articles and commodities in bulk)*, from the facilities of Gibson-Homans Co. and G.A.F. Corp., at Kansas City, MO, to Denver, CO, restricted to the transportation of traffic originating at the named origin facilities and destined to the named destination. (Hearing site: Kansas City, MO.)

MC 25869 (Sub-144F), filed September 8, 1978. Applicant: NOLTE BROS. TRUCK LINE, INC., an Iowa corporation, P.O. Box 7184, Omaha, NE 68107. Representative: J. F. Crosby, P.O. Box 37205, Omaha, NE 68137. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture, furniture parts*, and *equipment, materials, and supplies* used in the manufacture and distribution of furniture and furniture parts, (a) between Denver, CO, on the one hand, and, on the other, points in AZ, CA, GA, IL, IN, KS, KY, MA, MN, MO, NC, SC, TN, TX, VA, WA, and WI, and (b) from Denver, CO, to points in MT, NE, NM, SD, and WY, and (2) *furniture parts, drapery fabric, hardware, and equipment, materials, and suppliers* used in the manufacture of furniture and furniture parts, between Denver, CO, on the one hand, and, on the other, Elkhart and Mishawaka, IN, Port Clinton, OH, and Middleton and Stoughton, WI. (Hearing site: Denver, CO.)

MC 29886 (Sub-350F), filed July 26, 1978. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Avenue, Kenosha, WI 53142. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes and materials, equipment, and supplies* used in connection with cranes, between points in the United States (except AK and HI). (Hearing site: New York, NY, or Chicago, IL.)

MC 29886 (Sub-351F), filed July 31, 1978. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Avenue, Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers, turbines, turbine condensers*, and (2) *parts* for the commodities named in (1) above, from Batavia, NY, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, D.C.)

MC 30618 (Sub-14F), filed August 22, 1978. Applicant: HENRY V. RABOUIN, Richmond Road, P.O. Box 204, Pittsfield, MA 01201. Representative: Sherwood Guernsey II, Aaronson, Fuster & Denmark, 57 Wendell Avenue, Pittsfield, MA 01201. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc tailings*, in bulk, from West Windsor, Ludlow, and Gassetts, VT, to points in NJ, those in PA south and east of a line beginning at the NJ-PA State line and extending along Interstate Hwy 76 to its junction with U.S. Hwy 15, then along U.S. Hwy 15 to the PA-MD State line, those in NY south of Interstate Hwy 84, and those in CT west of Interstate Hwy 91. (Hearing site: Springfield or Boston, MA.)

MC 30844 (Sub-621F), filed August 7, 1978. Applicant: KROBLIN REFRIGERATED EXPRESS, 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: *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, 766 (except hides and commodities in bulk), from the fa-

cilities of Wisconsin Beef Industries, Inc., at Eau Claire, WI, to points in CT, DE, IN, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, TX, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: St. Paul, MN.)

MC 31389 (Sub-256F), filed August 31, 1978. Applicant: McLEAN TRUCKING CO., a corporation, 617 Waughtown Street, Winston-Salem, NC 27107. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. To operate as a *common carrier*, by motor vehicle, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Neese Industries, Inc., at or near Livingston, LA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Washington, DC, or Baton Rouge, LA.)

MC 31389 (Sub-257F), filed August 31, 1978. Applicant: McLEAN TRUCKING CO., a corporation, 617 Waughtown Street, Winston-Salem, NC 27107. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. To operate as a *common carrier*, by motor vehicle, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the facilities of Union Carbide Corp., at or near Alloy, WV, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: New York, NY, or Washington, DC.)

MC 31389 (Sub-258F), filed August 31, 1978. Applicant: McLEAN TRUCKING CO., a corporation, 617 Waughtown Street, Winston-Salem, NC 27107. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. To operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of American Biltrite, Inc., at or near Paragould, AR, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Boston, MA, or Washington, DC.)

MC 40898 (Sub-21F), filed August 28, 1978. Applicant: S & W MOTOR LINES, INC., P.O. Box 11439, Greensboro, NC 27409. Representative: A. W. Flynn, Jr., 314 South Eugene Street, P.O. Box 180, Greensboro, NC 27402. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Clarion PA, to Eden, Greensboro, and Clemmons, NC. (Hearing site: Greensboro, NC.)

MC 41098 (Sub-44F), filed September 11, 1978. Applicant: GLOBAL VAN LINES, INC., a Texas corporation, One Global Way, Anaheim, CA 98203. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New office furniture*, from the facilities of Lehigh-Leopold Division of Litton Industries, at Burlington, IA, to points in CT, DE, MD, MA, NJ, NY, PA, RI, DC, and those points in OH on and east of Interstate Hwy 71. (Hearing site: Los Angeles, CA).

NOTE.—(1) The person or persons who it appears may be engaged in common control must either file an application under section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (2) Dual operations may be involved.

MC 42261 (Sub-138F), filed August 10, 1978. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, NJ 07303. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum*, in bulk, in tank vehicles, from the facilities of Rolfite Co., at or near Elizabeth, NJ, to points in AL, AR, LA, MS, and TN, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: New York, NY, or Newark, NJ.)

MC 47171 (Sub-110F), filed July 23, 1978. Applicant: COOPER MOTOR LINES, INC., P.O. Box 4259, Greenville, SC 29608. Representative: Harris G. Andrews (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Clayton, Cobb, Coweta, De Kalb, Fayette, Fulton, Gwinnett, Henry, and Rockdale Counties, GA, on the one hand, and, on the other, Culpeper, Suffolk, Windsor, Norfolk, Madison Heights, Petersburg, Lester Manor, Richmond, Fredericksburg, Warrenton, Franklin, Lynchburg, Farmville, Smithfield, Danville, South Boston, Victoria, and Roanoke, VA, Washington, DC, Baltimore and Cumberland, MD, Wilmington and Cheswold, DE, Philadelphia, Biglerville, and York, PA, Camden and Trenton, NJ, and points in Bergen, Essex, Monmouth, Middlesex, Morris, Passaic, Somerset, and Union Counties, NJ, points in Nassau, Suffolk, Westchester, Rockland, Queens, Kings, Bronx, Richmond, and New York Counties, NY, and points in Fairfield County, CT. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 48958 (Sub-159F), filed September 5, 1978. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., a Nebraska Corporation, 510 East 51st Avenue, P.O. Box 16404, Denver, CO 80216. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189. 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, hides, commodities in bulk, and those requiring special equipment), (1) serving Fort Wayne, IN, as an off-route point in connection with carrier's presently authorized regular-route operations between Chicago, IL, and Toledo and Fremont, OH; and (2) between Fort Wayne, IN, and Toledo, OH: From Fort Wayne over U.S. Hwy 24 to Toledo, and return over the same route, serving no intermediate points except the junction of U.S. Hwy 6 and U.S. Hwy 24 for purpose of joinder only with carrier's presently authorized regular-route operations between Chicago, IL, and Toledo, OH, in certificate No. MC 48958 (Sub-126). (Hearing site: Washington, DC, or Denver, CO.)

MC 57239 (Sub-41F), filed September 7, 1978. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, IN 46206. Representative: Roland Rice, 501 Perpetual Building, 1111 E Street NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Ypsilanti, MI, as an off-route point in connection with carrier's presently authorized regular route operations, restricted to the transportation of traffic originating at Fort Wayne, IN. (Hearing site: Fort Wayne or Indianapolis, IN.)

MC 61231 (Sub-128F), filed August 10, 1978. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum wallboard*, from Albuquer-

que, NM, to points in NE, SD, and WY; and (2) *construction materials, lumber, lumber products, wood products, iron and steel articles,* and *landscaping materials,* between Rapid City, SD, and Gillette, WY, on the one hand, and, on the other, points in AZ, AR, CO, ID,, IL, IN, KS, KY, MI, MN, MO, MT, NE, NM, ND, OH, OK, OR, SD, TX, WA, WI, and WY. (Hearing site: Rapid City, SD, or Denver, CO.)

MC 61592 (Sub-424F), filed July 27, 1978. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Panels,* and *supplies and accessories* used in the installation of panels, from Dallas, TX, to points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT.)

MC 69371 (Sub-10F), filed July 26, 1978. Applicant: NORMAN TRANSPORTATION LINES, INC., 6201 Lee Road, Maple Heights, OH 44137. Representative: John H. Baker, 435 Delaware Avenue, Buffalo, NY 14202. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by grocery and food business houses, and (2) *equipment, materials, and supplies* used in the conduct of grocery and food business houses, (a) between points in Lucas, Ottawa, Sandusky, Erie, Huron, Richland, Lorain, Ashland, Cuyahoga, Medina, Wayne, Lake, Geauga, Portage, Summit, Stark, Tuscarawas, Ashtabula, Trumbull, Mahoning, Columbiana, Jefferson, Carroll, and Harrison Counties, OH, Erie, Crawford, Warren, McKean, Mercer, Venango, Forest, Lawrence, Butler, Clarion, Armstrong, Allegheny, Westmoreland, Beaver, and Washington Counties, PA, Niagara, Erie, Chautauqua, Cattaraugus, Allegany, Steuben, Livingston, and Chemung Counties, NY, Brooke, Marshall, Ohio, Hancock, Harrison, Marion, Wood, Wetzel, Tyler, Doddridge, Upshur, Ritchie, and Pleasants Counties, WV, and (b) Between Altoona, PA, on the one hand, and, on the other, those points named in (a) above, under continuing contract(s) in (1) and (2) above with the Great Atlantic & Pacific Tea Co., Inc., of Montvale, NJ. (Hearing site: Buffalo, NY.)

MC 69397 (Sub-48F), filed July 21, 1978. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plywood,* from the facilities of Champion International Corp., at or near Pocomoke City, MD, to points in OH and WV; and (2) *lumber and lumber products,* from the facilities of Pitt Lumber Co., at or near Saluda, VA, to points in NJ and NY. (Hearing site: Washington, DC.)

MC 69397 (Sub-49F), filed August 21, 1978. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber and lumber products,* between points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC. (Hearing site: Washington, DC.)

MC 71459 (Sub-71F), filed September 5, 1978. Applicant: O.N.C. FREIGHT SYSTEMS, a Nevada corporation, 1703 Embarcadero Road, Palo Alto, CA 94303. Representative: Kirk Wm. Horton, P.O. Box 10061, Palo Alto, CA 94303. To operate as a *common carrier,* by motor vehicle, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those moving in vehicles equipped with mechanical refrigeration), (1) between Yuma and Phoenix, AZ, from Yuma over Interstate Hwy 8 to junction U.S. Hwy 80 at or near Gila Bend, AZ, then over U.S. Hwy 80 to Phoenix, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and (2) between junction Interstate Hwy 8 and U.S. Hwy 80 and Tucson, AZ, from junction Interstate Hwy 8 and U.S. Hwy 80, at or near Gila Bend, AZ, over Interstate Hwy 8 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Tucson, and return over the same route, serving no intermediate points, as alternate route for operating convenience only. (Hearing site: San Francisco, CA, or Washington, DC.)

MC 83539 (Sub-507F), filed September 5, 1978. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Precut log homes,* and *materials and supplies* used in the erection of precut log homes, from the facilities of Beaver Log Homes, at or near Claremore, OK, to points in the United States (except AK, HI, and OK). (Hearing site: Tulsa, OK, or Dallas, TX.)

MC 85718 (Sub-9F), filed August 25, 1978. Applicant: SEWARD MOTOR FREIGHT, INC., 1041 Elm Street, P.O. Box 126, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Automotive cranes* (except self-propelled), *automotive parts and accessories, handtools, electric tools, and pneumatic tools* (except commodities in bulk and those which because of size or weight require the use of special equipment) from the facilities of Walker Manufacturing Co., at Seward, NE, to Boise, Idaho Falls, Pocatello, and Twin Falls, ID, and points in OR, restricted to the transportation of traffic originating at the named origin facilities, and (2) *the commodities* named in (1) above, and materials, equipment, and supplies used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk and those which because of size or weight require the use of special equipment), form Boise, Idaho Falls, Pocatello, and Twin Falls, ID, and points in OR, to the facilities of the Walker Manufacturing Co., at Seward, NE, restricted to the transportation of traffic destined to the named destination facilities. (Hearing site: Omaha, NE.)

MC 96925 (Sub-9F), filed August 3, 1978. Applicant: CROWN MOTOR LINES, INC., 2225 Broadway Avenue, Jacksonville, FL 32203. Representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier,* by motor vehicle, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Melbourne and Florida City, FL, over U.S. Hwy 1, serving all intermediate points; (2) between Tampa and Miami, FL, from Tampa, over FL Hwy 60 to junction U.S. Hwy 27, at or near Lake Wales, FL, then over U.S. Hwy 27 to Miami, and return over the same route, serving all intermediate points, serving those points in FL on and south of a line beginning at Clearwater, FL, and extending along FL Hwy 60 to its junction with Interstate Hwy 4, then along Interstate Hwy 4 to its junction with FL Hwy 50, then along FL Hwy 50 to its junction with FL Hwy 405, then along FL Hwy 405 to its junction with FL Hwy 402, then along FL Hwy 402 to the Atlantic Ocean (except Monroe County), as off-route points in connection with routes (1) and (2) above; (3) between Melbourne and Miami, FL, from Melbourne over Interstate Hwy 95 to junction with Florida Turnpike, then over Florida Turnpike to Miami, and return

over the same route, serving no intermediate points as an alternate route for operating convenience only, (4) between Orlando and Miami, FL, from Orlando over Interstate Hwy 4 to junction with Florida Turnpike then over Florida Turnpike to Miami, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. (Hearing site: Jacksonville, FL.)

MC 97699 (Sub-49F), filed September 1, 1978. Applicant: BARBER TRANSPORTATION CO., a corporation, P.O. Box 1970, Rapid City, SD 57709. Representative: Leslie R. Kehl, 1660 Lincoln Street, Suite 1600, Denver, CO 80264. To operate as a *common carrier*, by motor vehicle, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Sioux City, IA, and Sioux Falls, SD over Interstate Hwy 29, serving no intermediate points. (Hearing site: Sioux City IA, or Sioux Falls, SD.)

MC 98952 (Sub-55F), filed August 4, 1978. Applicant: GENERAL TRANSFER CO., a Delaware corporation, 2880 North Woodford Street, Decatur, IL 62526. Representative: Paul E. Steinhour, 918 East Capitol Avenue, Springfield, IL. 62701. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of M & M/Mars, Division of Mars, Inc., at Cleveland, TN, to points in IL, IN, IA, KY, MI, MO, and WI, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Springfield or Chicago, IL.)

MC 100666 (Sub-408F), filed August 3, 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: *Iron and steel articles*, from the facilities of Wheeling-Pittsburgh Steel Corp., at or near (a) Canfield, Yorkville, Martins Ferry, Steubenville, and Mingo Junction, OH, (b) Allenport and Monessen, PA, and (c) Beech Bottom, Benwood, and Wheeling, WV, to points in AL, AR, GA, LA, MS, OK, TN, and TX. (Hearing site: Dallas, TX.)

MC 103490 (Sub-74F), filed August 22, 1978. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, NY 12550. Representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, NY 10048. To operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Liquid condensed fish solubles*, In bulk, in tank vehicles, from Gloucester, MA, to the ports of entry on the international boundary line between the United States and Canada located in NY, restricted to the transportation of traffic destined to Clarkson, ON, 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. (Hearing site: New York, NY.)

NOTE.—(1) 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 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 are 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. (2) Dual operations are involved.

MC 105566 (Sub-178F), filed August 1, 1978. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. To operate as a *common carrier*, by motor vehicle, transporting: (1) *Agricultural chemicals* (except commodities in bulk), and (2) *applicators*, for agricultural chemicals, from points in Alameda, Contra Costa, and Solano Counties, CA, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 106398 (Sub-826F), filed August 25, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe and pipe fittings*, and (2) *accessories for pipe*, from the facilities of Central Pipe & Foundry, at or near Holt, AL, to those points in the United States in and east of MT, WY, CO, and AZ. (Hearing site: Birmingham, AL.)

NOTE.—In view of the findings in MC 106398 Sub-741) of which official notice is taken, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission regulations.

MC 106644 (Sub-264F), filed August 8, 1978. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 916, Atlanta, GA 30301. Representative: Frank Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, pipefittings, pipe valves, and castings*, and (2) *materials and supplies* used in the installation of the commodities in (1) above (except commodities in bulk), from the facilities of McWane Cast Iron Pipe Co., at Birmingham, AL, to points in CT, DE, ME, MI, NH, ND, SD, VT, WV, and DC. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 108119 (Sub-96F), filed September 8, 1978. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 43010 St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled fuel distribution vehicles*, from Minneapolis, MN, to points in the United States (except AK and HI). (Hearing site: Minneapolis, MN.)

MC 108380 (Sub-95F), filed June 16, 1978. Applicant: JOHNSTON'S FUEL LINERS, INC., Box 100, Newcastle, WY 82701. Representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) between points in WY; (2) from points in WY, to Pocatello, ID, Salt Lake City, UT, and Cowdrey, CO, points in NE, SD, ND, and those in MT on and east of a line beginning at the WY-MT State line, and extending along Interstate Hwy 90 to junction U.S. Hwy 287, then along U.S. Hwy 287 to junction U.S. Hwy 89, at or near Chateau, MT, and then along U.S. Hwy 89 to the international boundary line between the United states and Canada; (3) from points in MT on and east of a line beginning at the WY-MT State line and extending along Interstate Hwy 90 to junction U.S. Hwy 287, then along U.S. Hwy 287 to junction U.S. Hwy 289, at or near Chateau, MT, and then along U.S. Hwy 289 to the international boundary line between the United

States and Canada, to points in NE, ND, SD, WY, Pocatello, ID, Salt Lake City, UT, and Crowdrey CO, and points in that part of CO on and east of a line beginning at the WY-CO state line and extending along Interstate Hwy 25 to Denver, CO, then along U.S. Hwy 285 to the CO-NM State line; (4) from Mandan, ND, to points in CO, SD, WY, and those in NE in and west of Sheridan, Garden, and Deuel Counties, points in Sheridan, Daniels, Roosevelt, McCone, Valley, Richland, Dawson, Prairie, Fallon, Custer, Powder River, Wibaux, and Carter Counties, MT, Pocatello, ID, and Salt Lake City, UT; (5) from points in Pennington County, SD, to points in CO, ND, NE, WY, MT, Pocatello, ID, and Salt Lake city, UT; (6) from points in Custer and Fall rivers Counties, SD, to points in WY; (7) from points in Butte County, SD, to points in CO, MT, NE, ND, SD, and WY; (8) from Chadron and Scottsbluff, NE, to points in SD, ND, MT, WY, Pocatello, ID, and Salt Lake City, UT and (B) *dry petroleum-based urea, and petroleum-based urea solutions,* (1) from points in MT on and east of a line beginning at the international boundary line between the United States and Canada and extending along MT Hwy 241 to junction U.S. Hwy 2, then along U.S. Hwy 2 to junction U.S. Hwy 191, then along U.S. Hwy 191 to junction MT Hwy 19, then along MT Hwy 19 to junction U.S. Hwy 87, then along U.S. Hwy 87 to junction Interstate Hwy 90, then along Interstate Hwy 90 to junction U.S. Hwy 310, and then along U.S. Hwy 310 to the MT-WY State line, to points in AZ, CO, ID, KS, MT, NE, NM, ND, OK, SD, TX, UT, and WY; (2) from Mandan, ND, and points in Pennington and Butte Counties, SD, to points in AZ, CO, ID, KS, MT, NE, NM, ND, OK, SD, TX, UT, and WY; and (3) from Scottsbluff and Chadron, NE, to points in AZ, CO, ID, KS, MT, NE, NM, ND, OK, SD, TX, UT, and WY. (Hearing site: Denver, CO, or Cheyenne, WY.)

MC 108341 (Sub-110F), filed August 9, 1978. Applicant: MOSS TRUCKING CO., INC., 3027 North Tryon Street, P.O. Box 9409, Charlotte, NC 28208. Representative: Jack F. Counts (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and heat equalizers,* (2) *air, gas, and liquid conditioning and moving machinery and equipment,* and (3) *parts and attachments* for use in the installation or operation of the commodities in (1) and (2) above, from the facilities of Trane Co., in Fayette County, KY, to points in CT, DE, MA, ME, MD, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC. (Hearing site: Lexington, KY, or Washington, DC.)

MC 108449 (Sub-410F), filed August 28, 1978. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53703. 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 MN, NE, ND, SD, and WI. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 108937 (Sub-50F), filed August 17, 1978. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, MN 55113. Representative: Jerry E. Hess (same address as applicant). To operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Albert Lea, MN, and Milwaukee, WI: From Albert Lea over Interstate Hwy 90 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Milwaukee, and return over the same routes, as an alternate route for operating convenience only, serving no intermediate points. (Hearing site: St. Paul, MN, or Washington, DC.)

MC 109124 (Sub-49F), filed August 8, 1978. Applicant: SENTLE TRUCKING, CORP., P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 East Broad Street, Suite 1800, Columbus, OH 43215. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Refractories, materials, and supplies* used in the manufacture of refractories, *magnesite, magnesite products, lime, limestone, and limestone products,* from the facilities of Basic, Inc., at or near Maple Grove, OH, to points in TN, NC, SC, AL, FL, TX, VA, GA, and MO; and (2) *magnesite and magnesite products,* from Port St. Joe, FL, to points in OH, PA, IN, and IL. (Hearing site: Columbus, OH.)

MC 110525 (Sub-1260F), 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: *Liquid chemicals,* in bulk, in tank vehicles, from Wyandotte, MI, to points in AL, AR, AZ, CA, CO, ID, IL, IN, IA, KS, KY, LA, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TN, UT, WA, WI, and WY. (Hearing site: New York, NY, or Newark, NJ.)

MC 111201 (Sub-33F), filed August 9, 1978. Applicant: J. N. ZELLNER & SON TRANSFER CO., A corporation, P.O. Box 91247, East Point, Ga 30364. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fruit juice* (except in bulk), from Miami, FL, to Atlanta, GA. (Hearing site: Atlanta, GA.)

MC 112617 (Sub-405F), filed August 16, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals* (except petrochemicals), in bulk, in tank vehicles, from the facilities of W. R. Grace & Co., at or near Owensboro, KY, to South Action, MA, and points in Kings County, NY, (Hearing site: Louisville, KY, or Washington, DC.)

MC 112801 (Sub-207F), filed August 4, 1978. Applicant: TRANSPORT SERVICE CO., a corporation, Two Salt Creek Lane, Hinsdale, IL 60521. 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: *Wax* and *materials and supplies* used in the manufacure of wax, in bulk, in tank vehicles, between Oshkosh, WI, on the one hand, and, on the other, points in the United States (except AK, HI, and WI). (Hearing site: Chicago, IL.)

MC 113651 (Sub-282F), filed August 8, 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 grocery houses, from the facilities of Southern States Distribution, Inc., at or near Memphis, TN, to points in AL, AR, MS, LA, FL, TN, those in KY on and west of U.S. Hwy 31E, and those in MO on and south of Interstate Hwy 44. (Hearing site: Memphis, TN.)

MC 113651 (Sub-283F), 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, transport-

ing: *Confectionery* and *cough drops*, from Reading, PA, to points in OH, KY, IN, IL, IA, KS, MN, MO, NE, TN, TX, and WI. (Hearing site: Washington, DC.)

MC 114457 (Sub-422F), filed August 15, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pet food*, from the facilities of Star Kist Foods, Inc., at (a) Perham, MN, and (b) Muscatine, IA, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of pet food, from points in the United States (except AK and HI), to the facilities of Star Kist Foods, Inc., at (a) Perham, MN, and (b) Muscatine, IA. (Hearing site: St. Paul, MN, or Fargo, ND.)

MC 114457 (Sub-423F), filed August 14, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbing goods*, (2) *bathroom vanities and accessories for bathroom vanities*, and (3) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) and (2) above, between Phoenix, AZ, Redlands, CA, Union Point and Monroe, GA, Rensselaer and Crawfordsville, IN, Leominster, MA, Ottumwa, IA, Salem, OH, New Castle, PA, Hondo and Corsicana, TX, and Milwaukee, WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Pittsburgh, PA, or Des Moines, IA.)

MC 114457 (Sub-424F), filed August 16, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tire accessories*, from Atlanta, GA, Houston, TX, Denver, CO, Montebello, CA, and Portland, OR, to points in the United States (except AK and HI). (Hearing site: Denver, CO, or St. Paul, MN.)

MC 114457 (Sub-425F), filed August 14, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by manufacturers and distributors of containers* (except commodities in bulk), between points in the United States (except AK and HI). (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 116915 (Sub-69F), filed August 17, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., a Kentucky corporation, 1830 South Plate Street, Kokomo, IN 46901. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum articles* (except commodities in bulk), and (2) *equipment, materials, and supplies* used in the manufacture of the commodities in (1) above, between the facilities of Revere Copper & Brass, Inc., at or near Scottsboro, AL, on the one hand, and, on the other, points in WI, IA, MO, IL, IN, MI, OH, PA, NY, KY, TN, WV, VA, SC, NC, NJ, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Revere Copper & Brass, Inc., at or near Scottsboro, AL. (Hearing site: Birmingham, AL, or Nashville, TN.)

MC 116915 (Sub-70F), filed August 28, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate Street, Kokomo, IN 46901. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, and *equipment, materials, and supplies* used in the manufacture of iron and steel articles (except commodities in bulk), between the facilities of Laclede Steel Co., at or near Alton, IL, on the one hand, and, on the other, points in AL and GA. (Hearing site: St. Louis, MO, or Lousiville, KY.)

MC 116915 (Sub-71F), filed August 28, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate Street, Kokomo, IN 46901. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Parker Steel Co., at or near Andrews, SC, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbia, SC, or Atlanta, GA.)

MC 118159 (Sub-290F), filed September 11, 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: *Pulpboard, pulpboard products*, and *woodpulp*, from the facilities of Gulf States Paper Corp., at or near Demopolis and Maplesville, AL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL.)

MC 118866 (Sub-12F), filed August 2, 1978. Applicant: PAUL L. ZAMBERLAN & SONS, INC., P.O. Box 15, Lewis Run, PA 16738. Representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon steel pipe*, from Camden, NJ, and Baltimore, MD, to Bradford, PA. (Hearing site: Pittsburgh, PA.)

MC 119399 (Sub-80F), filed September 11, 1978. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, Joplin, MO 64801. 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: *Dairy products* and *synthetic cheese*, from points in MN and WI, to points in Barry, Greene, Jasper, Lawrence, and Newton Counties, MO. (Hearing site: Kansas City, MO.)

MC 119654 (Sub-57F), filed August 4, 1978. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container accessories, and materials, equipment, and supplies*, used in the manufacture or distribution of containers and container accessories, (except commodities in bulk), between points in IL, IN, OH, MI, MO, KY, WI, and those in that part of PA on and west of a line beginning at the NY-PA State line and extending along U.S. Hwy 219 to junction U.S. Hwy 119, then along U.S. Hwy 119 to the PA-MD State line. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119789 (Sub-508F), filed August 9, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: Lewis Coffey (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by grocery houses, from the facilities of Southern States Distribution, Inc., at or near Memphis, TN, to points in AL, AR, FL, LA, MS, TN, those in KY on and west of U.S. Hwy 31E, and those in MO on and south of U.S. Hwy 66 (Hearing site: Memphis, TN.)

MC 123685 (Sub-22F), filed August 28, 1978. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road, SW., Massillon, OH 44646. Representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned food products*, and *materials, equipment, and supplies* used in the manufacture of canned food products, between the facilities of Campbell Soup Co., at or near Napoleon, OH, on the one hand, and, on the other, points in KY, NY, PA, and WV. (Hearing site: Columbus, OH, or Washington, DC.)

MC 124078 (Sub-857F), filed September 11, 1978. Applicant: SCHWERMAN TRUCKING CO., A Corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, from Milwaukee, WI, to points in IL, IN, IA, and the upper Peninsula of MI. (Hearing site: Milwaukee, WI.)

MC 124078 (Sub-858F), filed September 13, 1978. Applicant: SCHWERMAN TRUCKING CO., A Corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *vegetable oil and vegetable oil products*, from Macon, GA, to points in CT, DE, FL, MD, MA, NE, NJ, NY, NC, RI, PA, SC, VA, and WV. (Hearing site: Atlanta, GA.)

MC 124078 (Sub-859F), filed September 14, 1978. Applicant: SCHWERMAN TRUCKING CO., A Corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Limestone slurry*, in bulk, in tank vehicles, form points in Pickens, County, GA, to points in AL, AR, KY, MS, NC, and TN; and (2) *limestone*, in bulk, in tank vehicles, (a) from points in Pickens County, GA, to points in IL, IN, MI, OH, SC, and VA, and (b) from Gantts Quarry, AL, Talladega County, to points in FL. (Hearing site: Atlanta, GA.)

MC 124078 (Sub-860F), filed September 15, 1978. Applicant: SCHWERMAN TRUCKING CO., A Corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid zinc chloride*, in bulk, in tank vehicles, from Decatur, AL, to Brunswick, GA. (Hearing site: Savannah, GA.)

MC 124078 (Sub-861F), filed September 15, 1978. Applicant: SCHWERMAN TRUCKING CO., A Corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bentonite clay*, (2) *foundry sand*, and (3) *foundry sand additives and foundry sand ingredients*, from Waterloo, IA, to points in CO, IL, IN, KS, LA, MI, MN, MO, NE, ND, OH, OK, SD, TX, and WI. (Hearing site: Chicago, IL.)

MC 124211 (Sub-336F), filed August 8, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, DTS, Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used or dealt in by manufacturers and distributors of hardware and plumbing supplies (except commodities in bulk, in tank vehicles), between points in Cobb, De Kalb, and Fulton Counties, GA, and Somerset County, PA, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, FL, GA, ID, IA, KS, LA, MN, MS, MT, NC, ND, NE, NM, NV, OK, OR, SC, SD, TN, TX, UT, VA, WA, WI, and WY. (Hearing site: Chicago, IL.)

NOTE.—Dual operations are at issue in this proceeding.

MC 124211 (Sub-337F), filed August 8, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, DTS, Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal articles* (except commodities in bulk, in dump vehicles), from St. Louis, MO, to El Paso, TX, and those points in the United States in and west of MT, WY, NE, CO, and NM (except AK and HI). (Hearing site: St. Louis, MO.)

NOTE.—Dual operations are at issue in this proceeding.

MC 124211 (Sub-338F), filed August 8, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, DTS, Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand* and *silica products* (except commodities in bulk, in dump and tank vehicles), from points in New London County, CT, to points in IL, IN, KY, MD, MI, MN, MO, NY, OH, PA, VA, WV, and WI. (Hearing site: Chicago, IL, or Washington, DC.)

NOTE.—Dual operations are at issue in this proceeding.

MC 124658 (Sub-12F), filed August 25, 1978. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Charles C. Flower, 303 East "D" Street, Suite 2, Yakima WA 98901. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, from Seattle, WA, to Eureaka and Redding, CA, Moscow, ID, Billings, Bozeman, Butte, Glasgow, Great Falls, Havre, Helena, Livingston, Miles City, and Missoula, MT, Ashland, Coos Bay, Eugene, Grants Pass, Medford, Pendleton, and Roseburg, OR, Logan, Ogden, Provo, and Salt Lake City, UT, Bremerton and Centralia, WA, and Casper, WY, restricted (1) to the transportation of traffic having a prior movement by water, and (2) to service performed under continuing contracts with (1) Powell River-Alberni Sales Corp., of Seattle, WA, and (2) Crofton Paper Co., Inc., of Menlo Park, CA. (Hearing site: Yakima, WA.)

NOTE.—Dual operations are at issue in this proceeding.

MC 124711 (Sub-61F), filed August 10, 1978. Applicant: BECKER CORP., P.O. Box 1050, El Dorado, KS 67042. Representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from the facilities of Chevron Chemical Co., near Friend, KS, to points in CO, NE, OK, TX, and WY. (Hearing site: Dallas, TX, or Washington, DC.)

MC 124839 (Sub-34F), filed September 11, 1978. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, GA 31408. Representative: William P. Sullivan, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe and pipefittings* (except iron and steel articles), from Green Cove Springs, FL, to points in AL, GA, KY, LA, MS, NC, SC, TN, and VA; and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, from the destinations named in (1) above, to Green Cove Springs, FL, all of the service in (1) and (2) to be performed under continuing contract(s) with Johns-Manville Sales Corp., of Denver, CO. (Hearing site: Washington, DC.)

MC 128868 (Sub-5F), filed September 11, 1978. Applicant: TEXAS CONSTRUCTION SERVICE CO. OF AUSTIN, a corporation, 15000 FM

1825, Round Rock, TX 78664. Representative: W. S. Levens (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, gypsum, and lime*, between points in TX. (Hearing site: San Antonio, TX.)

MC 129387 (Sub-75F), filed August 14, 1978. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Doug W. Sinclair (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *clothing*, and (2) *materials, equipment*, and *supplies* used in the manufacture of clothing, from points in AL, GA, NC, NJ, NY, PA, RI, SC, and VA, to the facilities of Munsingwear, Inc., at (a) Minneapolis, MN, and (b) Paris, TX, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Minneapolis, MN.)

MC 133655 (Sub-120F), filed August 28, 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: (1) *such commodities* as are dealt in by manufacturers and distributors of medical, hospital, and surgical supplies, (b) *dry goods and fiber*, and (c) *industrial tapes, pipe covering tapes, pipeline coatings, and rust preventatives;* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) (a), (b), and (c) above, between Franklin, KY, Griswoldville and Walpole, MA, and Windham, CT, on the one hand, and, on the other, points in AL, AR, CA, KS, LA, MS, MO, NE, NM, OK, and TX. (Hearing Site: Chicago, IL.)

MC 133689 (Sub-222F), filed September 11, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *crude clay, ground clay*, and *floor sweeping compounds* (except commodities in bulk), from the facilities of Oil-Dri Corp. of America, at or near Ripley, MS, to points in AR, CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WV, and WI, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: St. Paul, MN.)

MC 133841 (Sub-6F), filed July 21, 1978. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main Street, Lincoln Park, NJ 07035. 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) *water pollution control equipment and air pollution control equipment*, and (2) *materials, equipment, and supplies* used in the manufacture and installation of the commodities named in (1) above (except commodities in bulk), between the facilities of Belco Pollution Control Corp., at Fairfield, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY, or Washington, DC.)

MC 134599 (Sub-165F), filed September 7, 1978. Applicant: INTERSTATE CONTRACT CARRIER CORP., a Delaware corporation, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *crated office furniture*, and *parts* for office furniture, from the facilities of Steelcase, Inc., at or near Tustin, CA, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, WV, and WI, under continuing contract with Steelcase, Inc., of Grands Rapids, MI. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

NOTE.—Dual operations are at issue in this proceeding.

MC 136408 (Sub-41F), filed September 12, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *pharmaceuticals, animal feed supplements, chemicals, and laminated plastic sheets*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), between points in NJ, NY, MA, and OH, under continuing contract with the American Cyanamid Co., of Wayne, NJ, and the Formica Corp., of Cincinnati, OH. (Hearing site: Washington, DC.)

NOTE.—Dual operations are at issue in this proceeding.

MC 136408 (Sub-42F), filed September 12, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pharmaceuticals and animal feed*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), from the facilities of the American Cyanamid Co., at Pearl River, NY, to points in CA, IL, IA, KS, MN, MO, OK, OR, TX, and WI, under continuing contract(s) with the American Cyanamid Co., of Wayne, NJ. (Hearing site: Washington, DC.)

NOTE.—Dual operations are at issue in this proceeding.

MC 136738 (Sub-1F), filed August 25, 1978. Applicant: DEAKAL CARTING CORP., 292 Marlin Street, Dix Hills, NY 11746. 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) *Record jackets*, and (2) *paper and paper products* used in the manufacture of record jackets, (a) from Farmingdale, NY, to Oak Ridge, Memphis, and Nashville, TN, (b) from Oak Ridge, TN, to Indianapolis, IN, and (c) from Canton, NC, to Farmingdale, NY, under continuing contract(s) in (1) and (2) above with Shoreco International, Inc., Shorewood Packing, Inc., and Shorewood Litho, Inc., all of Farmingdale, N.Y. (Hearing site: New York, NY, or Washington, DC.)

MC 136888 (Sub-14F), filed August 25, 1978. Applicant: NORMAN & SON, INC., P.O. Box 853, South Houston, TX 77587. Representative: Timothy Mashburn, P.O. Box 2207, 1806 Rio Grande, Austin, TX 78768. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron, metals, and alloys*, (except scrap metals), in dump vehicles, (1) between points in TX, on the one hand, and, on the other, those points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), and (2) between points in TX, on the one hand, and, on the other, points in IL, IN, OH, PA, KY, GA, FL, NC, SC, VA, WV, MD, and MI. (Hearing site: Houston or Dallas, TX.)

MC 138144 (Sub-32F), filed July 26, 1978. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials*, and (2) *materials and supplies* used in the installation of building materials (except commodities in bulk), between the facilities of Bird & Son, Inc., at Chicago, IL, on the one hand, and, on the other, points in KS, IA, MN, MO, NE, ND,

SD, and WI. (Hearing site: Chicago, IL.)

NOTE.—Dual operations are at issue in the proceeding.

MC 138225 (Sub-9F), filed August 28, 1978. Applicant: HEDRICK ASSOCIATES, INC., RR No. 2, Box 10A2, Douglas Road, Far Hills, NJ 07931. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marine engines*, from the facilities of Chrysler Corp., Marine Division, at or near Beaver Dam, WI, to the facilities of Trojan Yacht Co., at or near Lancaster, PA, under continuing contract(s) with Trojan Yacht Co., of Lancaster, PA. (Hearing site: Washington, DC.)

MC 138304 (Sub-15F), filed July 14, 1978. Applicant: NATIONAL PACKERS EXPRESS, INC., an Illinois corporation, 3445 Patterson Plank Road, North Bergen, NJ 07047. Representative: Craig B. Sherman, Barnett Bank Building, 1108 Kane Concourse, Bay Harbor Islands, FL 33154. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Non-edible grain flour, edible flour, dry beverage preparations, breadcrumbs, non-medicated syrup, and bread cubes*, and (2) *materials* used in the manufacture of the commodities in (1) above, from points in Queens County, NY, to points in KY, OH, IN, PA, MI, and WV. (Hearing site: New York, NY, or Washington, DC.).

MC 138469 (Sub-80F), filed September 6, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75254, 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: (1) *Nutritional food supplements*, from Norman, OK, to points in the United Staters (except AK and HI), and (2) *materials* used in the manufacture of the commodities in (1) above, from points in the United States (except AK and HI), to Norman, OK. (Hearing site: San Francisco, CA.)

MC 138505 (Sub-7F), filed August 28, 1978. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 9225 Katy Freeway, Suite 110, Houston, TX 77024. Representative: John H. Lewis, The 1650 Grant Street Building, Denver, CO 80203. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, between Denver, CO, and Billings, MT, under continuing contract(s) with The Denver Dry Goods, Inc., of Denver, CO. (Hearing site: Denver, CO.)

MC 138741 (Sub-49F), filed August 9, 1978. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, Esquire, 20 East Franklin, Liberty, MO 64068. To operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Treated lumber products* (except commodities in bulk), from the facilities of Jennison-Wright Corp., at Granite City, IL, to points in IN, IA, and KY. (Hearing site: Chicago, IL.)

MC 139495 (Sub-382F), filed August 28, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gas appliances, and electrical appliances*, and (2) *materials, supplies, and equipment* used in the manufacture, distribution, and repair of the commodities in (1) above, from the facilities of Whirlpool Corporation, at Evansville, IN, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, D.C.)

MC 139638 (Sub-6F), filed September 5, 1978. Applicant: N. L. MONTGOMERY, INC., P.O. Box 626, Rocky Mount, VA 24151. Representative: W. T. Jones (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Belmont, Franklin, Geauga, Guernsey, Holmes, Jackson, Ross, Washington, and Wayne Counties, OH, to points in NC, VA, and WV. (Hearing site: Rocky Mount or Roanoke, VA.)

MC 139906 (Sub-15F), filed July 31, 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. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles* (except in bulk), and (2) *materials, supplies, and equipment* used in the manufacture of plastic articles (except commodities in bulk and commodities which because of size or weight require the use of special equipment), from the facilities of J. W. Carroll & Sons, at or near Carson, CA, to points in the United States (except AK, AZ, ID, MT, ND, NM, NV, OR, SD, UT, WA, WY and HI). (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

NOTE.—Dual operations are at issue in this proceeding.

MC 140241 (Sub-18F), filed August 9, 1978. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precut log buildings*, knocked down, between Claremore, OK, on the one hand, and, on the other, points in the United States (except AK and HI); and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk), from points in the United States (except AK and HI), to Claremore, OK, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Kansas City, MO.)

MC 140241 (Sub-19F), filed August 9, 1978. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, and (2) *grain handling equipment*, from Hutchinson, KS, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO.)

MC 140241 (Sub-21F), filed August 10, 1978. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* from Ola and Waldo, AR, to points in KS, LA, MO, NE, NM, OK, TX, and SD. (Hearing site: Kansas City, MO.)

MC 140389 (Sub-35F), filed August 14, 1978. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsen, AL 35902. 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: (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 the use of special equipment), from Seattle, WA, to Sparks, NV and points in CA, restricted to the transportation of traffic having a prior movement by water, and (2) *the commodities* named in (1) above from the origin in (1) above to the destinations in (1) above, not having a prior movement by water in mixed loads with traffic having a prior movement by water. (Hearing site: Seattle, WA.)

MC 140615 (Sub-28F), filed August 28, 1978. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible cheese byproducts* (except in bulk), from Hainesport and Pennsauken, NJ, to points in the United States (except AK and HI). (Hearing site: Philadelphia, PA.)

MC 140615 (Sub-29F), filed August 28, 1978. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic products, and liquid latex*, (except commodities in bulk, in tank vehicles), from Monaca, PA, to points in MN, SD, and WI. (Hearing site: Philadephia, PA.)

MC 140665 (Sub-34F), filed August 7, 1978. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal coatins, plastic coatings, and glass coatings, porcelain, paint, color additives, chemicals, plastics, ceramics, insulating materials, glass products, refractories, fiberglass, furnance and kiln supplies, and highway marking equipment and supplies* (except commodities in bulk), and (2) *materials and supplies* used in the maufacture of the commodities in (1) above, (except commodities in bulk), from Orrville, Crooksville, Toledo, East Liverpool, Sebring, Walton Hills, and Cuyahoga Heights, OH, Odgensburg, Dresden, Buffalo, and East Rochester, NY, Pittsburgh, PA, chicago and Bartlett, IL, Plymouth, IN, Nashville, TN, and Toccoa, GA, to points in AR, LA, OK, and TX. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 140986 (Sub-8F), filed July 31, 1978. Applicant: GREAT NORTHERN TRUCK LINES, INC., Bank Street, Netcong, NJ 07857. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the construction of tennis courts (except commodities in bulk), from Charmian, PA , and Charlottesville, VA, to points in the United States (except AK, CT, DE, HI, KY, MA, MD, NH, NJ, NY, OH, PA, RI, TN, and VT), under continuing contract(s) with (1) Har-Tru Corp., of Hagerstown, MD, and (2) Robert Lee Co., Inc., of Charlottesville, VA. (Hearing site: Washington, DC.)

MC 141034 (Sub-6F), filed August 8, 1978. Applicant: MARGIN LEASING, INC., 21 Baltic Road, Worcester, MA 01607. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* (except in bulk), and (2) *materials and supplies* used in the production of malt beverages (except commodities in bulk), between Merrimack, NH, on the one hand, and, on the other, Boston, MA, and Newark, NJ, under continuing contract(s) with Anheuser-Busch, Inc., of St. Louis, MO. (Hearing site: Merrimack, NH, or Boston, MA.)

MC 142559 (Sub-43F), filed September 5, 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: (1) *Plastic articles and plastic materials*, (except commodities in bulk), and (2) *equipment, materials and supplies*, (except commodities in bulk), used in the manufacture and distribution of the commodities in (1) above, between points in the United States (except AK and HI). (Hearing site: Columbus, OH or Washington, DC.)

NOTE.—Dual operations are at issue in this proceeding.

MC 142686 (Sub-9F), filed August 7, 1978. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Road, Santa Fe Springs, CA 90670. Representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass roving*, from Aiken and Anderson, NC, to Santa Monica, CA, under continuing contract(s) with Ornyte Fiberglass, a division of Berdon, Inc., of Santa Monica, CA. (Hearing site: Los Angeles, CA.)

MC 143059 (Sub-25F), filed September 5, 1978. Applicant: MERCER TRANSPORTATION CO., a Texas corporation, P.O. Box 35610, Louisville, KY 40232. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, pipe fittings, and pipe couplings* from Oakland, CA and Turner, OR, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture of the commodities in (1) above, from the destinations named in (1) above, to Oakland, CA and Turner, OR. (Hearing site: San Francisco, CA, or Washington, DC.)

MC 143179 (Sub-6F), filed August 11, 1978. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent (same address as applicant). To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers, plastic container lids, and plastic foam products*, from Omaha, NE, to points in AR, CO, IL, IA, MI, MN, MO, and WI, under continuing contract(s) with Airlite Plastics Co., of Omaha, NE. (Hearing site: Omaha, NE.)

MC 143256 (Sub-1F), filed July 11, 1978. Applicant: L-O-N, INC., 945 North East Broadway, Minneapolis, MN 55411. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture, furniture parts, and accessories for furniture* and (2) *materials, equipment, and supplies* used in the manufacture of furniture, (except commodities in bulk, in tank vehicles), (a) from Minneapolis and Cokato, MN, to points in CO, ID, IN, KS, KY, MO, MT, OH, TN, UT, and WY, and (b) from points in CO, GA, ID, IN, KS, KY, MA, MO, MT, NC, OH, SC, UT, and WY, to Minneapolis and Cokato, MN, under continuing contract(s) with (1) The Land-O-Nod Co., of Minneapolis, MN, and (2) Richwell Furniture Co., of Cokato, MN. (Hearing site: Minneapolis, MN.)

MC 143267 (Sub-30F), filed August 11, 1978. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Representative: Peter A. Greene, 900 17th Street, NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and plastic pipe fittings*, and (2) *materials, supplies, and equipment used in the manufacture and installation of the commodities in (1) above, (except commodities in bulk, in tank vehicles)*, between Valley View and Middlefield, OH and Bristol, IN, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC, or Cleveland, OH.)

MC 143436 (Sub-13F), filed August 7, 1978. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 9049 Stonegate Road, Indianapolis, IN 46227. Representative: Stephen M. Gentry, 1500 Main Street, Speedway, In 46224. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* (except commodities in bulk), in vehi-

cles equipped with mechanical refrigeration, from the facilities of Fred's Frozen Foods, Inc., at or near Noblesville, IN, to points in IL, KY, MI, and OH. (Hearing site: Indianapolis, IN.)

MC 143648 (Sub-7F), filed August 28, 1978. Applicant: CORALVILLE TRANSPORT, INC., R.R. No. 1, Lamont, IA 50650. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. 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 MN, NE, ND, SD, and WI. (Hearing site: Des Moines, IA, or St. Paul, MN.)

MC 143687 (Sub-5F), filed August 11, 1978. Applicant: DAVID DALE TRANSPORT, INC., 2 Franklin Street, West Medway, MA 02053. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cushioned envelopes, and plastic articles* (except commodities in bulk), from Hyannis, MA, to points in the United States (except AK, HI, and MA), and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), from the above-named destinations, to the above-named origin, under continuing contract(s) with Sentinel Foam Products, Inc., of Hyannis, MA. (Hearing site: Boston, MA.)

MC 144041 (Sub-18F), filed August 11, 1978. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, GA 30345. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemical products*, in containers, from the facilities of Gumout Division, Pennzoil Co., at or near East Butler, PA, to those points in the United States on and east of U.S. Hwy 85. (Hearing site: Washington, DC, or Atlanta, GA.)

NOTE.—Dual operations are involved in this proceeding.

MC 144117 (Sub-15F), filed August 14, 1978. Applicant: T.L.C. LINES, INC., 97 Produce Row, St. Louis, MO 63102. 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: *Plastic bags and plastic*, from the facilities of B-Bar-B, Inc., at or near New Albany, IN, to points in CA, FL, GA, NV, OR, TX, and WA, restricted to the transportation of traffic originating at the named origin. (Hearing site:: Louisville, KY, or Chicago, IL.)

MC 144117 (Sub-16F), filed August 14, 1978. Applicant: T.L.C. LINES, INC., 97 Produce Row, St. Louis, MO 63102. 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: *Paper labels, foil labels, foil wrappers, and wrapping paper*, from the facilities of Lustour, Inc., at Murphysboro, IL, to points in CA, CO, OR, and WA, restricted to the transportation of traffic originating at the named origin. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 144239 (Sub-2F), filed September 8, 1978. Applicant: J.L.T. CORP., 233 Green Village Road, Green Village, NJ 07935. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in vehicles equipped with mechanical refrigeration, (1) from New Wilmington, PA, to points in IL, IN, MD, MI, MN, NJ, NY, OH, and WI, and (2) from Hayfield, MN, to points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, and DC, under continuing contract(s) in (1) and (2) above with Valley Lea Dairies, Inc., of South Bend, IN. (Hearing site: New York, NY.)

MC 144256 (Sub-1F), filed July 19, 1978. Applicant: ARIZONA EXPRESS INC., 2131 West Roosevelt, Phoenix, AZ 85009. Representative: C. J. Boddington (same as above). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Phoenix and Lukeville, AZ, from Phoenix over U.S. Hwy 80 to junction AZ Hwy 85, then over AZ Hwy 85 to Lukeville, and return over the same route, serving all intermediate points on AZ Hwy 85 between junction AZ Hwy 85 and Interstate Hwy 8, including Gila Bend, (2) between Tucson and Why, AZ, over AZ Hwy 86, serving all intermediate points on AZ Hwy 86 west of junction AZ Hwy 86, AZ Hwy 286, and serving all points in the Papago Indian Reservation as off-route points in connection with carrier's otherwise regular-route operations. (Hearing site: Phoenix or Ajo, AZ.)

MC 144855 (Sub-1F), filed August 28, 1978. Applicant: TRANS CONTINENTAL CARRIERS, INC., 169 East Liberty Avenue, Anaheim, CA 92803. Representative: Patricia M. Schnegg, 1800 United California Bank Building, 707 Wilshire Boulevard, Los Angeles, CA 90017. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, in bags, from Chester, VT, to Canton, OH. (Hearing site: Los Angeles, CA.)

NOTE.—Dual operations are at issue in this proceeding.

MC 144918 (Sub-1F), filed September 11, 1978. Applicant: J. P. JENKS, INC., RD No. 3, P.O. Box 585, Geneva, OH 44041. Representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 930, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel articles*, between the facilities of Midwest Materials, Inc., at Perry, OH, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KY, MD, MA, MI, MN, NH, NJ, NY, PA, RI, VT, VA, WV, WI, and DC, restricted to the transportation of traffic originating at or destined to the above named facilities of Midwest Materials, Inc. (Hearing site: Cleveland, OH.)

NOTE.—Dual operations are involved in this proceeding.

MC 144969 (Sub-1F), filed August 29, 1978. Applicant: WHEATON CARTAGE CO., a corporation, Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Synthetic plastics, adhesives, sealants, cements, chemicals, rubber compounds, soldering flux, coatings,* and *lubricants*, and (b) *materials, equipment, and supplies* used in the application of the commodities in (1)(a) above, from Cambridge, MA, to points in the United States (except AK and HI); (2) *cleaning compounds*, from Cambridge, MA, to points in the United States (except AK, CT, DE, HI, MD, NJ, NY, PA, and RI); (3)(a) *synthetic plastics, adhesives, sealants, cements, chemicals, gas absorbing compounds, rubber compounds, soldering flux, coatings, and lubricants*, and (b) *materials, equipment, and supplies* used in the application of the commodities in (3)(a), from Woodbury, NJ and Atlanta, GA, to points in the United States (except AK and HI); (4)(a) *synthetic plastics, adhesives, sealants, cements, chemicals, gas absorbing compounds, rubber compounds, soldering flux, coatings, lubricants, air entraining agents, cement clinker or grinding compounds, concrete or masonary plasticizers and water reducing compounds, tall oil, and lignin liquors*, and (b) *materials, equipment and supplies* used in the application of the commodities in (4)(a), from Chicago, IL, to points in

the United States (except AK and HI); (5) *synthetic plastics, synthetic latex, battery insulating partitions,* and *pulpboard,* from Owensboro, KY, to points in the United States (except AK and HI); (6) *cleaning compounds, chemicals,* and *fertilizer compounds,* from Nashua, NH, to points in the United States (except AK, CT, DE, HI, MD, NJ, NY, PA, and RI); (7) *synthetic plastics, synthetic latex, battery insulating partitions,* and *cleaning compounds,* from Acton, MA, to points in the United States (except AK, CT, DE, HI, MD, NJ, NY, PA, and RI); and (8) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) through (7) above, from points in the United States (except AK and HI), to Cambridge, MA, Woodbury, NJ, Atlanta, GA, Chicago, IL, Owensboro, KY, Nashua, NH, Acton, MA, and San Leandro, CA, restricted in (1) through (8) above, against the transportation of commodities in bulk, in tank vehicles, and those which by reason of size and weight require the use of special equipment. (Hearing site: Washington, DC.)

NOTE.—Dual operations are involved in this proceeding.

MC 144984 (Sub-1F), filed August 8, 1978. Applicant: LAHOMA TRANSPORT, INC., an Oklahoma corporation, 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Representative: John E. Smith, II (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* (1) from Ada and Muskogee, OK, to points in AR, KS, LA, MO, and TX, and (2) between points in AR, KS, LA, MO, OK, and TX, restricted in part (2) to the transportation of traffic having an immediately prior movement by rail. (Hearing site: Denver, CO, or Oklahoma City, OK.)

MC 145098 (Sub-2F), filed September 11, 1978. Applicant: CASPER'S CARTAGE, INC., 3837 West 127th Street, Alsip, IL 60658. Representative: James L. Beattey, 130 East Washington Street, Suite One Thousand, Indian- apolis, IN 46204. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Sand, crushed stone, and gravel,* between those points in IN on and north of Interstate Hwy 70, on the one hand, and, on the other, points in Cook, Will, Du Page, and Kankakee Counties, IL; (2) *slag,* from points in Lake and Porter Counties, IN, to points in Cook, Will, Du Page, and Kankakee Counties, IL; and (3) *cement,* from the facilities of Louisville Portland Cement Company, at or near Logansport, IN, to points in Cook, Du Page, Will, and Kankakee Counties, IL. (Hearing site: Chicago, IL.)

MC 145200F, filed August 7, 1978. Applicant: AUTOMOTIVE FUEL CORP. OF DELAWARE, a Delaware Corporation, P.O. Box 162, Hazelcrest, IL 60429. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Petroleum products,* and (2) *such commodities as are dealt in or used by automobile service stations,* between points in IL, WI, IN, MI, PA, MD, VA, OH, KY, IA, MN, and MO, under continuing contract(s) with Cheker Oil Company, of East Hazelcrest, IL. (Hearing site: Chicago, IL.)

MC 145349F, filed September 6, 1978. Applicant: PROFESSIONAL DRIVER SERVICES, INC., 1631 Lebanon Road, Nashville, TN 37210. Representative: John M. Nader, Route 3 Box 4, Bowling Green, KY 42101. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New trucks and new truck chassis,* (1) in initial movements, in driveaway service, (a) from Buffalo, NY, Hayward, CA, and Allentown, PA, to points in AL, FL, GA, IN, KY, LA, MO, NC, OH, SC, TN, TX, and VA, (b) from Chino, CA, Seattle, WA, Indianapolis, IN, and Portland, OR, to Nashville and Knoxville, TN, and (2) in driveaway service, from Nashville and Knoxville, TN, to those points in the United States in and east of WI, IL, MO, AR, and LA. (Hearing site: Lexington or Louisville, KY.)

CONDITION.—The prior or coincidental cancellation, at carrier's written request, of its authority under MC 140245.

MC 145358F, filed August 31, 1978. Applicant: L. M. ROACH, d.b.a. D & L TRUCKING CO., P.O. Box 1741, 145 Sampson Road, Wilmington, NC 28401. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer,* between points in NC, SC, and VA. (Hearing site: Wilmington, NC.)

NOTE.—Dual operations are involved in this proceeding.

MC 145261F, filed July 26, 1978. Applicant: LONNIE FLOYD SURRETT, d.b.a. OXFORD TAXI CO., 507 Maine Street, Oxford, AL 36203. Representative: Charles L. Parks, P.O. Box 1709, Anniston, AL 36201. To operate as a *common carrier,* by motor vehicle, transporting: *Passengers and their baggage* in the same vehicle with passengers, between the Anniston-Oxford Airport, located in Calhoun County, AL, and the William B. Hartsfield Atlanta International Airport, at Atlanta, GA: From the Anniston-Oxford Airport, over AL Hwy 21 to junction Interstate Hwy 20, then over Interstate Hwy 20 to junction Interstate Hwy 285, then over Interstate Hwy 285 to junction Interstate Hwy 85, then over Interstate Hwy 85 to the William B. Hartsfield Atlanta International Airport, and return over the same route, serving no intermediate points restricted to the transportation (1) of passengers having a prior or subsequent movement by air, and (2) of not more than 5 passengers in any one vehicle, not including children under 10 years of age who do not occupy a seat, and the driver. (Hearing site: Birmingham, AL, or Atlanta, GA.)

[FR Doc. 78-29408 Filed 10-18-78; 8:45 am]

[7035-01-M]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

OCTOBER 4, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Eliminaton Rules* (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 30, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier,* by motor vehicles, over irregular routes.

MC 14702 (Sub-E1) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of October 8, 1974, and republished, as corrected, this issue. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, OH 44482. Representative: James M. Holland, (same as above). *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 MCC 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in PA on and east of a line beginning at the PA-NY

State line, and extending along U.S. Hwy 219 to junction U.S. Hwy 322, then along U.S. Hwy 322 to junction U.S. Hwy 350, then along U.S. Hwy 350 to junction U.S. Hwy 220, then along U.S. Hwy 220 to the PA-MD State line, points in MD, NJ, DC, and points in that part of NY east of a line extending from the shore of Lake Ontario along NY Hwy 18 to Rochester, then along U.S. Hwy 15 to Lakeville, then along AL U.S. Hwy 20 to Leicester, then along NY Hwy 36 to Mount Morris, then along NY Hwy 408 to junction NY Hwy 16 near Hinsdale, then along NY Hwy 16 to Olean, and then along NY Hwy 16-A to the NY-PA State line, on the one hand, and, on the other, points in OH north and west of a line beginning at the Ohio River and extending along U.S. Hwy 22 to junction I Hwy 77, then along I Hwy 77 to junction OH Hwy 78, then along OH Hwy 78 to junction OH Hwy 13, then along OH Hwy 13 to junction U.S. Hwy 33, then along U.S. Hwy 33 to the Ohio River. (Gateways eliminated: Warren, OH or Blaine, OH.)

NOTE.—The purpose of this republication is to clarify the correct E-number (1) instead of E-number (7).

MC 14702 (Sub-E7), (Correction) filed May 15, 1974, published June 14, 1974 in the FEDERAL REGISTER and republished this issue. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, OH 44482. Representative: James M. Holland (same as above). *Iron, steel, manufactured iron and steel articles, motors machinery, and machinery parts* (except commodities requiring special equipment and commodities in bulk), between points in PA on and west of U.S. Hwy 219 (except points in Greene and Washington Counties), on the one hand, and, on the other, points in IN, points in IL in the Chicago, IL, commercial zone as defined by the Commission, and points in MI on and south of MI Hwy 46. (Gateway eliminated: Warren, OH.) The purpose of this correction is to clarify the filings E1 and E7.

MC 88368 (Sub-E30) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of August 25, 1974, and republished again on July 19, 1978, and partially republished, as corrected, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, MO 64030. Representative: Charles Ephraim, Attorney, Suite 600, 1250 Connecticut Avenue NW., Washington, DC. 20036. *Household goods,* as defined by the Commission, (61) from points in OK to points in NH. (Gateways eliminated: Arkansas City, KS, Clinton, IL, Steubenville, OH, Philadelphia, IL, Lawrence, MA.)

NOTE.—The purpose of this partial correction is to add part (61) previously omitted.

MC 88368 (Sub-E31) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of August 25, 1975, and partially republished as corrected, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, MO 64030. Representative: Charles Ephraim, Attorney, Suite 600, 1250 Connecticut Avenue NW., Washington, DC. 20036. *Household goods,* as defined by the Commission, (16) from points in WA to points in AL; (17) from points in WA to points in AR; (18) from points in WA to points in AZ within 25 miles of Chander, AZ, including Chandler; (19) from points in WA to points in CT; (20) from points in WA to points in DE; (21) from points in WA to points in FL; (22) from points in WA to points in GA; (23) from points in WA to points in IL; (24) from points in WA to points in IN; (24) from points in WA to points in KS; (26) from points in WA to points in KY; (27) from points in WA to points in LA; (28) from points in WA to points in ME; (29) from points in WA to points in MA; (30) from points in WA to points in MS; (31) from points in WA to points in MO; (32) from points in WA to points in NH; (33) from points in WA to points in NJ; (34) from points in WA to points in NC; (35) from points in WA to points in OH; (36) from points in WA to points in PA; (37) from points in WA to points in RI; (38) from points in WA to points in TN; (39) from points in WA to points in DC; (Gateways eliminated: (16) Sterling, CO, Hays, KS, Tupelo, MS, or Sterling, CO, Hays, KS, Corinth, MS, Florence, AL; (17) Sterling, CO, Newton, KS; (18) Earp, CA, Parke, CA; (19) Sterling, CO, Newton, KS, Clinton, IL, Steubenville, OH, Philadelphia, PA; (20) Sterling, CO, Newton, KS, Clinton, IL, Steubenville, OH, Philadelphia, PA; (21) Sterling, CO, Hays, KS, Tupelo, MS, Birmingham, AL, Valdosta, GA; (22) Sterling, CO, Hays, KS, Corinth, MS, Florence, AL; (23) Laramie, WY, Sidney, NE, Shelby, IA; (24) Sterling, CO, Newton, KS, or Laramie, WY, Sidney, NE, Shelby, IA; (25) Denver, CO; (26) Laramie, WY, Sidney, NE, Shelby, IA, Bloomington, IL, Indianapolis, IN; (27) Sterling, CO, Newton, KS, Oklahoma City, OK, Jacksonville, TX; (28) Sterling, CO, Newton, KS, Clinton, IL, Steubenville, OH, Philadelphia, PA; Boston, MA; (29) Sterling, CO, Newton, KS, Clinton, IL, Steubenville, OH, Philadelphia, PA; (30) Sterling, CO, Hays, KS; (31) Sterling, CO; (32) Sterling, CO, Newton, KS, Clinton, IL, Steubenville, OH, Philadelphia, PA, Clinton, MA; (33) Sterling, CO, Newton, KS, Clinton, IL, Steubenville, OH, Philadelphia, PA; (34) Sterling, CO, Hays, KS, Corinth, MS, Florence, AL; (35) Sterling, CO, Newton, KS, Clinton, IL; (36) Sterling, CO, Newton, KS, Clinton, IL, Steubenville, OH; (37) Sterling, CO, Newton, KS, Steubenville, OH, Philadelphia, PA, S. Attleboro, MA; (38) Sterling, CO, Newton, KS; and (39) Sterling, CO, Newton, KS, Clinton, IL, Steubenville, OH, Philadelphia, PA.

NOTE.—The purpose of this partial republication is to add the above sections, previously omitted. The remainder of this letter-notice remains as previously published.

MC 88368 (Sub-E32) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of August 25, 1975, and partially republished, as corrected, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, MO 64030. Representative: Charles Ephraim, Attorney, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. *Household goods,* as defined by the Commission, (8) from points in WV to points in AL; (9) from points in WV to points in Del Norte, Siskiyou, and Modoc Counties, CA; (10) from points in WV to points in FL; (11) from points in WV to points in GA; (12) from points in WV to points in IA; (13) from points in WV to points in LA; (14) from points in WV to points in MS; (15) from points in WV to points in NM; (16)(A) from points in WV to those points in TX on, east and north of a line beginning at the International Boundary line between U.S. and Mexico, and extending along U.S. Hwy 80 to junction U.S. Hwy 290, then along U.S. Hwy 290 to junction U.S. Hwy 67, then along U.S. Hwy 67 to junction TX Hwy 349, then along TX Hwy 349 to junction U.S. Hwy 87, then along U.S. Hwy 87 to junction U.S. Hwy 84, then along U.S. Hwy 84 to the TX-NM State line; (B) from points in WV to points in Cherokee County, TX; (17) from points in WV to points in WY. (Gateways eliminated: (8) Bledsoe, KY; (9) Steubenville, OH, Clinton, IL, Newton, KS, Sterling, CO, Dalesport, WA; (10) Lynch, KY, Folkston, GA or Albany, GA; (11) Cumberland, KY; (12) Steubenville, OH, Clinton, IL; (13) Bledsoe, KY, Birmingham, AL; (14) Bledsoe, KY, Huntsville, AL; (15) Harlan, KY, Florence, AL, Pontotoc, MS, El Reno, OK; (16)(A) Harlan, KY, Florence, AL, Corinth, MS, Holland, MO, Lawton, OK; (B) Harlan, KY, Florence, AL, Pontotoc, MS; (17) Emerson, OH, Clinton, IL, Goessel, KS, Sidney, NE.

NOTE.—The purpose of this partial republication is to publish the above sections, previously omitted. The remainder of this letter-notice remains as previously published.

MC 88368 (Sub-E33)(Correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of August 25, 1975, and partially republished, as cor-

rected, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, MO 64030. Representative: Charles Ephraim, Attorney, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. *Household goods*, as defined by the Commission, (20) from points in VA to points in AR; (21) from points in VA to Harlan, IA and points within 15 miles thereof; (22) from points in VA to points in KS; (23) from points in VA TO POINTS IN LA; (24) from points in VA to points in MS; (25) from points in VA to points in NM. (Gateways eliminated: (20) Harlan, KY; (21) Bloomington, IL, Harlan, KY; (22) Harlan, KY, Florence, AL, Corinth, MS; (23) Bledsoe, KY, Birmingham, AL; (24) Bledsoe, KY, Huntsville, AL; (25) Harlan, KY, Florence, AL, Fort Smith, AR, El Reno, OK.

NOTE.—The purpose of this partial republication is to correct the territorial description, adding the above sections, previously omitted. The remainder of this letter-notice remains as previously published.

MC 88368 (Sub-E39) (correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of September 4, 1975, and partially republished, as corrected, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, MO 64030. Representative: Charles Ephraim, Attorney, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. *Household goods*, as defined by the Commission, (23) from points in NE to points in AL; (24) from points in NE to points in FL; (25) from points in NE to points in GA; (26) from points in NE to points in MS; (27) from those points in NE on and west of U.S. Hwy 83 to points in OH; (28) from points in NE to those points in TX on and east of a line beginning at the OK-TX State line, and extending along U.S. Hwy 283 to junction U.S. Hwy 87, then along U.S. Hwy 87 to junction U.S. Hwy 81, then along U.S. Hwy 81 to the International Boundary line between United States and Canada. (Gateways eliminated: (23) Cape Girardeau, MO, Corinth, MS, Florence, AL Newton, KS; (24) St. Joseph, MO, Corinth, MS, Florence, AL, Newton, KS, Columbus, MS, Tuscaloosa, AL, Valdosta, GA; (25) Poplar Bluff, MO, Corinth, MS, Tuscumbia, AL, St. Joseph, MO, Peabody, KS, Valley Center, KS, Houston, MS, Union Springs, AL, Phil Campbell, AL; (26) Lawrence, KS, Newton, KS; (27) Newton, KS, Clinton, IL; (28) Newton, KS, Arkansas City, KS.

NOTE.—The purpose of this partial republication is to correct the territorial description adding the sections above, previously omitted. The remainder of this letter-notice remains as previously published.

MC 88368 (Sub-E40) (correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of September 26, 1975, and partially republished, as corrected, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, MO 64030. Representative: Charles Ephraim, Attorney, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. *Household goods*, as defined by the Commission, (19) from points in OH to points in CO; (20) from points in OH to points in FL; (21) from points in OH to points in GA; (22) from points in OH to points in IA; (23) from points in OH to points in KS; (24) from points in OH to points in NM; (25) from points in OH to points in OK; (26) from points in OH to points in WA. (Gateways eliminated: (19) Clinton, IL, Newton, KS; (20) Lynch, KY, Folkston, GA, or Harlan, KY, Albany, GA; (21) Bledsoe, KY, or Cumberland, KY; (22) Bloomington, IL; (23) Clinton, IL; (24) Clinton, IL, Arkansas City, KS, El Reno, OK; (25) Clinton, IL, Arkansas City, KS; (26) Clinton, IL, Newton, KS, Sterling, CO.

NOTE.—The purpose of this partial republication is to add the above sections previously omitted. The remainder of this letter-notice remains as previously published.

MC 88368 (Sub-E41) (correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of September 4, 1975, and July 19, 1978, and partially republished, as corrected, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, MO 64030. Representative: Charles Ephraim, Attorney, Suite 600, 1250 Connecticut Avenue NW. *Household goods*, as defined by the Commission, (5) from points in NC to points in ID. (Gateways eliminated: Florence, AL, Corinth, MS, Cape Girardeau, MO, Sterling, CO, Monida, MT.)

NOTE.—The purpose of this partial republication is to correct typographical error. The remainder of this letter-notice remains as previously published.

MC 88368 (Sub-E45) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of September 4, 1975, and partially republished, as corrected, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, MO 64030. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. *Household goods*, as defined by the Commission, (32) from points in WY to points in AL; (33) from points in WY to points in AR; (34) from points in WY to those points in Del Norte, Siskiyou, and Humboldt Counties, CA; (35) from points in WY to points in DE; (36) from points in WY to points in FL; (37) from points in WY to points in GA; (38) from points in WY to Harlan, IA and points within 15 miles thereof; (39) from points in WY to points in LA; (40) from points in WY to points in MS; (41) from points in WY to points in MO; (42) from points in WY to points in NC; (43) from points in WY to points in RI; (44) from points in WY to points in TN; (45) from points in WY to those points in TX within 200 miles of Detroit, TX and on and east of a line beginning near Olin, TX and extending along U.S. Hwy 281 to San Antonio, TX, then along U.S. Hwy 81 to the International Boundary line between the United States and Mexico. (Gateways eliminated: (32) Sidney, NE, Newton, KS, Tupelo, MS; (33) Sidney, NE, Newton, KS; (34) Maryhill, WA; (35) Sidney, NE, Newton, KS, Clinton, IL, Steubenville, OH, Philadelphia, PA; (36) Sidney, NE, Newton, KS, Tupelo, MS, Birmingham, AL, Valdosta, GA, or Corinth, MS, or Florence, AL; (37) Sidney, NE, Newton, KS, Corinth, MS, Florence, AL; (38) Sidney, NE; (39) Sidney, NE, Newton, KS, Arkansas City, KS, Jacksonville, TX; (40) Sidney, NE, Newton, KS; (41) Sidney, NE, Newton, KS; (42) Sidney, NE, Newton, KS; (43) Sidney, NE, Newton, KS, Clinton, IL, Steubenville, OH, Philadelphia, PA, S. Attleboro, MA; (44) Sidney, NE, Newton, KS; (45) Sidney, NE, Newton, KS, Arkansas City, KS, or Oklahoma City, KS, or Oklahoma City, OK.

NOTE.—The purpose of this partial republication is to publish the above sections, previously omitted. The remainder of this letter-notice remains as previously published.

MC 88368 (Sub-E47) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of August 25, 1975, and partially republished, as corrected, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, MO 64030. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. *Household goods*, as defined by the Commission, (8) from points in RI to points on and north of Sonoma, Napa, Yolo, Sutter, Yuba, and Placer Counties, CA; (9) from points in RI to points in CO; (10) from points in RI to points in ID; (11) from points in RI to points in IL within 100 miles of Danville, IL, including Danville; (12) from points in RI to Harlan, IA, and points within 15 miles thereof; (13) from points in RI to points in KS; (14) from points in RI to points in Harlan County, KY; (15) from points in RI to points in LA; (16) from points in RI to points in MS; (17) from points in RI to points in MO; (18) from points in RI to points in NM; (19) from points in RI to points in Jefferson County, OH; (20) from points in RI to points in OK; (21) from points in RI to points in OR;

(22) from points in RI to points in Philadelphia, PA. (Gateways eliminated: (8) S. Attleboro, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Goessel, KS, Sterling, KS, Maryhill, WA; (9) S. Attleboro, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Newton, KS; (10) S. Attleboro, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Newton, KS, Sterling, CO, Monida, MT, or S. Attleboro, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Newton, KS, Sidney, NE, Casper, WY, Butte, MT; (11) S. Attleboro, MA, Philadelphia, PA, Steubenville, OH, Chenoa, IL; (12) Central Falls, MA, Philadelphia, PA, Steubenville, OH, Bloomington, IL; (13) S. Attleboro, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL; (14) S. Attleboro, MA, Philadelphia, PA, Steubenville, OH, (15) Central Falls, MA, Philadelphia, PA, Steubenville, OH, Bledsoe, KY, Birmingham, AL; (16) Marlboro, MA, Philadelphia, PA, Steubenville, OH, Bledsoe, KY, Huntsville, AL; (17) Attleboro, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL; (18) Lawrence, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Arkansas City, KS, El Reno, OK; (19) S. Attleboro, MA, Philadelphia, PA; (20) S. Attleboro, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Arkansas City, AR; (21) S. Attleboro, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Newton, KS, Sterling, CO, Maryhill, WA; (22) S. Attleboro, MA.

NOTE.—The purpose of this partial republication is to publish the above sections, previously omitted. The remainder of this letter-notice remains as previously published.

MC 107403 (Sub-E639) (correction), filed July 18, 1974, published in the FEDERAL REGISTER issue of August 29, 1974, and republished, as corrected, this issue. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Representative: John Nelson (same as above). *Liquid resins*, in bulk, in tank vehicles, from Hopewell, VA, to points in TX on and west of a line beginning at the OK-TX State line, and extending along U.S. Hwy 281 to junction Interstate Hwy 35, then along Interstate Hwy 35 to junction TX Hwy 57, then along TX Hwy 57 to the United States-Mexican International Boundary line. (Gateways eliminated: Cumberland, MD, Newark, OH, and Valparaiso, IN.)

NOTE.—The purpose of this republication is to correct the territoral description.

MC 115093 (Sub-E3) (correction), filed June 8, 1978, published in the FEDERAL REGISTER issue of July 7, 1978, and republished, as corrected, this issue. Applicant: MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, FL 33622. Representative: William H. Shawn, 1730 M Street NW., Suite 501, Washington, DC 20036. Parts (I) and (II)—Tredell County should read Iredell County. (III)(A)—Morre County should read as Moore County and U.S. Hwy 65 should read as U.S. Hwy 64. (B) NC Hwy 70 should read as TN Hwy 70. Part (IV)(A)—Montour, NC, should read as Moncure, NC. (B) Grudny County should read as Grundy County and IN-AL State line should read TN-AL State line. Part (V)(A)—Tredell County should read as Iredell County. (B) NC Hwy 107 should read TN Hwy 107 and NC Hwy 61 should read TN Hwy 61. Part (VII)(B)—Blesdose County should read Bledsoe County. Part (VIII)(A)—Bladen County should read Sampson County and Tredell County should read Iredell County. Part (IX)(A)—David County should read Davie County and Tredell County should read Iredell County. Part (XI)(A)—* * * then along the Randolph-Davidson County line to U.S. Hwy 29, then along U.S. Hwy 29 to junction U.S. Hwy 52, then along U.S. Hwy 52 to the Forsyth-Davidson County line * * *. Part (XVI)(A)—TN Hwy 66 should read NC Hwy 66 and TN Hwy 268 should read NC Hwy 268.

NOTE.—This republication corrects several discrepancies. The remainder of this letter remains as previously published.

MC 115826 (Sub-E78), filed December 15, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Termina, Denver, CO 80217. Representative: William N. Shawn, Suite 501, 1730 M Street NW., Washington, DC 20036. *Dairy products, chilled and frozen bakery products, frozen fruits, frozen vegetables, frozen berries, frozen french fries, frozen pizza, and pizza pie ingredients*, from points in CO beginning at the CO-WY State line, and extending along U.S. Hwy 287 to junction U.S. Hwy 34, then along U.S. Hwy 34 to junction U.S. Hwy 36, then along U.S. Hwy 36 to Boulder, then along CO Hwy 93 to Golden, then along CO Hwy 26 to junction Jefferson County Road 145, then along Jefferson County Road 145 to junction CO Hwy 74, then along CO Hwy 74 to junction CO Hwy 8, then along CO Hwy 8 to junction U.S. Hwy 285, then along U.S. Hwy 285 to junction CO Hwy 121, then along CO Hwy 121 to junction CO Hwy 75, then along CO Hwy 75 to junction U.S. Hwy 85, then along U.S. Hwy 85 to Pueblo, then along U.S. Hwy 87 to junction Interstate Hwy 225, then along Interstate Hwy 225 to junction Interstate Hwy 70, then along Interstate Hwy 70 to junction Interstate Hwy 270 then along Interstate Hwy 270 to junction U.S. Hwy 85, then along U.S. Hwy 85 to the CO-WY State line, to those points in TX on and east and south of a line beginning at the TX-Mexico International Boundary line at Laredo, TX, and extending along U.S. Hwy 59 to junction U.S. Hwy 77 at Victoria, then along U.S. Hwy 77 to junction I Hwy 10, then east along I Hwy 10 to Houston, TX, then along U.S. Hwy 75 to Huntsville, then along TX Hwy 19 to junction TX Hwy 94, then along TX Hwy 94 to Lufkin, then along U.S. Hwy 59 to junction U.S. Hwy 79, then along U.S. Hwy 79 to the TX-LA State line, and Lone Star and Texarkana, TX. (Gateway eliminated: Denver, CO.)

MC 116073 (Sub-E59), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections mounted on wheeled undercarriages, from Potcatello, Idaho Falls, Twin Falls, Boise, Garden City, Nampa, Kellogg, Lewiston, Moscow, Couer d'Alene, Smetterville, ID. (Gateway eliminated: points in NV.)

MC 116073 (Sub-E60), filed March 30, 1978. Applicant: BARETT MOBILE HOME TRANSPORT, INC., Box 919, Moorhead, MN 56560. Represenatative: John C. Barrett, president (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and buiildings, in sections, mounted on wheeled undercarriages, from Denver, Lakewood, Greeley, Pueblo, Alamosa, and Fort Collins, CO to those points in TX on and south of a line beginning at the NM-TX State line, and extending along TX Hwy 128 to junction TX Hwy 115, then along TX Hwy 115 to junction TX Hwy 176, then along TX Hwy 176 to junction Interstate Hwy 20, then along Interstate Hwy 20 to junction U.S. Hwy 84, then along U.S. Hwy 84 to junction U.S. Hwy 183, then along U.S. Hwy 183 to junction U.S. Hwy 290, then along U.S. Hwy 290 to junction Interstate Hwy 10, then along Interstate Hwy 10 to the TX-LA State line. (Gateway eliminated: Carlsbad, NM.)

MC 116073 (Sub-E77), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, Moorhead, MN 56560. Representative: Johm C. Barrett, president (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, (A) from Cady, WY to those points in TX on and south of U.S. Hwy 82; (B) from Laramie, WY to those points in TX on and south of a line beginning at the NM-TX State line, and extending along U.S. Hwy 277 to junction U.S. Hwy 84, then east along U.S. Hwy 84 to the TX-LA State line. (Gateways eliminated: points in CO and NM.)

MC 116073 (Sub-E81), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, from those points in MT on and west of Valley, Garfield, Rosebud, and Powder River Counties, to those points in NE on and west of U.S. Hwy 77. (Gateways eliminated: Cody and Laramie, WY.)

MC 123407 (Sub-E406), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). (1) *Decorating or preservative materials, supplies and equipment;* (2) *paint, painting materials, supplies and equipment;* (3) *engine coolant, lubricating oil, cleaning compounds, and glue;* and (4) *advertising material* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in WY (except points in Crook, Weston, Sheridan, Campbell, and Johnson Counties), to points in the Upper Peninsula of MI on and east of Interstate Hwy 75. (Gateway eliminated: facilities of Montgomery Ward Paint Factory at Chicago Heights, IL).

MC 123407 (Sub-E407), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Prefabricated buildings,* complete, knocked down, or in sections, including all component parts, equipment, and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from points in ME, NH, VT, MA, CT and RI, to points in WY. (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E408), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Prefabricated buildings,* complete, knocked down, or in sections, including all component parts, equipment, and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from points in NY to points in WY. (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E409), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Prefabricated buildings,* complete, knocked down, or in sections, including all component parts, equipment, and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from points in NJ to points in WY. (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E410), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Prefabricated buildings,* complete, knocked down, or in sections, including all component parts, equipment, and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from points in DE to points in WY. (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E411), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, In 46383. Representative: Richard L. Loftus (same as above). *Prefabricated buildings,* complete, knocked down, or in sections, including all component parts, equipment, and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from points in MD on and east of U.S. Hwy 220, to points in WY. (Gateways eliminated: Litchfield, MN.)

MC 123407 (Sub-E412), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Prefabricated buildings,* complete knocked down, or in sections, including all component parts, equipment, and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from Newport News and Norfolk, VA, to points in WY. (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E413), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 463830. Representative: Richard L. Loftus (same as above). *Prefabricated buildings,* complete, knocked down, or in sections, including all component parts, equipment and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from Charleston, SC, to points in WY. (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E414), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Prefabricated buildings,* complete, knocked down, or in sections, including all component parts, equipment, and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from Savannah, GA, to points in WY (except points in Carbon, Albany, Platte, Goshen and Laramie Counties, WY). (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E415), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Prefabricated buildings,* complete, knocked down, or in sections, including all component parts, equipment, and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from Pensacola, FL, to points in Park, Teton, Fremont, Hot Springs, Washakie, Big Horn, Sheridan, Johnson, Natrona, Campbell, Crook and Weston Counties, WY. (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E416), filed June 18, 1978. Applicant: SAWYER TRANS-

PORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Conduit and pipe* (other than iron and steel), and *attachments, parts and fittings* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from the facilities of Orangeburg Manufacturing Co. at Rootstown Township, Portage County, OH, to points in WA, OR, ID, and WY. (Gateway eliminated: points in IL.)

MC 123407 (Sub-E417), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Conduit and pipe* (other than iron and steel) and *attachments, parts and fittings* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from the facilities of Orangeburg Manufacturing Co. at Rootstown Township, Portage County, OH, to Mobile, AL; Greenville, Vicksburg, Natchez, Gulfport, and Pascagoula, MS. (Gateway eliminated: points in IL.)

MC 123407 (Sub-E418), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Conduit and pipe* (other than iron and steel), and *attachments, parts, and fittings* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from the facilities of Orangeburg Manufacturing Co. at Rootstown Township, Portage County, OH, to points in CA, NV, UT, CO, KS, and MO. (Gateway eliminated: points in IL.)

MC 123407 (Sub-E419), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Conduit and pipe* (other than iron and steel), and *attachments, parts, and fittings* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from the facilities of Orangeburg Manufacturing Co. at Rootstown Township, Portage County, OH, to points in AZ, NM, OK, AR, LA, and TX. (Gateway eliminated: IL.)

MC 123407 (Sub-E420), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Iron and steel articles*, as described in Appendix V to the report in "Descriptions in Motor Carrier Certificates," 61 MCC 209 (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from points in ME, NH, and VT to points in MS. (Gateway eliminated: Bartonville, IL.)

MC 123407 (Sub-E421), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Iron and steel articles*, as described in Appendix V to the report in "Descriptions in Motor Carrier Certificates," 61 MCC 209 (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from points in WA, WY, OR, points in CA in and north of Santa Cruz, Santa Clara, Stanislaus, Mariposa, and Mono Counties, points in NV (except points in Esmeralda, Nye, Lincoln, and Clark Counties), points in UT in and north of Washington, Iron, Beaver, Sevier, Sanpete, Carbon, and Uintah Counties, and points in Sedgwick, Logan, Weld, Larimer, Routt, and Moffatt Counties, CO, to points in TN. (Gateway eliminated: Bartonville, IL.)

MC 123407 (Sub-E422), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Iron and steel articles*, as described in Appendix V to the report in "Descriptions in Motor Carrier Certificates." 61 MCC 209 (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from points in MI and points in IN in and north of Newton, Jasper, Starke, Marshall, and Elkhart Counties, to points in MS. (Gateway eliminated: Bartonville, IL.)

MC 123407 (Sub-E423), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Iron and steel articles*, as described in Appendix V to the report in "Descriptions in Motor Carrier Certificates." 61 MCC 209 (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from points in Box Elder, Cache, Rich, and Weber Counties, UT; points in WY in and west of Crook, Weston, Campbell, Johnson, Natrona, Fremont, Sublette, Lincoln, and Uinta Counties, to points in MS. (Gateway eliminated: Bartonville, IL.)

MC 123407 (Sub-E424), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Iron and steel articles*, as described in Appendix V to the report in "Descriptions in Motor Carrier Certificates." 61 MCC 209 (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from points in WA; OR; ID; points in CA in and north of Lassen, Lumar, Butte, Glenn, Mendocino Counties; points in Washoe, Humbolt, Elko Counties, NV, to points in MS. (Gateway eliminated: Bartonville, IL.)

MC 123407 (Sub-E425), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Iron and steel articles*, as described in Appendix V to the report in "Descriptions in Motor Carrier Certificates," 61 MCC 209 (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in MI; points in Lake, Porter, LaPorte, St. Joseph, and Elkhart Counties, IN, points in ME, NH, VT, MA, RI, CT, NY, points in NJ in and north of Middlesex, Somerset, and Hunterdon Counties; and points in PA in and north of North Hampton, Carbon, Luzerne, Sullivan, Bradford, Tioga, Potter, McKearn, Warren, and Erie Counties, to points in TN on and west of U.S. Hwy 51. (Gateway eliminated: Bartonville, IL.)

MC 123407 (Sub-E426), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Prefabricated buildings*, complete, knocked down, or in sections, including all component parts, equipment, and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers,

having an immediately prior or subsequent movement by water, or water-rail or by air, from points in AZ, CA, ID, NV, OR, UT, WA, and WY, to points in MI. (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E427), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Roofing and roofing materials* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in WA, OR, CA, AZ, UT, ID, NV, and WY, to points in IN. (Gateway eliminated: Wilmington, IL.)

MC 123407 (Sub-E428), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Roofing and roofing materials* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in NM and points in KS in and west of Barber, Kingman, Sedgwick, McPherson, Dickinson, Geary, Riley, and Washington Counties, to points in IN on and north and east of a line beginning at the IN-IL State line, and extending along Interstate Hwy 74 to junction U.S. Hwy 136, then along U.S. Hwy 136 to junction U.S. Hwy 31 at Indianapolis, then north along U.S. Hwy 31 to the junction IN Hwy 7, then along IN Hwy 7 to the IN-KY State line. (Gateway eliminated: Wilmington, IL.)

MC 123407 (Sub-E429), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Roofing and roofing materials* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement be water, or by water-rail, or by air, from points in FL in and east of Leon and Wakulba Counties to points in IN on and west of a line beginning at the MI-IN State line, and extending along U.S. Hwy 31 to Rochester, to junction IN Hwy 25, then along IN Hwy 25 to junction IN Hwy 26, then along IN Hwy 26 to the IN-IL State line. (Gateway eliminated: Wilmington, IL.)

MC 123407 (Sub-E430), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). (1) *Decorating or preservative materials, supplies and equipment;* (2) *paint, painting materials, supplies and equipment;* (3) *engine coolant, lubricating oil, cleaning compounds, and glue;* and (4) *advertising material* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in MO, CO, and KS, to points in the Upper Peninsula of MI (except Gogebic, Ontonagon, Houghton, Iron, and Keweenaw Counties, MI). (Gateway elininated: facilities of Montgomery Ward Paint Factory at Chicago Heights, IL.)

MC 123407 (Sub-E431), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). (1) *Decorating or preservative materials, supplies and equipment;* (2) *paint, painting materials, supplies and equipment;* (3) *engine coolant, lubricating oil, cleaning compounds and glue;* and (4) *advertising materials* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in NM and OK, to points in the upper peninsula of MI (except points in Gogebic County). (Gateway eliminated: facilities of Montgomery Ward Paint Factory at Chicago Heights, IL.)

MC 123407 (Sub-E432), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). (1) *Decorating or preservative materials, supplies and equipment;* (2) *paint, painting materials, supplies and equipment;* (3) *engine coolant, lubricating oil, cleaning compounds and glue;* and (4) *advertising materials* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in TX, to points in the upper peninsula of MI. (Gateway eliminated: facilities of Montgomery Ward paint factory at Chicago Heights, IL.)

MC 123407 (Sub-E433), filed June 18, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Animal feeds, poultry feeds, animal feed ingredients and poultry feed ingredients,* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail, or by air, from points in AZ; points in AR in and west of Boone, Newton, Pope, Yell, Montgomery, Pike, Hempstead, and Miller Counties; points in CA, CO, ID, KS; points in LA in and west of Clairborne, Bienville, Red River, Natchitoches, Vernon, Allen, Jefferson, Davis and Cameron Counties; points in MO in and west of Mercer, Grundy, Livingston, Carroll, Saline, Pettis, Benton, Hickory, Pope, Greene, Christian and Taney Counties; and points in NV, NM, OK, OR, TX, UT, WA and WY, to points in the upper peninsula of MI.

MC 123407 (Sub-E434), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Composition boards, and parts, materials, and accessories* incidental to the installation thereof (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from the facilities of National Gypsum Co. at Mobile, AL, to points in WA, OR, ID, NV, CA, UT, WY, CO, KS, points in Ottawa, Craig, Nowato, Washington, Kay, Grant, Alfalfo, Wood, Beaver, Texas and Cimarron Counties, OK, points in Union, Colfax, Taos, and San Juan Counties, NM, points in Coconino, Yavapar and Mohave Counties, AZ, points in and north of Mississippi, Scott, Stoddard, Butler, Custer, Shannon, Texas, Douglas, Christian, Lawrence and New Town Counties, MO. (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E435), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Prefabricated buildings,* complete, knocked down, or in sections, including all component parts, equipment and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from Newport News and Norfolk, VA, to points in CO on and west of a line beginning at Julesburg, then along Interstate Hwy 80 to junction Interstate Hwy 25, then along Interstate Hwy 25 to junction U.S. Hwy 24 at Colorado Springs, then along U.S. Hwy 24 to junction U.S. Hwy 285,

to the CO-NM State line. (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E436), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Lumber and flooring* (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from the facilities of Birmingham Forest Products, Inc., at Cordova, AL, to points in WA, OR, ID, WY, UT, NV, CA, AZ, NM (except points in Otero, Eddy and Lea Counties) CO, points in OK in and west of Jackson, Kiowa, Washita, Curtis, Dewey, Major, Garfield, Noble, and Kay Counties, and points in MO (except Dunklin, Pemir and New Madrid Counties). (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E437), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Composition board and materials and accessories* used in the installation of composition board (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Natchez, MS, to points in ME, NH, VT, MA, RI, CT, NY, NJ, WV, DE, MD; points in VA in and north of Craig, Botetour, Rockbridge, Amherst, Nebron, Albemarle, Fluvanna, Goochland, Henrico, New Kent, King and Queen, and Middlesex Counties. (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E438), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Composition board and materials and accessories* used in the installation of composition board (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Natchez, MS, to points in WA, OR, ID, WY, points in CA in and north of Sonoma, Lahe, Yolbo, Sacramento, and El Dorado Counties; points in NV on and north of U.S. Hwy 50; points in UT in and north of Juab, Utah, Ducherne and Daggett Counties, and points in Logan, Sedgwick, Weld, Larimer, Jackson, and Moffat Counties, CO. (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E439), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Composition board and materials and accessories* used in the installation of composition board (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Henry County, TN, to points in WA, OR, CA, ID, NV, UT, AZ, WY, CO, NM, OK, TX, WV, PA, NY, MD, DE, NJ, CT, MA, VT, RI, NH, ME; points in the kentucky counties of Greenup, Carter, Boyd, Elliott, Lawrence, Johson, and Martin; points in the Virginia counties in and north and east of Augusta, Rockbridge, Albemarle, Flievanna, Goochland, Henrico, Chestefield, Dinwiddie, Sussex, and South Hampton. (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E440), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Flat glass, glass glazing units, and glass doors and fittings* (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Toledo, OH, to points in WA, OR, CA, ID, NV, UT, and AZ, restricted to shipments originating at the facilities of Libbey-Owens-Ford Co. (Gateway eliminated: Joliet, IL.)

MC 123407 (Sub-E441), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Composition board and materials and accessories* used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from the facilities of National Gypsum Co. at Mobile, AL, to points in PA in and north of Greene, Fayette, Somerset, Breezewood, Blair, Centre, Mifflin, Snyder, Northumberland, Schuylkill, Lehigh, Montgomery, Philadelphia, and Bucks Counties; points in NJ in Gloucester, Camden, Ocean, Mercer, Hunterdon, and Warren Counties; points in NY in and north and west of Sullivan, Ulster, and Dutchen Counties; points in CT, MA, RI, VT, NH, and ME. (Gateway eliminated: points in IL (except Chicago and its commercial zone).)

MC 123407 (Sub-E442), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Composition board and materials and accessories* used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from the facilities of National Gypsum Co. at Mobile, AL, to points in KY on and north and west of a line beginning at the KY-TN State line, and extending along U.S. Hwy 41 to junction U.S. Hwy 62, then along U.S. Hwy 62 to the KY-OH State line; points in WV on and north of a line beginning at the KY-WV State line, and extending along I Hwy 64 to Charleston, then along WV Hwy 4 to junction I Hwy 79, then along I Hwy 79 to the PA-WV State line. (Gateway eliminated: points in IL (except Chicago and its commercial zone).)

MC 123407 (Sub-E443), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Roofing and roofing materials* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in OK and TX, to points in IN in and north of Warren, Fountain, Montgomery, Boone, Hamilton, Madison, Henry, and Randolph Counties. (Gateway eliminated: Wilmington, IL.)

MC 123407 (Sub-E444), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Materials, supplies and equipment* used in the manufacture of composition board (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in WA, OR, CA, NV, ID, UT, AZ, WY, CO, and NM, to Alpena, MI. (Gateway eliminated: Minneapolis, MN.)

MC 123407 (Sub-E445), filed July 25, 1978. Applicant: Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Materials, supplies and equipment* used in the manufacture of composition board (except commodities in bulk and commodities requiring special equipment) in con-

tainers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in KS, OK, and points in MO on and west of U.S. Hwy 71, to Alpena, MI. (Gateway eliminated: MN.)

MC 123407 (Sub-E446), filed July 25, 1978. Applicant: Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Composition board and materials and accessories* used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from Alpena, MI, to points in KS, OK, and points in MO on and west of U.S. Hwy 71. (Gateway eliminated: MN.)

MC 123407 (Sub-E447), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Composition board and materials and accessories* used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from Alpena, Mi, to points in WA, OR, CA, NV, ID, UT, AZ, WY, CO, and NM. (Gateway eliminated: MN.)

MC 123407 (Sub-E550), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Plastic pipe and plastic products* (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from points in TX on and west of a line beginning at Galvestion extending along U.S. Hwy 75 to junction I Hwy 610, then along I Hwy 610 to junction U.S. Hwy 290, then along U.S. Hwy 290 to junction U.S. Hwy 183, then along U.S. Hwy 183 to junction U.S. Hwy 281, then along U.S. Hwy 281 to the TX-Ok State line, to points in the Upper Peninsual of MI. (Gateway eliminated: Hearings, NE.)

MC 125433 (Sub-E11), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Machinery and machinery parts* (except commodiites in bulk) which by reason of size or weight, require special handling or the use of special equipment and machinery and machinery parts which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading, as machinery and machinery parts, which by reason of size or weight require special handling or the use of special equipment, between points in CA, on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E12), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Mining equipment and supplies* (except commodities in bulk) which by reason of size or weight require special handling or the use of special equipment, and mining equipment and supplies, which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading, as mining equipment and supplies which by reason of size or weight require special handling or the use of special equipment, between points in CA on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E13), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Machinery* (except commodities in bulk) which is embraced within the commodity description of self-propelled articles, weighing 15,000 pounds or more, transported on trailers, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in CA, on the one hand, and, on the other, points in CO. (gateway eliminated: UT.)

MC 125433 (Sub-E14), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Mining equipment* (except commodities in bulk) which is a self-propelled article, weighing 15,000 pounds or more, transported on trailers, and related machinery, tools, parts, and supplies moving in connection therewith, between points in CA, on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E15), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Construction equipment and supplies* (except commodities in bulk) which by reason of size or weight, require special handling or the use of special equipment and construction equipment and supplies which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading, as construction equipment and supplies, which by reason of size or weight require special handling or the use of special equipment, between points in CA, on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E16), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Construction equipment* (except commodities in bulk) which is a self-propelled article, weighing 15,000 pounds or more transported on trailers, and related machinery, tools, parts, and supplies moving in connection therewith, between points in CA, on the one hand, and, on the other, points in CO (Gateway eliminated: UT.)

MC 125433 (Sub-E17), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Pipe and pipe fittings* (except iron and steel commodities in bulk) which are also construction materials, equipment or supplies, between points in CA, on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E18), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Pipe and pipe fittings* (except iron and steel commodities in bulk) which are also mining materials, equipment or supplies, between points in CA, on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E19), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Construction materials* (except commodities in bulk), between points in CA, on the one hand, and, on the other, points in CO. (Gateway eliminated: points in UT.)

MC 125433 (Sub-E21), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Iron and steel articles as* described in Appendix V in *Descriptions in Motor Carrier Certificates*, 61, MCC 209 and 766, when shipped as mining and construction materials, equipment, and supplies (except commod-

ities in bulk), between points in CA, on the one hand, and, on the other, points in CO. (Gateway eliminated: points in UT.)

MC 125433 (Sub-E22), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Iron and steel articles,* as described in *Descriptions in Motor Carrier Certificates,* Appendix V, 61 MCC 766 (except mining and construction materials, equipment, and supplies, and commodities in bulk), between points in CA, on the one hand, and, on the other, points in CO. (Gateway eliminated: points in UT.)

MC 125433 (Sub-E23), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Paper articles* (except commodities in bulk), which by reason of size or weight require special handling or the use of special equipment, and *paper articles* which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as paper articles which require special handling or equipment, from the facilities of Fibreboard Corp., at Antioch, San Jose, and Stockton, CA, to points in CO. (Gateway eliminated: points in UT.)

MC 125433 (Sub-E24), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Paper articles* which are also construction materials (except commodities in bulk), from the facilities of Fibreboard Corp., at Antioch, San Jose, and Stockton, CA, to points in CO, (Gateway eliminated: points in UT.)

MC 125433 (Sub-E25), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Commodities* which by reason of size or weight, require special handling or the use of special equipment, and *commodities* (except commodities in bulk, motor vehicles, motor vehicle cabs and bodies, class A and B explosives and boats), which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment, between points in OR, on the one hand, and, on the other, points in CO. (Gateway eliminated: points in UT.)

MC 125433 (Sub-E26), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Self-propelled articles,* each weighing 15,000 pounds or more (except motor vehicles as defined in sec. 203(a)(13) of the ICA, vehicles moving in driveaway service, and boats), and related machinery, tools, parts, and supplies moving in connection therewith between points in OR, on the one hand, and, on the other, points in CO. (Gateway eliminated: points in UT.)

MC 125433 (Sub-E27), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Iron and steel articles* as described in appendix V to the Commission's report in Descriptions in Motor Carriers Certificates, 61 MCC 209 and 766 (except commodities in bulk), between points in OR, on the one hand, and, on the other, points in CO. (Gateway eliminated: points in UT.)

MC 125433 (Sub-E30), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Iron and steel articles* as described in appendix V to the Commission's report in Descriptions in Motor Carriers Certificates, 61 MCC 209 and 766 (except commodities in bulk), between points in WA, on the one hand, and, on the other, points in CO. (Gateway eliminated: points in UT.)

MC 125433 (Sub-E31), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as above). *Commodities* (except commodities in bulk) which by reason of size or weight, require special handling or machinery, boilers, storage tanks, and parts therefor; structural steel, and contractors' outfits, and supplies requiring special equipment or rigging which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment between points in ID, on the one hand, and, on the other, points in CO. Restriction: This authority granted next above to the extent it authorizes the transportation of explosives shall be limited in point of time, to a period expiring December 22, 1981. Restriction: The operations authorized herein are restricted against the transportation of traffic moving between points in Boise, Pocatello, Blackfoot, and Idaho Falls, ID, on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E32), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as above). *Self-propelled articles,* each weighing 15,000 pounds or more, and related *machinery, tools, parts, and supplies* moving in connection therewith (except commodities in bulk) between points in ID, on the one hand, and, on the other, points in CO. Restriction: The operations authorized above are subject to the following conditions: Said operations are restricted to commodities which are transported on trailers. Said operations shall not be severable by sale or otherwise. Restriction: The operations authorized herein are restricted against the transportation of traffic moving between points in Boise, Pocatello, Blackfoot, and Idaho Falls, ID, on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E33), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as above). *Iron and steel articles,* as described in appendix V to the Commission's report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk), between points in ID, on the one hand, and, on the other, points in CO. Restriction: The operations authorized above shall not be severable, by sale or otherwise, from the carrier's corresponding authority to transport commodities, the transportation of which because of size or weight, requires the use of special equipment. Restriction: The operations authorized herein are restricted against the transportation of traffic moving between points in Boise, Pocatello, Blackfoot, and Idaho Falls, ID, on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E34), filed August 18, 1978. Applicant: F-T TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as above). *Pipe* (except commodities in bulk, and iron and steel) between points in ID, on the one hand, and, on the other, points in CO. Restriction: The operations authorized herein are restricted against the transportation of traffic moving between points in Boise, Pocatello, Blackfoot, and Idaho Falls, ID, on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E35), filed August 18, 1978. Applicant: F-B TRUCK

LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as above). *Construction materials* (except commodities in bulk) which are also building materials between points in ID, on the one hand, and, on the other, points in CO. Restriction: The operations authorized herein are restricted against the transportation of traffic moving between points in Boise, Pocatello, Blackfoot, and Idaho Falls, ID, on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E36), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as above). *Construction materials* (except commodities in bulk) which are machinery, boilers, storage tanks, and parts therefor, structural steel and contractors' outfits and supplies, requiring special equipment or rigging between points in ID, on the one hand, and, on the other, points in CO. Restriction: This authority to the extent it authorizes the transportation of explosives shall expire December 22, 1981. Restriction: The operations authorized herein are restricted against the transportation of traffic moving between points in Boise, Pocatello, Blackfoot, and Idaho Falls, ID, on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E37), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Special-purpose trailers* designed for use in connection with the maintenance and repair of electric power transmission lines, and those designed for use incidental to construction and mining projects (except, in either case, trailers designed to be drawn by passenger automobiles in truck-away service) which by reason of size or weight, require special handling, or the use of special equipment, and special-purpose trailers designed for use in connection with the maintenance and repair of electric power transmission lines, and those designed for use incidental to construction and mining projects (except, in either case, trailers designed to be drawn by passenger automobiles in truck-away service), which do not require special handling, or the use of special equipment when moving in the same shipment on the same bill of lading as special-purpose trailers designed for use in connection with the maintenance and repair of electric power transmission lines, and those designed for use incidental to construction and mining projects (except in either case, trailers designed to be drawn by passenger automobiles in truck-away service), which by reason of size or weight, require special handling or the use of special equipment, between points in ID, on the one hand, and, on the other, points in CO. Restriction: The operations authorized herein are restricted against the transportation of traffic moving between points in Boise, Pocatello, Blackfoot, and Idaho Falls, ID, on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E38), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Commodities* which by reason of size or weight, require special handling or the use of special equipment and machinery, boilers, storage tanks, and parts therefor, structural steel, and contractors outfits, and supplies requiring special equipment or rigging which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment between points in AZ (except points in Cochise County), on the one hand, and, on the other, points in CO. Restriction: This authority to the extent it authorizes the transportation of explosives shall expire December 22, 1981. (Gateway eliminated: UT.)

MC 125433 (Sub-E39), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith (except commodities in bulk), between points in AZ (except points in Cochise County), on the one hand, and, on the other, points in CO. Restriction: The operations authorized above are subject to the following conditions: Said operations are restricted to commodities which are transported on trailers. Said operations shall not be severable by sale or otherwise. (Gateway eliminated: UT.)

MC 125433 (Sub-E40), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Iron and steel articles* as described in Appendix V to the Commission's report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk), between points in AZ (except points in Cochise County, AZ) on the one hand, and, on the other, points in CO. Restriction: The operations authorized above shall not be severable, by sale or otherwise, from carrier's corresponding authority to transport commodities, the transportation of which because of size or weight, requires the use of special equipment. (Gateway eliminated: UT.)

MC 125433 (Sub-E41), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Pipe* (except iron and steel and commodities in bulk), between points in AZ (except Cochise County), on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E42), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Construction materials* when also building materials (except commodities in bulk), between points in AZ (except Cochise County), on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E43), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Construction materials* which are machinery, boilers, storage tanks, and parts therefor, structural steel and contractors outfits and supplies requiring special equipment or rigging (except commodities in bulk), between points in AZ (except Cochise County), on the one hand, and, on the other, points in CO. Restriction: This authority to the extent it authorized the transportation of explosives shall expire December 22, 1981. (Gateway eliminated: UT.)

MC 125433 (Sub-E44), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Special-purpose trailers* designed for use in connection with the maintenance and repair of electric power transmission lines, and those designed for use incidental to construction and mining projects (except, in either case, trailers designed to be drawn by passenger automobiles in truck-away service), which by reason of size or weight, require special handling, or the use of special equipment, and special-purpose trailers designed for use in connection with the maintenance and repair of electric power transmission lines, and those designed for use incidental to construction and mining projects (except, in either case, trailers designed to be drawn by passenger automobiles in truck-away serv-

ice), which do not require special handling, when moving in the same shipment on the same bill of lading as special-purpose trailers designed for use in connection with the maintenance and repair of electric power transmission lines, and those designed for use incidental to construction and mining projects (except in either case, trailers designed to be drawn by passenger automobiles in truck-away service), which by reason of size or weight, require special handling or the use of special equipment, between points in AZ (except points in Cochise County), on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E45), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Commodities* (except commodities in bulk), which by reason of size or weight, require special handling or machinery, boilers, storage tanks, and parts therefor, structural steel, and contractors' outfits, and supplies requiring special equipment or rigging which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment between points in NV (except points in Mineral County), on the one hand, and, on the other, points in CO. Restriction: This authority to the extent it authorizes the transportation of explosives shall expire December 22, 1981. (Gateway eliminated: UT.)

MC 125433 (Sub-E46), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Self-propelled articles,* each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith (except commodities in bulk), between points in NV (except points in Nye, Esmeralda, and Mineral Counties, NV), on the one hand, and, on the other, points in CO. Restriction: The operations authorized above are subject to the following conditions: Said operations are restricted to commodities which are transported on trailers. Said operations shall not be severable by sale or otherwise. (Gateway eliminated: UT.)

MC 125433 (Sub-E47), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Iron and steel articles* as described in appendix V to the Commission's report in *Descriptions in Motor Carrier Certificates,* 61 MCC 209 and 766 (except commodities in bulk, between points in NV (except points in Mineral County, NV), on the one hand, and, on the other, points in CO. Restriction: The operations authorized above shall not be severable, by sale or otherwise, from carrier's corresponding authority to transport commodities, the transportation of which because of size or weight, requires the use of special equipment. (Gateway eliminated: UT.)

MC 125433 (Sub-E48), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Pipe* (except iron and steel and commodities in bulk), between points in NV (except Mineral County, NV), on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E49), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Construction materials* when also building materials (except commodities in bulk), between points in that part of NV east of a line extending north and south through McDermitt, NV, including Winnemucca, NV, on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E50), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Construction materials* which are machinery, boilers, storage tanks, and parts therefor, structural steel and contractors' outfits and supplies, requiring special equipment or rigging (except commodities in bulk), between points in NV (except Mineral County, NV), on the one hand, and, on the other, points in CO. Restriction: This authority to the extent it authorizes the transportation of explosives shall expire December 22, 1981. (Gateway eliminated: UT.)

MC 125433 (Sub-E51), filed August 18, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake city, UT 84104. Representative: John B. Anderson (same as above). *Special-purpose trailers* designed for use in connection with the maintenance and repair of electric power transmission lines, and those designed for use incidental to construction and mining projects (except, in either case, trailers designed to be drawn by passenger automobiles in truck-away service), which by reason of size or weight, require special handling, or the use of special equipment, and special-purpose trailers designed for use in connection with the maintenance and repair of electric power transmission lines, and those designed for use incidental to construction and mining projects (except, in either case, trailers designed to be drawn by passenger automobiles in truck-away service), which do not require special handling, or the use of special equipment when moving in the same shipment on the same bill of lading as special-purpose trailers designed for use in connection with the maintenance and repair of electric power transmission lines, and those designed for use incidental to construction and mining projects (except in either case, trailers designed to be drawn by passenger automobiles in truck-away service), which by reason of size or weight, require special handling or the use of special equipment, between points in NV (except points in Mineral County), on the one hand, and, on the other, points in CO. (Gateway eliminated: UT.)

MC 125433 (Sub-E52), filed September 5, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Iron and steel articles* as described in Appendix V to the Commission's report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk), (1) between points in that part of CO on, north and east of a line beginning at the UT-CO State line and U.S. Hwy 40, then north and east along U.S. Hwy 40 to junction U.S. Hwy 34, then north and east on U.S. Hwy 34 to junction CO Hwy 59, then south along CO Hwy 59 to junction CO Hwy 96, then east along CO Hwy 96 to junction CO Hwy 196, then south along CO Hwy 196 to junction U.S. Hwy 287, then south along U.S. Hwy 287 to the CO-OK State line, on the one hand, and, on the other, points in that part of NM on and north of a line beginning at the NM-AZ State line and NM Hwy 504, then east along NM Hwy 504 to junction U.S. Hwy 550, then north along U.S. Hwy 550 to the NM-CO State line; (2) between points in CO, on the one hand, and, on the other, points in NM on and west of a line beginning at the NM-AZ State line and NM Hwy 504, then east along NM Hwy 504 to junction U.S. Hwy 666, then south and west along U.S. Hwy 666 to the NM-AZ State line; and (3) between points in that part of CO on, west and north of a line beginning at the CO-NM State line and U.S. Hwy 84, then north along U.S. Hwy 84 to junction U.S. Hwy 160, then north along U.S. Hwy 160 to junction CO Hwy 149, then north along CO Hwy 149 to junction CO Hwy 135, then north along

CO Hwy 135 to junction CO Hwy 133, then north along CO Hwy 133 to junction CO Hwy 82, then north along CO Hwy 82 to junction U.S. Hwy 6, then east along U.S. Hwy 6 to junction I Hwy 70, then east along I Hwy 70 to junction U.S. Hwy 36, then east along U.S. Hwy 36 to the CO-NE State line, on the one hand, and, on the other, points in NM on and west of a line beginning at the NM-AZ State line and U.S. Hwy 666, then east along U.S. Hwy 666 to junction NM Hwy 32, then south along NM Hwy 32 to junction NM Hwy 12, then south along NM Hwy 12 to junction U.S. Hwy 180, then south along U.S. 180 to junction NM Hwy 90, then south along NM Hwy 90 to junction I Hwy 10, then south along I Hwy 10 to junction NM Hwy 338, then south along NM Hwy 338 to junction NM Hwy 9, then west along NM Hwy 9 to the NM-AZ State line. Restriction: The operations authorized above shall not be severable, by sale or otherwise, from carrier's corresponding authority to transport commodities, the transportation of which because of size or weight requires the use of special equipment. (Gateway eliminated: UT.)

MC 125433 (Sub-E53), filed September 5, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as above). *Self-propelled articles,* each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith (except commodities in bulk), (1) Between points in that part of CO on, north and east of a line beginning at the UT-CO State line and U.S. Hwy 40, then north and east along U.S. Hwy 40 to junction U.S. Hwy 34, then north and east along U.S. Hwy 34 to junction CO Hwy 59, then south along CO Hwy 59 to junction CO Hwy 96, then east along CO Hwy 96 to junction CO Hwy 196, then south along CO Hwy 196 to junction U.S. Hwy 287, then south along U.S. Hwy 287 to the CO-OK State line, on the one hand, and, on the other, points in that part of NM on the north of a line beginning at the NM-AZ State line and NM Hwy 504, the east along NM Hwy 504 to junction U.S. Hwy 550, then north along U.S. Hwy 550 to the NM-CO State line; (2) between points in CO, on the one hand, and, on the other, points in NM on and west of a line beginning at the NM-AZ State line and NM Hwy 504, then east along NM Hwy 504 to junction U.S. Hwy 666, then south and west along U.S. Hwy 666 to the NM-AZ State line; (3) between points in that part of CO on, west and north of a line beginning at the CO-AZ State line and Hwy 84, then north along U.S. Hwy 84 to junction U.S. Hwy 160, then north along U.S. Hwy 160 to junction CO Hwy 149, then north along CO Hwy 149 to junction CO Hwy 135, then north along CO Hwy 135 to junction CO Hwy 133, then north along CO Hwy 133 to junction CO Hwy 82, then north along CO Hwy 82 to junction U.S. Hwy 6, then east along U.S. Hwy 6 to junction I Hwy 70, then east along I Hwy 70 to junction U.S. Hwy 36, then east along U.S. Hwy 36 to the CO—NE State line, on the one hand, and, on the other, points in NM on and west of a line beginning at the NM—AZ State line and U.S. Hwy 666, then east along U.S. Hwy 666 to junction NM Hwy 32, then south along NM Hwy 32 to junction NM Hwy 12, then south along NM Hwy 12 to junction U.S. Hwy 180, then south along U.S. Hwy 180 to junction NM Hwy 90, then south along NM Hwy 90 to junction I U.S. Hwy 10, then south along I Hwy 10 to junction NM Hwy 338, then south along NM Hwy 338 to junction NM Hwy 9, then west along NM Hwy 9 to NM—AZ State line. Restriction: The operations authorized above are subject to the following conditions: Said operations are restricted to commodities which are transported on trailers. Said operations shall not be severable by sale or otherwise. (Gateway eliminated: UT.)

MC 125433 (Sub-E54), filed September 5, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Special-purpose trailers* designed for use in connection with the maintenance and repair of electric power transmission lines, and those designed for use incidental to construction and mining projects (except, in either case, trailers designed to be drawn by passenger automobiles in truck-away service), when also commodities which by reason of size or weight, require special handling, or the use of special equipment, and special-purpose trailers designed for use in connection with the maintenance and repair of electric power transmission lines, and those designed for use incidental to construction and mining projects (except, in either case, trailers designed to be drawn by passenger automobiles in truck-away service), which do not require special handling, or the use of special equipment when moving in the same shipment on the same bill of lading as special-purpose trailers designed for use in connection with the maintenance and repair or electric power transmission lines, and those designed for use incidental to construction and mining projects (except, in either case, trailers designed to be drawn by passenger automobiles in truck-away service), when also commodities which by reason of size or weight, require special handling or the use of special equipment: (1) Between points in that part of CO, on, north and east of a line beginning at the UT-CO State line and U.S. Hwy 40, then north and east along U.S. Hwy 40 to junction U.S. Hwy 34, then north and east along U.S. Hwy 34 to junction CO Hwy 59, then south along CO Hwy 59 to junction CO Hwy 96, then east along CO Hwy 96 to junction CO Hwy 196, then south along CO Hwy 196 to junction U.S. Hwy 287, then south along U.S. Hwy 287 to the CO-OK State line, on the one hand, and, on the other, points in that part of NM on and north of a line beginning at the NM-AZ State line and NM Hwy 504, then east along NM Hwy 504 to junction U.S. Hwy 550, then north along U.S. Hwy 550 to junction NM-CO State line; (2) between points in CO, on the one hand, and, on the other, points in NM on and west of a line beginning at the NM-AZ State line and NM Hwy 504, then east along NM Hwy 504 to junction U.S. Hwy 666, then south and west of U.S. Hwy 666 to the NM-AZ State line; (3) between points in that part of CO on, west and north of a line beginning at the CO-NM State line and U.S. Hwy 84, then north along U.S. Hwy 84 to junction U.S. Hwy 160, then north along U.S. Hwy 160 to junction CO Hwy 149, then north along CO Hwy 149 to junction CO Hwy 135, then north along CO Hwy 135 to junction CO Hwy 133, then north along CO Hwy 133 to junction CO U.S. Hwy 82, the north along CO Hwy 82 to junction U.S. Hwy 6, then east along U.S. Hwy 6 to junction I Hwy 70, then east along I Hwy 70 to junction U.S. Hwy 36, then east along U.S. Hwy 36 to the CO-NE State line, on the one hand, and, on the other, points in NM on and west of a line beginning at the NM-AZ State line and U.S. Hwy 666, then east along U.S. Hwy 666 to junction NM Hwy 32, then south along NM Hwy 32 to junction NM Hwy 12, then south along NM Hwy 12 to junction U.S. Hwy 180, then south along U.S. Hwy 180 to junction NM Hwy 90, then south along NM Hwy 90 to junction I Hwy 10, then south along I Hwy 10 to junction NM Hwy 338, then south along NM Hwy 338 to junction NM Hwy 9, then west along NM Hwy 9 to the NM-AZ State line. (Gateway eliminated: UT.)

MC 125433 (Sub-E55), filed September 5, 1978. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as above). *Commodities,* The transportation of which, because of their size or weight require the use of special equipment and related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight re-

quire special equipment (except commodities in bulk), (1) between points in that part of CO on, north and east of a line beginning at the UT-CO State line and U.S. Hwy 40, then north and east of U.S. Hwy 40 to junction U.S. Hwy 34, then north and east along U.S. Hwy 34 to junction CO Hwy 59, then south along CO Hwy 59 to junction CO Hwy 96, then east along CO Hwy 96 to junction CO Hwy 196, then south along CO Hwy 196 to junction to U.S. Hwy 287, then south along U.S. Hwy 287 to junction CO-OK State line, on the one hand, and, on the other, points in that part of NM on and north of a line beginning at the NM-AZ State line and NM Hwy 504, then east along NM Hwy 504 to the NM-CO State line; (2) between points in CO, on the one hand, and, on the other, points in NM on and west of a line beginning at the NM-AZ State line; and NM Hwy 504, then east along NM Hwy 504 to junction U.S. Hwy 666, then south and west along U.S. Hwy 666 to the NM-AZ State line; and (3) between points in that part of CO on, west and north of a line beginning at the CO-NM State line and U.S. Hwy 84, then north along U.S. Hwy 84 to junction U.S. Hwy 160, then north along U.S. Hwy 160 to junction CO Hwy 149, then north along CO Hwy 149 to junction CO Hwy 135, then north along CO Hwy 135 to junction CO Hwy 133, then north along CO Hwy 133 to junction CO Hwy 82, then north along CO Hwy 82 to junction U.S. Hwy 6, then east along U.S. Hwy 6 to junction Hwy 70, then east along Interstate Hwy 70 to junction U.S. Hwy 36, then east along U.S. Hwy 36 to the CO-NE State line, on the one hand, and, on the other, points in NM on and west of a line beginning at the NM-AZ State line and U.S. Hwy 666, then east along U.S. Hwy 666 to junction NM Hwy 32, then south along NM Hwy 32 to junction NM Hwy 12, then south along NM Hwy 12 to junction U.S. Hwy 180, then south along U.S. Hwy 180 to junction NM Hwy 90, then south along NM Hwy 90 to junction Hwy 10, then south along Hwy 10 to junction NM Hwy 338, then south along NM Hwy 338 to junction NM Hwy 9, then west along NM Hwy 9 to the NM-AZ State line. (Gateway eliminated: UT.)

By the Commission.

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

[FR Doc. 78-29410 Filed 10-18-78; 8:45 am]

[7035-01-M]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

OCTOBER 11, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 30, 1978. A copy must also be served upon applicant or its representatives. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 68860 (Sub-E1) (correction), filed April 21, 1974, published in the FEDERAL REGISTER issue of June 13, 1974, corrected in the FEDERAL REGISTER issue of April 19, 1978, and partially republished, as corrected, this issue. Applicant: RUSSELL TRANSFER, INC., P.O. Box 2278, Roanoke, VA 24009. Representative: L. G. Gregory, Jr., (same as above). (2) *Angles, bars, bases, beams, bridge steel, channels, forms* (structural), *joists, piling, pipe* (cast iron, plate or sheet), *pipe fittings, plates* (structural) *rivets, rods, sheets, slabs, wire rope, and accessories* for beams and joists, from points in SC, and Lynchburg, Norfolk, Richmond, Danville, Bristol, Narrows, and Grundy, VA, Winston-Salem, Greensboro, Durham, Canton, Asheville, Charlotte, and Raleigh, NC, Washington, DC, Baltimore, MD, Wilmington, DE, Philadelphia, PA, Newark and Swedesboro, NJ, and Charleston, Bluefield, and Huntington, WV, to points in NC on and west of a line beginning at the VA-NC State line, and extending along U.S. Hwy 15, then along U.S. Hwy 15 to the NC-SC State line; points in TN on and east of a line beginning at the KY-TN State line, and extending along U.S. Hwy 25W to Knoxville, TN, and on and north of a line beginning at Knoxville, TN, and extending along U.S. Hwy 25W to Newport, TN, and then along U.S. Hwy 25 through Del Rio, TN, to the TN-NC State line; and points in WV on and south of a line beginning at the OH-WV State line, and extending along U.S. Hwy 33, then along U.S. Hwy 33 to the WV-VA State line. (Gateways eliminated: Roanoke, Lynchburg, and Glenvar, VA.)

NOTE.—The purpose of this partial republication is to correctly describe the commodities and territories in part (2). The remainder of this letter-notice remains as previously published.

MC 107515 (Sub-E674), filed December 20, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 33050. Representative: Alan E. Serby, Fifth Floor, Lenox Towers, I-3390, Peachtree Road NE., Atlanta, GA 30326. (1) *Meats, meat products, and meat byproducts* as described in section A of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk and canned goods), from Houston, TX, to points in ME, VT, NH, and MD. (2) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses which are foodstuffs*, 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 in bulk, in tank vehicles) from Dalhart, TX, to points in MD, DE, NJ, CT, RI, ME, NH, VT, MA, DC, and points in NY on and east of a line beginning at the NY-PA State line, and extending along U.S. Hwy 11 to junction NY Hwy 12, then along NY Hwy 12 to junction NY Hwy 8, then along NY Hwy 8 to junction NY Hwy 30, then along NY Hwy 30 to junction NY Hwy 3, then along NY Hwy 3 to junction Interstate Hwy 87, then along Interstate Hwy 87 to the international boundary line between the United States and Canada near Champlain, NY, restricted in part (2) against the transportation of canned citrus products to points in MD, DE, NJ, CT, RI, MA, DC, and that part of NY on and south of NY Hwy 7. (3) *Meats, meat products, and meat byproducts*, as described in appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except in bulk), from Burris, TX, to points in AL on and east of a line beginning at the AL-FL State line, and extending along U.S. Hwy 231 to junction U.S. Hwy 29, then along U.S. Hwy 29 to junction U.S. Hwy 431, then along U.S. Hwy 431 to junction Interstate Hwy 59, then along Interstate Hwy 59 to the AL-GA State line. (Gateway eliminated: Doraville, GA.)

MC 112304 (Sub-E422) (correction), filed May 1, 1978, published in the FEDERAL REGISTER issue of August 23,

1978, and republished, as corrected, this issue. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing, and wire in coils,* from all points in VA on and north of a line beginning at Interstate Hwy 64 at the WV-VA State line, then east along Interstate Hwy 64 to junction Interstate Hwy 81, then north along Interstate Hwy 81 to junction Interstate Hwy 64, then east along Interstate Hwy 64 to junction U.S. Hwy 360, then east along U.S. Hwy 360 to the Chesapeake Bay, to all points in TX. "Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980." (Gateways eliminated: Daviess County, KY and Clarksburg, WV, and points within 50 miles of Clarksburg.)

NOTE.—The purpose of this republication is to correct I Hwy 65 to read as I Hwy 64.

MC 112304 (Sub-E480) (Correction), filed May 1, 1978, published in the FEDERAL REGISTER issue of August 9, 1978, and republished, as corrected, this issue. Applicant: ACE DORAN HAULING & RIGGING CO, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in Butler County, PA, on the one hand, and, on the other, points in VA on and south of a line beginning at the WV-VA State line extending southeast along U.S. Hwy 250 to junction U.S. Hwy 360 at Richmond, then east along U.S. Hwy 360 to the Chesapeake Bay. *"Limitation:* The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980." (Gateway eliminated: Clarksburg, WV and 50 miles within Clarksburg, WV.)

NOTE:—The purpose of this republication is to clarify the territorial description.

MC 112304 (Sub-E481) (Correction), filed May 1, 1978, published in the FEDERAL REGISTER issue of August 9, 1978, and republished, as corrected, this issue. Applicant: ACE DORAN HAULING & RIGGING CO, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in Fayette County, PA, on the one hand, and, on the other, points in VA on and south of a line beginning at the WV-VA State line extending southeast along U.S. Hwy 250 to junction U.S. Hwy 360 at Richmond, then east along U.S. Hwy 360 to the Chesapeake Bay. *"Limitation:* The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980." (Gateway eliminated: Clarksburg, WV and 50 miles within Clarksburg, WV.)

NOTE:—The purpose of this republication is to clarify the territorial description.

MC 113651 (Sub-E36), filed February 4, 1977. Applicant: INDIANA REFRIGERATED LINES, INC., 2404 North Broadway, Muncie, IN 47303. Representative: H. Barney Firestone, 327 South LaSalle Street, Chicago, IL 60604. *Meats, meat products, and meat by-products,* as described in section A of Appendix I of the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk, in tank vehicles), from the plantsite of Armour & Co., near Worthington, MN to points in NJ, PA, DE, and points in that part of WV, on and west of U.S. Hwy 219 and New York, NY, and its commercial zone. Restriction: The authority granted herein is restricted as follows: (1) It is limited to shipments originating at the plantsite of Armour & Co., at Worthington, NM; (2) it is restricted against tacking at point of origin. (Gateway eliminated: Louisville, KY.)

MC 115826 (Sub-E62), filed December 15, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Termina, Denver, CO 80217. Representative: William N. Shawn, Suite 501, 1730 M Street NW., Washington, DC 20036. *Malt beverages,* from points in CO on and east and north of a line beginning at the CO-WY State line, and extending along U.S. Hwy 287, then along U.S. Hwy 287 to junction CO Hwy 119, then along CO Hwy 119 to junction U.S. Hwy 6, then along U.S. Hwy 6 to the western boundary of Jefferson County, CO, then along the western and southern boundaries of Jefferson County, and the southern boundary of Douglas County, to junction CO Hwy 67, then along CO Hwy 67 to Woodland Park, CO, then along U.S. Hwy 24 to the CO-KS State line, to points in AZ on and west of a line beginning at the UT-AZ State line, and extending along U.S. Hwy 89, then along U.S. Hwy 89 to junction U.S. Hwy 66, then along U.S. Hwy 66 to the AZ-NM State line. (Gateway eliminated: Golden, CO.)

MC 115826 (Sub-E63), filed December 15, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Termina, Denver, CO 80217. Representative: William N. Shawn, Suite 501, 1730 M Street NW., Washington, DC 20036. *Frozen fruits and vegetables,* from those points in CO beginning at the CO-WY State line, and extending along U.S. Hwy 287, then along U.S. Hwy 287 to junction U.S. Hwy 34, then along U.S. Hwy 34 to junction U.S. Hwy 36, then along U.S. Hwy 36 to junction CO Hwy 7, then along CO Hwy 7 to junction CO Hwy 72, then along CO Hwy 72 to junction CO Hwy 119, then along CO Hwy 119 to the western boundary of Jefferson County, then along the western boundary of Jefferson County to the southern boundary of Clear Creek County, then along an imaginary line across Jefferson County to the southern boundary of Arapahoe County, then along the southern boundary of Arapahoe County to junction I Hwy 25, then along I Hwy 25 to junction I Hwy 76, then along I Hwy 76 to junction U.S. Hwy 34, then along U.S. Hwy 34 to junction CO Hwy 71, then along CO Hwy 71 to junction I Hwy 76, then along I Hwy 76 to the CO-NE State line, to Phoenix, AZ; Albuquerque, NM; and El Paso, TX. (Gateway eliminated: Loveland, CO.)

MC 115826 (Sub-E64), filed December 15, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Termina, Denver, CO 80217. Representative: William N. Shawn, Suite 501, 1730 M Street NW., Washington, DC 20036. *Frozen fruits and vegetables,* from points in CO on and east and north of a line beginning at the CO-WY State line, and extending along U.S. Hwy 287, then along U.S. Hwy 287 to junction U.S. Hwy 34, then along U.S. Hwy 34 to junction U.S. Hwy 36, then along U.S. Hwy 36 to junction CO Hwy 7, then along CO Hwy 7 to junction CO Hwy 72, then along CO Hwy 72 to junction CO Hwy 119, then along CO Hwy 119 to the western boundary of Jefferson County, then along the western boundary of Jefferson County to the southern boundary of Clear Creek County, then along an imaginary line across Jefferson County to the southern boundary of Arapahoe County, then along the southern boundary of Arapahoe County to junction I Hwy 25, then along I Hwy 25 to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction U.S. Hwy 24, then along U.S. Hwy 24 to junction I Hwy 70, then along I Hwy 70 to the CO-KS State line, to Phoenix, AZ. (Gateway eliminated: Loveland, CO.)

MC 123407 (Sub-E533), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above.) *Plastic pipe and plastic products* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in OR, WA, ID, and WY to points in MO,

AR, LA, KY, TN, MS, AL, FL, GA, SC, NC, VA, WV, IL, IN, OH, PA, MD, DE, NJ, NY, MA, CT, RI, VT, NH, ME, and points in the Lower Peninsula of MI. (Gateway eliminated: Hastings, NE.)

MC 123407 (Sub-E540), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above.) *Iron and steel articles* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from new Castle, IN, to points in WA, OR, CA, ID, NV, WY, UT, CO, AZ, and NM. (Gateway eliminated: WI.)

MC 123407 (Sub-E542), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above.) *Lumber and lumber products* (except commodities in bulk and commodities requiring speical equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Dollar Bay, MI, to points in WA, OR, ID, CA, NV, UT, WY, and AZ. (Gateway eliminated: Ashland, WI.)

MC 123407 (Sub-E544), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above.) *Composition board and materials and accessories* used in the installation thereof (except commodities in bulk and commodities requiring special equipment), having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in AZ and CO, to points in OH, MI, and PA and those points in IN on and north of Interstate Hwy 70. (Gateway eliminated: Dubuque, IA.)

MC 123407 (Sub-E545), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Plastic pipe and plastic products* (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in TX on and west of a line beginning at Eagle Pass extending along U.S. Hwy 277 to junction U.S. Hwy 83, then along U.S. Hwy 83 to the TX-OK State line, to points in OH on and north of a line beginning at the IN-OH State line, and extending along U.S. Hwy 30 to junction Interstate Hwy 71, then along Interstate Hwy 71 to junction Interstate Hwy 76, then along Interstate Hwy 76 to junction Interstate Hwy 80, then along Interstate Hwy 80 to the OH-PA State line. (Gateway eliminated: Hastings, NE.)

MC 123407 (Sub-E546), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Plastic pipe and plastic products* (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in TX on and west of a line beginning at Eagle Pass and extending along U.S. Hwy 277 to junction U.S. Hwy 83, then along U.S. Hwy 83 to the TX-OK State line, to Gary and Burns Harbor, IN. (Gateway eliminated: Hastings, NE.)

MC 123407 (Sub-E547), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Composition board and materials and accessories* used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from points in ID to points in MI (except Keweenaw and Houghton Counties), IN, OH, PA, KY, TN, MS, and AL. (Gateway eliminated: Dubuque, IA.)

MC 123407 (Sub-E548), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Composition board and materials and accessories* used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from points in OR to points in MI, IN, OH, PA, KY, TN, MS, AL, and Baton Rouge and New Orleans, LA. (Gateway eliminated: Dubuque, IA.)

MC 123407 (Sub-E551), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Iron and steel articles* (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Bagdad, PA, to points in WA, OR, CA, ID, NV, WY, UT, CO, AZ, and those points in NM on and north of U.S. Hwy 60. (Gateway eliminated: Beloit, WI.)

MC 123407 (Sub-E552), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Iron and steel articles* (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from West Leechburg, PA, to points in WA, OR, CA, ID, NV, WY, UT, CO, AZ, and those points in NM on and north of U.S. Hwy 60. (Gateway eliminated: Beloit, WI.)

MC 123407 (Sub-E553), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Iron and steel articles* (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Coatesville, PA, to points in WA, OR, CA, ID, NV, WY, UT, CO, AZ, KS, those points in NM on and north of U.S. Hwy 60, and those points in OK on and west of U.S. Hwy 75 and Indian Nation Turnpike. (Gateway eliminated: Beloit, WI.)

MC 123407 (Sub-E554), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Roofing, building, and paving materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Brookville, IN, to points OR, CA, ID, NV, UT, AZ, WA, WY, CO, NM, OK, TX, AR, LA, and MS. (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E555), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Plastic pipe and plastic products* (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from points in KS on and west of a line beginning a the OK-KS State line extending along U.S. Hwy 77 to junction Interstate Hwy 35, then along Interstate Hwy 35

to junction Interstate Hwy 70, then along Interstate Hwy 70 to junction U.S. Hwy 75, then along U.S. Hwy 75 to the KS-NE State line, to points in CT, NH, VT, ME and points in MA (except Barnstable County). (Gateway eliminated: Hastings, NE.)

MC 123407 (Sub-E556), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Plastic pipe and plastic products* (except commodities in bulk and commodities requiring special equipment), in containers or in trailer, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in KS on and west of U.S. Hwy 77 to points in NY and points in MI on and north of a line beginning at Ludington extending along U.S. Hwy 10 to Bay City, then along the Saginaw River to Saginaw Bay. (Gateway eliminated: Hastings, NE.)

MC 123407 (Sub-E557), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Plastic pipe and plastic products* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in CO and AZ to points in MO, KY, IN, PA, MD, WV, VA, NC, SC, DE, NJ, NY, CT, RI, MA, VT, NH, ME, TN, points in the lower peninsula of MI, and points in OH on and east of Interstate Hwy 24. (Gateway eliminated: Hastings, NE.)

MC 123407 (Sub-E558), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Plastic pipe and plastic products* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by air, from points in NM to points in IN, MI, OH, WV, MD, DE, DC, PA, NJ, NY, CT, RI, MA, VT, NH, ME, points in MO on and north of Interstate Hwy 70, and points in VA on and north of U.S. Hwy 60. (Gateway eliminated: Hastings, NE.)

MC 123407 (Sub-E573), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Plastic pipe and plastic products* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in CA and NV on and south of Interstate Hwy 80 and points in UT to points in IN, OH, TN, SC, NC, VA, WV, PA, RI, NJ, DE, NY, MA, ME, MD, VT, NH, points in the lower peninsula of MI, points in MS and AL on and north of U.S. Hwy 78, and points in GA on and north of a line beginning at the AL-GA State line extending along U.S. Hwy 78 to Atlanta, then along Interstate Hwy 75 to Macon, then along U.S. Hwy 23 to Brunswick, GA. (Gateway eliminated: Hastings, NE.)

MC 123407 (Sub-E575), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Building materials* (except commodities in bulk, lumber, chemicals, and commodities which because of their size or weight require the use of special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in OR and ID, to points in WV, VA, NC and KY. (Gateway eliminated: Warren, IL and Brookville, IN.)

MC 123407 (Sub-E576), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Flat glass and glass glazing units* (except commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from Frederickstown, Marion, Crestline, Shelby, and Mount Vernon, OH, to points in WA, OR, ID, CA, NV, UT, and AZ, restricted to shipments which originate at the sites of the plants and warehouses of PPG Industries, Inc., at the above-named origin points. (Gateway eliminated: Keokuk, IA.)

MC 123407 (Sub-E577), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Building materials and materials* used in the installation and application of such commodities (except iron and steel, and commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from points in CA on and north of Interstate Hwy 80, to points in MS. (Gateway eliminated: Facilities of Certain-Teed Products at East St. Louis, IL.)

MC 123407 (Sub-E578), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Building materials and materials* used in the installation and application of such commodities (except iron and steel, and commodities in bulk and commodities requiring special equipment), in containers or in trailers having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in MI, to points in MS. (Gateway eliminated: Facilities of Certain-Teed Products at East St. Louis, IL.)

MC 123407 (Sub-E579), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Lumber and forest products, pressure treated poles, pressure treated posts, and pressure treated lumber* (except wood chips, commodities in bulk, and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in ID, NV, UT, WY, points in CO in and west of Jackson, Grand, Summit, Lake, Chaffee, Saquache, Rio Grande, and Archuleta Counties; AZ, points in and west of Navajo, Gila, Pinal, Maricopa, and Yuma Counties, to points in MI. (Gateway eliminated: Rapid City, SD (Pennington County).)

MC 123407 (Sub-E581), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Composition board, plywood and building material and materials, accessories and supplies* used in the installation of composition board, plywood, and building materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in WA, OR, CA, ID, NV, UT, WY, CO, AZ, NM, TX, OK, and KS, to points in the Upper Peninsula of MI. (Gateway eliminated: Lakeville, MN.)

MC 123407 (Sub-E583), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Flat glass and glass glazing units* (except commodities requiring special equipment), in containers or in trailers having an immediately prior or subsequent movement by water or by water-rail, or by air, from Henryetta, OK, to points in WA, OR, ID, points in CA on and north of Interstate Hwy 80 and CA Hwy 128, points in NV on and north of Interstate Hwy 80, and points in UT on and

north of Interstate Hwy 80. (Gateway eliminated: Hot Springs, SD.)

MC 123407 (Sub-E585), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Lofus (same as above). *Composition board, plywood and building material and materials, accessories and supplies* used in the installation of composition board, plywood and building materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in WA, OR, ID, CA, NV, WY, UT, CO, and NM to points in the Lower Peninsual of MI. (Gateway eliminated: Lakeville, MN.)

MC 123407 (Sub-E586), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Lofus (same as above). *Building materials and materials* used in the installation and application of such commodities (except iron and steel, and commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from points in IN in and north of Fountain, Montgomery, Clinton, Howard, Grant, Wells, and Adams Counties, to points in MS. (Gateway eliminated: Facilities of Certain Teed Products at East St. Louis, IL.)

MC 123407 (Sub-E587), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Buliding materials and materials* used in the installation and application of such commodities (except iron and steel, and commodities in bulk and commodities requiring special equipment), in containers or in trailers having an immediately prior or subsequent movement by water or by water-rail or by air, from points in OH in and north of Van Wert, Putnan, Hancock, Seveca, Sandusky, and Erie Counties, to points in MS. (Gateway eliminated: Facilities of Certain Teed Products at East St. Louis, IL.)

MC 123407 (Sub-E590), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Windows, doors, building woodwork, and materials and accessories,* used in the installation thereof (except commodities in bulk and commodities requiring special equipment or special handling), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in MI, PA, NY, VT, NH, ME, MA, CT, RI, IN, and points in OH on and north of Interstate Hwy 80, to points in KS, OK, and points in MO in and west of Scotland, Adair, Linn, Livingston, Carroll, Ray, and Jackson Counties. (Gateway eliminated: Dubuque, IA.)

MC 123407 (Sub-E593), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Used construction forms* (except commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, between points in GA, points in TN on and east of Interstate Hwy 24, and points in FL in and east of Leon and Jefferson Counties, on the one hand, and, on the other, points in CA, OR, WA, ID, NV, UT, CO, AZ, KS, MO (except Dunklin, New Madrid, and Pemiscot Counties), NM (except Lea, Eddy, Otero, and Dona Ana Counties), and points in OK on and north of Interstate Hwy 40 and in and west of Canadian, Grady, Comanchee, and Cotton Counties. (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E596), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Building materials* (except commodities in bulk, lumber, chemicals, and commodities which because of their size or weight require the use of special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in CA and NV south of Interstate Hwy 80, to points in WV, VA and points in NC on and east of U.S. Hwy 220. (Gateway eliminated: Warren, IL and Brookville, IN.)

MC 123407 (Sub-E598), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Building materials* (except commodities in bulk, lumber, chemicals, and commodities which because of their size or weight require the use of special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in WY, to points in WV, VA, and NC. (Gateway eliminated: Warren, IL and Brookville, IN.)

MC 123407 (Sub-E600), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). (1) *Wallboard, pulpboard, hardboard, insulation and insulation materials,* (2) *accessories and materials* used in the insulation of the products described in (1) above, and (3) *padding and cushion materials and mulch,* (except lumber, commodities in bulk, and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in WA, to points in MS, TN, AL, NC, SC, GA, FL, and points in AR on and east of U.S. Hwy 65 and points in LA on and east of the Mississippi River. (Gateway eliminated: Cloquet, MN.)

MC 123407 (Sub-E601), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above.) (1) *Decorating or preservative materials, supplies, and equipment;* (2) *paint, painting materials, supplies, and equipment;* (3) *engine coolant, lubricating oil, cleaning compounds* which are used in the manufacture or distribution of windows, doors, building woodwork, and materials and accessories used in the installation thereof (except commodities in bulk, commodities requiring special equipment, and automobiles, trucks, and buses), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in MD and DE, to points in WA, OR, CA, ID, NV, UT, WY, CO, and AZ. (Gateway eliminated: Dubuque, IA.)

MC 123407 (Sub-E602), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above.) *Flat glass, glass glazing units, and glass doors and fittings* (except commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in MD and DE, to points in WA, OR, CA, ID, NV, UT, WY, points in CO on and north of Interstate Hwy 70 and Interstate Hwy 76 and points in AZ on and north of U.S. Hwy 60 and U.S. Hwy 66. (Gateway eliminated: Dubuque IA.)

MC 123407 (Sub-E603), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above.) *Building materials and materials* used in the installation and application of such commodities (except iron and steel, and commodities in bulk and commodities requiring special equipment) in containers or in trailers having an immediately prior

or subsequent movement by water, or by water-rail or by air, from points in Erie, Warren, McKeon, Potter, Tioga, Bradford, and Susquehanna Counties, PA, to points in MS. (Gateway eliminated: facilities of Certain-Teed Products at East St. Louis, IL.)

MC 123407 (Sub-E604), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above.) *Building materials and materials* used in the installation and application of such commodities (except iron and steel, and commodities in bulk and commodities requiring special equipment) in containers or in trailers having an immediately prior or subsequent movement by water, or by water-rail or by air, from points in WA, OR, CA, NV, ID, WY, UT, and CO, to points in TN. (Gateway eliminated: facilities of Certain-Teed Products Corp. at East St. Louis, IL.)

MC 123407 (Sub-E605), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Composition board* (except lumber and commodities which because of their size or weight require the use of special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in WA, to points in SC, GA, and FL. (Gateway eliminated: Warren, IL, Brookville, IN, and facilities of Abitibi Corp. at Roaring River, NC.)

MC 123407 (Sub-E606), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Charcoal briquettes, lignite char fireplace logs, lighter fluid, and barbeque grill base material* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in CO and NM, to points in MI on and north of MI Hwy 72. (Gateway eliminated: Facilities of Husky Briquetting, Inc., at Isanti, MN.)

MC 123407 (Sub-E607), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Charcoal briquettes, lignite char fireplace logs, lighter fluid, and barbeque grill base material* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from points in the Upper Peninsula of MI to points in KS (except Doniphan, Atchison, Leavenworth, Jefferson, Jackson, Nemaha, and Brown Counties). (Gateway eliminated: Facilities of Husky Briquetting Inc. at Isanti, MN.)

MC 123407 (Sub-E608), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Building materials and materials* used in the installation and application of such commodities (except iron and steel, and commodities in bulk and commodities requiring special equipment) in containers or in trailers having an immediately prior or subsequent movement by water, or by water-rail or by air, from points in NY in, north, and west of Broome, Chenango, Otsego, Schokarie, Albany, and Rensselaer Counties, to points in MS. (Gateway eliminated: facilities of Certain-Teed Products at East St. Louis, IL.)

MC 123407 (Sub-E609), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Plastic pipe and plastic products* (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in TX on and west of a line beginning at the International Boundary line between the United States and Mexico, near Del Rio, and extending along U.S. Hwy 277, then along U.S. Hwy 277 to junction U.S. Hwy 83, then along U.S. Hwy 83 to the TX-OK State line, to points in PA. (Gateway eliminated: Hastings, NE.)

MC 123407 (Sub-E610), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Floor tile* (except commodities in bulk, those commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in CA (except Modoc, Lassew, Plumas, Shasta, Siskiyou, and Del Norte Counties); points in NV on and south of U.S. Hwy 50; points in AZ, NM, TX, OK, AR, LA, TN, MS, AL, FL, GA, SC, points in NC on, west, and south of U.S. Hwy 421 from Wilmington to NC-TN State line; points in Lee, Scott, Wise, and Dickerson Counties, VA; points in KY in, west, and south of Trimble, Oldham, Shelby, Anderson, Mercer, Boyle, Casey, Pulaski, Laurel, Clay, Leslie, and Harlow Counties: points in IN on, west, and south of IN Hwy 7 from Madison to junction Hwy 65, then along Hwy 65 to junction U.S. Hwy 24, then along U.S. Hwy 24 to the IN-IL State line; points in, south, and east of Lewis, Shelby, Randolph, Howard, Cooper, Pettis, Benton, St. Clair, Cedar, Barton, Jasper, Newton, and McDonald Counties, MO, to points in the Upper Peninsula of MI. (Gateway eliminated: Kankakee, IL.)

MC 123407 (Sub-E611), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Flat glass and building materials* (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, between Philadelphia, PA, on the one hand, and, on the other, points in WA, OR, ID, CA, NV, UT, WY, CO, AZ, NM, KS, points in MO on and north of U.S. Hwy 24, points in OK on and west of U.S. Hwy 75; and points in TX on and west of Hwy 35. (Gateway eliminated: Warren, IL.)

MC 123407 (Sub-E612), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Composition board, materials and accessories* used in the installation of composition board, and ceiling tile (except lumber, commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in NM to points in ME, NH, VT, MA, RI, CT, NY, NJ, DE, MD, DC, WV, and VA. (Gateway eliminated: Dubuque, IA.)

MC 123407 (Sub-E613), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Building, roofing and insulating materials, and materials and accessories used in the installation thereof* (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Florence, KY, to points in WA, OR, ID, CA, NV, UT, AZ, NM, CO, WY, KS, points in OK in, north, and west of Love, Carter, Murray, Pontotoc, Hughes, Pittsburg, McIntosh, Muskogee, Cherokee, and Delaware Counties, and points in TX in and west of Cameron,

Willacy, Kenedy, Brooks, Jim Wells, Live Oak, Atascora, Bexar, Comal, Hays, Travis, Williamson, Bell, McLennon, Hill, Ellis, Dallas, Denton, and Grayson Counties. (Gateway eliminated: Keokuk, IA.)

MC 123407 (Sub-E614), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Flat glass and building materials* (except commodities in bulk, and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, between Cleveland, OH, on the one hand, and, on the other, points in WA, OR, ID, CA, NV, UT, WY, CO, AZ, NM, OK, KS, points in TX on and west of U.S. Hwy 75; and points in MO on and north and west of U.S. Hwy 24. (Gateway eliminated: Warren, IL.)

MC 123407 (Sub-E615), filed July 25, 1978. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Flat glass and building materials* (except commodities in bulk, and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water or by water-rail or by air, between Toledo, OH, on the one hand, and, on the other, points in WA, OR, ID, CA, NV, UT, WY, CO, AZ, NM, KS (except Crawford and Cherokee Counties); points in MO on and west of I Hwy 35; points in OK on and west of U.S. Hwy 75. (Gateway eliminated: Warren, IL.)

MC 123407 (Sub-E616), filed July 25, 1978. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment) in containers or in trailers having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in WA, to points in WV, VA, NC, KY, and those points in TN on and east of U.S. Hwy 45. (Gateways eliminated: Warren, IL and Brookfield, IN.)

MC 123407 (Sub-E617), filed July 25, 1978. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richrd L. Loftus (same address as above). *Lumber and forest products, pressure treated poles, pressure treated post, and pressure treated lumber* (except wood chips, commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or waterrail, or by air, from points in ID, NV, those points in Rich, Morgan, Salt Lake, Weber, Cache, Box Elder, Tooele, Summit, Wasatch, Utah, Juab, Millard, Beaver, Iron, and Washington Counties, UT, those points in and west of Niobrara, Converse, Natrona, and Sweetwater Counties, WY, to points in IN. (Gateway eliminated: Rapid City, SD.)

MC 123407 (Sub-E618), filed July 25, 1978. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Mineral wool, mineral wool products, insulating materials, and insulated air duct* (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Kansas City, KS, to points in MI, NY, PA, VT, NH, ME, MA, RI, NJ, DE, CT, and MD. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the plantsite and warehouse facilities of CSG group of the Certain-Teed Products Corp. located at or near Kansas City, KS. (Gateway eliminated; Beloit, WI.)

MC 123407 (Sub-E619), filed July 25, 1978. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Building materials and materials* used in the installation and application of such commodities (except iron and steel, commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water or by water-rail, or by air, from points in MI, NY, VT, NH, ME, MA, CT, RI, NJ, PA, points in IN and OH on and north of U.S. Hwy 30, to points in TN on and west of U.S. Hwy 51. (Gateway eliminated: Facilities of Certain-Teed Products at East St. Louis, IL.)

MC 123407 (Sub-E630), filed July 25, 1978. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as address above). (1) *Wallboard, pulpboard, hardboard, insulation, and insulation materials,* (2) *accessories and materials* used in the installation of the products described in (1) above, and (3) *padding and cushion materials and mulch* (except lumber, commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in OR and ID, to points in SC, NC, GA, points in TN on and east of Interstate Hwy 65, and points in FL (except Escambia and Santa Rosa Counties). (Gateway eliminated; Cloquet, MN.)

MC 123407 (Sub-E632), filed July 25, 1978. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Windows, doors, building woodwork, and materials and accessories* used in the installation thereof (except commodities in bulk and commodities because of size or commodities requiring special equipment or special handling), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in OR and UT, to points in MI, IN, OH, PA, NY, VT, NH, ME, MA, CT, RI, NJ, DE, MD, DC, WV, VA, NC, SC, points in TN on and east of Interstate Hwy 65, points in KY on and east of Interstate Hwy 65. (Gateway eliminated: Dubuque, IA.)

MC 123407 (Sub-E645), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Plastic pipe and plastic products* (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in WV, MD, and DE to points in CO, WY, and NM (except Estacado, Lea, Eddy, Chaves, Llano, and Roosevelt Counties). Restriction: The authority granted herein is restricted against the transportation of oilfield commodities as described in "Mercer Extension—Oilfield Commodities," 74 MCC 459, and further restricted against the transportation of pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, (d) the injection or removal of commodities into or from holes or wells. (Gateway eliminated: Hastings, NE.)

MC 123407 (Sub-E654), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same address as above). *Plastic pipe and plastic products* (except commodities in bulk and commodities requiring special equipment) in containers or in

trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in KY, NC, and SC to points in WY, CO and those points in NM on and north and west of a line beginning at the CO-NM State line, and extending along Interstate Hwy 25, then along Interstate Hwy 25 to Albuquerque, then west along interstate Hwy 40 to the NM-AZ State line. Restriction: The authority granted herein is restricted against the transportation of oilfield commodities as described in "Mercer Extension—Oilfield Commodities," 74 MCC 459, and further restricted against the transportation of pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, (d) the injection or removal of commodities into or from holes or wells from Hastings, NE to points in MT, WY, CO, NM, ND, SD, NE, KS, OK, and TX. (Gateway eliminated: Hastings, NE.)

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-29412 Filed 10-18-78; 8:45 am]

[7035-01-M]

[Volume No. 119]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

October 11, 1978.

Petitions for Modification, Interpretation, or Reinstatement of Operating Rights Authority

NOTICE

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1F, M2F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before November 20, 1978. Such protests shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247)* and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting 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 86690 (M1F) (Notice of Filing of Petition to Modify Permit), filed August 28, 1978. Petitioner: BOND TRANSFER CO., INC., 1615 Cuba Street, Baltimore, MD 21230. Representative: S. Harrison Kahn, Suite 733, Investment Building, 1511 K Street NW., Washington, DC 20005. Petitioner holds motor contract carrier permit in MC 86690, issued March 31, 1972, authorizing transportation over irregular routes, as pertinent, of such *commodities* as are dealt in by wholesale, retail and chain gorcery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between points and portions of PA, WV, MD, DE, VA, and DC, restricted to transportation performed under individual contracts or agreements, with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate retail stores, the business of which is the selling of food. By the instant petition, petitioner seeks to modify that portion of the restriction which reads "to operate retail stores, the business of which is the selling of food" so that that portion of the restriction shall read "who are engaged in the business of the sale of food."

MC 119090 (M1F) (Notice of Filing of Petition To Modify Territorial Description), filed Jun 23, 1978. Petitioner: THRUWAY FREIGHT LINES, INC., P.O. Box 56, Elmwood Park, NJ 07407. Representative: George Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner holds a motor *common carrier* certificate in MC 119090 April 18, 1967, but only holds a portion of that authority pursuant to MC-F-11369. MC 119090 presently authorizes transportation, over irregular routes as pertinent, 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) between points in Bergen, Passaic, Essex, Hudson, and Union Counties, NJ, on the one hand, and, on the other, Philadelphia, PA, and points in that part of NY on the west bank of the Hudson River, and points east of the Hudson River and south of a line beginning at Glens Falls, NY, and extending east through Porter, NY, to the NY-VT State line (except points in Kings, Queens, Richmond, Bronx, New York, and Nassau and Suffolk Counties, NY). By the instant petition, petitioner seeks to modify that portion of the territorial description which reads "on the west bank" to "on and west of the west bank" of the Hudson River.

Republications of Grants of Operating Rights Authority Prior to Certification

NOTICE

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 Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 61231 (Sub-111) (Republication), filed November 8, 1977, published in the Federal Register issue of December 29, 1977, and republished this issue. Applicant: ACE LINES, INC., 4143 East 43rd Street, Des Moines, IA 50317. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. A Decision of the Commission, Review Board No. 3, decided September 1, 1978, and served September 26, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of *used irrigation systems and parts and accessories* for use with used irrigation systems, between points in AZ, AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NM, ND, OH, OK, SD, TX, WI, and WY, 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 removal of the restriction.

MC 73165 (Sub-421) (republication), filed November 23, 1977, published in the Federal Register issue of January 19, 1978, and republished this issue.

*Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, DC 20423.

Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, AL 35202. Representative: R. Cameron Rollins (same address as applicant). A Decision of the Commission, by the Initial Decision of Administrative Law Judge Jerry F. Laughlin, served August 2, 1978, becomes effective 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 vehicle, over irregular routes, in the transportation of: *Iron and steel articles*, from Savannah, GA, to points in AL, GA, NC, SC, TN, MS, KY, and VA, 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 applicant's actual grant of authority.

MC 129191 (Sub—No. 8) (republication), filed December 19, 1977, published in the FEDERAL REGISTER issue of February 16, 1978, and republished this issue. 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. A Decision of the Commission, Review Board No. 1, decided September 15, 1978, and served September 21, 1978, finds that the present and future convenience and necessity require operations by applicant in interstate or foreign commerce as a *commor carrier*, by motor vehicle, over irregular routes, in the transportation of: *Building and roofing materials, and materials and supplies* used in the distribution or installation of building and roofing materials (except in bulk), from the facilities of the Flintkote Co., at or near Chicago Heights, IL, to points in WI, IA, MO, MI, KY, OH and those points in IN south of Vermillion, Fountain, Montgomery, Boone, Hamilton, Madison, Delaware, and Randolph Counties, IN, 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 to indicate the addition of Vermillion County, IN, as a destination point.

MC 141033 (Sub-4) (partial republication), filed July 29, 1975, published in the FEDERAL REGISTER issue of August 28, 1975, and republished this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, P.O. Box 1257, City of Industry, CA 91749. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. A Decision of the Commission, Division 2, decided June 28, 1978, and served July 20, 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 part (IV)(B) of appendix C, in the transportation of: *Buffing, polishing, cleaning, scouring, and washing compounds, solvents, starch, bleach, lubricating oil, carbon, gum, and sludge removing compounds, disinfectants, softeners, sizing, and janitorial supplies*, (1) from the facilities of Peterson-Puritan, Inc., at Berkeley, RI, Danville, IL, and Santa Fe Springs, CA, to Birmingham, Al, Denver, CO, Jacksonville, FL, Baltimore, MD, Minneapolis, MN, Kansas City, MO, Dallas, TX, Richmond, VA, Seattle, WA, and Milwaukee, WI, and the facilities of Texize Chemicals Division of Morton-Norwich Products, Inc., at Piscataway NJ, Greenville and Mauldin, SC, and Palestine, TX; (2) from the facilities of Peterson-Puritan, Inc., at Berkeley, RI, to Los Angeles and San Francisco, CA, and Chicago, IL, and the facilities of Texize Chemicals Division of Morton-Norwich Products, Inc., at Kankakee, IL; (3) from the facilities of Peterson-Puritan, Inc., at Danville, IL, to Los Angeles and San Francisco, CA, and Saylesville, RI; and (4) from the facilities of Peterson-Puritan, Inc., at Santa Fe Springs, CA, to Chicago, IL, Saylesville, RI, and the facilities of Texize Chemicals Division of Morton-Norwich Products, at Kankakee, IL, restricted in (B) against the transportation of commodities in bulk, 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 applicant's actual grant of authority in part (IV)(B) of appendix C above.

MC 142807 (republication), filed January 4, 1977, published in the FEDERAL REGISTER issue of March 24, 1977, and republished this issue. Applicant: NICHOLAS MARINO AND ANGELINA MARINO, d.b.a. FARRAGUT TRAVEL SERVICE, 1717 Farragut Avenue, Bristol, PA 19007. Representative: Angelina Marino (same address as applicant). A Decision of the Commission, Division 1, decided September 18, 1978, and served September 26, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in nonscheduled door-to-door service limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between Bristol Township and Bristol, PA, on the one hand, and, on the other, Atlantic City, NJ; Newark Airport at Newark, NJ; and John F. Kennedy International Airport, at New York, NY, that applicant is fit, willing, and able properly to perform such services and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description.

MC 144178 (Sub-1) (REPUBLICATION), filed January 10, 1978, published in the FEDERAL REGISTER issue of February 24, 1978, and republished this issue. Applicant: CIRCLE CARTAGE CORP., 70 Sherman Avenue, Jersey City, NJ 07307. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. A Decision of the Commission, Review Board No. 3, decided September 1, 1978, and served September 22, 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) *Cellular and expanded plastic sheet*, from Piscataway, NJ, to points in OH, IL, IN, MN, WI, PA, MI, KY, NY, MD, DE, and DC; and (2) *materials, supplies, and equipment* used in the manufacture of cellular and expanded plastic sheet, from points in the above-named destination territory, to Piscataway, NJ, under a continuing contract or contracts with Paramount Industries, Inc., of Piscataway, NJ, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description.

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to

seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rule of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally, protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, a part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission decision which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no signifiant effect on the quality of the human environment resulting from approval of its application.

MC 114533 (Sub-371F), filed April 4, 1978. Applicant: BANKERS DISPATCH CORP., 1106 West 35th Street, Chicago, IL 60609. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed color film and prints, complimentary replacement film, accounting and audit media, business records, commercial papers and documents, microfilm, microfiche, data processing papers, eyeglasses, frames, lenses, advertising literature, graphic art material, human blood, human blood derivatives, human tissue, restorative dentistry products, laboratory specimens used in pathological testing, flowers, florist materials and supplies, fire, safety, and rescue equipment, and aircraft parts and supplies*, between points in KS and MO, on the one hand, and, on the other, points in OK. (Hearing site: Kansas City, MO.)

MC 119493 (Sub-198F), filed April 14, 1978, and previously published in the FEDERAL REGISTER issue of August 10, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, MO 64801. Representative: Lawrence F. Kloeppel, P.O. Box 1196, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *clay products*, from Mounds, IL, to points in AL, AR, GA, IA, IN, KS, KY, LA, FL, MI, MN, MO, MS, NE, NY, NJ, NC, SC, OH, OK, TN, TX, WV, WI, and (2) *Materials and supplies* used in the manufacture, processing and distribution thereof from named destinations, to Mounds, IL. (Hearing site: St. Louis, MO, or Little Rock, AR.)

NOTE.—This republication is to reflect applicant's request for authority.

MC 144582F, filed April 3, 1978, and previously published in the FEDERAL REGISTER issue of August 10, 1978, and September 15, 1978. Applicant: HOH RIVER CEDAR PRODUCTS, INC., P.O. Box 127, Beaver, WA 98305. Representative: Bart Irwin, 112 South Lincoln, Port Angeles, WA 98362. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Lumber and forest products*, (1) from points in Clallam and Jefferson Counties, WA, to Port Angeles, WA; and (2) from points in Clallam, Jefferson, and Grays Harbor Counties, WA, to Hoquiam, WA. (Hearing site: Port Angeles or Seattle, WA.)

NOTE.—The purpose of this republication is to indicate Port Angeles, WA, as a destination point in part (1) above.

MC 144696 (Sub-3F), filed April 10, 1978, and previously published in the FEDERAL REGISTER issue of July 20, 1978. Applicant: MEEUWSEN PRODUCE, INC., 9525 Ransom Street, Zeeland, MI 49464. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Authority sought as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs and poultry requiring refrigeration*, from the Borculo, MI, plantsite and storage facilities of Bil-Mar Foods, Inc., to points in AL, AZ, CA, FL, GA, IL, IN, IA, KS, KY, MN, MO, NE, NM, NY, NC, OH, OK, PA, SC, TN, TX, WV, and WI, with the right of return of damaged or rejected merchandise; and (2) *materials and supplies* of Bil-Mar Foods, Inc., from points in AL, AZ, CA, FL, GA, IL, IN, IA, KS, KY, MN, MO, NE, NM, NY, NC, OH, OK, PA, SC, TN, TX, WV, and WI, to the plant site and storage facilities of Bil-Mar Foods, Inc., at Borculo, MI, restricted to transportation performed under a continuing contract or contracts with Bil-Mar Foods, Inc., of Borculo, MI. (Hearing site: Grand Rapids or Lansing, MI.)

NOTE.—This republication is to indicate applicant's name change from Meeuwsen Produce & Grain, Inc., to Meeuwsen Produce, Inc., and the docket number as MC 144696 (Sub-3F), in lieu of MC 143664 (Sub-2F).

MC 144760 F, filed May 15, 1978, published in the FEDERAL REGISTER issue of July 13 and August 31, 1978 and republished, as corrected this issue. Applicant: HITTMAN TRANSPORT SERVICES, INC., 2700 Keslinger Road, Geneva, IL 60134. Representative: Anthony C. Vance, 1307 Dolley Madison Boulevard, McLean, VA 22101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radioactive waste*, in shipper-owned containers permanently mounted on shipper-owned trailers, from the Zion Nuclear Plant, at Zion, IL; Dresden Nuclear Station, at Morris, IL; Quad Cities Nuclear Station, at Cordova, IL; Duane-Arnold Energy Center, at Palo, IA; and Donald C. Cook Nuclear Station, at Bridgman, MI, to Barnwell, SC; Beatty, NV; and Richland, WA; and (2) *radioactive shipping containers*, from Barnwell, SC, to the origin points named in (1) above, under a continuing contract with Hittman Nuclear and Development Corp., of Columbia, MD.(Hearing site: Washington, DC, or Chicago, IL.)

NOTE.—This republication is to correctly state authority.

FINANCE APPLICATIONS

NOTICE

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 Commis-

sion'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-13695F. Authority sought for purchase by WILLIAM B. MEYER, INC., 60 Long Beach Boulevard, Stratford, CT, 06497, of the operating rights of BOLLIGER, INC., d.b.a. SABINI'S MOVING & STORAGE CO., Stamford, CT, 06902, and for acquisition by LLOYD H. MEYER, 156 Hilltop Circle, Nichols, CT, 06661, of control of such rights through the transaction. Attorney: Sidney L. Goldstein, 109 Church Street, New Haven CT, 06510. Operating rights sought to be purchased: *Household goods as defined by the Commission* as a *common carrier* over irregular routes between Stamford CT and points within 15 miles thereof, on the one hand, and, on the other, points in MA, NJ, NY, PA and RI. Vendee is authorized to operate as a *common carrier* in CT, NH, VT, MA, RI, NY, NJ, PA, DE, MD, OH, DC and VA. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 108194 (Sub-14F) is a directly related matter.

MC-F-13738F. Authority sought for purchase by FOX & GINN, INC., 207 Perry Road, Bangor, ME 04401, of the operating rights of HARTFORD DESPATCH & WAREHOUSE CO., INC., 225 Prospect Street, East Hartford, CT 06108, and for acquisition by David W. Fox, 207 Perry Road, Bangor, ME 04401, Shirley E. Ginn, 207 Perry Road, Bangor, ME 04401 and Robert E. Ginn, 80 Concord Street, North Reading, MA 01864, of control of such rights through the purchase. Attorneys: Kenneth B. Williams, 84 State Street, Boston, MA 02109 (For Transferee) *and* Francis P. Barrett, 60 Adams Street, Milton, MA 02187 (For Transferor). Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Boston, MA and Bridgeport, CT serving all intermediate points and off-route points within 30 miles of Boston, Springfield and Worcester, MA and Bridgeport, Hartford and New Haven, CT; between Boston, MA and Hartford, CT, serving all intermediate points and off-route points within 30 miles of Boston, Springfield and Worcester, MA, and Bridgeport, Hartford and New Haven, CT. Irregular routes: *General commodities*, with exceptions, between points in CT and MA on the one hand, and, on the other, points in CT, MA, and RI. Between points within 30 miles of Boston, Springfield, and Worcester, MA, and Bridgeport, Hartford, and New Haven, CT, including the points named, on the one hand, and, on the other, Bennington and Brattleboro, VT, Albany, Kingston, Middleton, Newburgh, Peekskill, Poughkeepsie, Schenectady, Troy, West Point and New York, NY, Jersey City and Newark, NJ, and points in Putnam and Westchester Counties, NY. Transferee is authorized to operate as a *common carrier* in ME, NH and MA. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 28536 (Sub-17F) is a directly related matter.

MC-F-13739F. Authority sought for control by SEIGLE'S EXPRESS, INC., Foot of Pennsylvania Avenue, South Kearney, NJ 07032 of RILEY'S MOTOR EXPRESS, INC., Foot of Pennsylvania Avenue, South Kearney, NJ 07032 and merger of the two carriers and for acquisition by Richard Riley of control through the transaction. Attorney, William W. Becker, Suite 950, 1819 H Street NW., Washington, DC 20006. Operating rights sought to be transferred: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and antique automobiles and used classic cars in secondary movements in truckaway service) between points in Suffolk County, NY, on the one hand, and, on the other, points in Nassau County, NY, points in the New York, NY Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 MCC 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone) those points in NJ and all of any NJ municipality any part of which is within 5 miles of New York, NY, and points in Passaic, Bergen, Hudson, Essex, Union, Morris, and Somerset Counties, NJ; and Business records and printed matter between Clinton, NJ and points in Suffolk County, NY. Vendee is authorized to operate as a *common carrier* in the States of NY, NJ, and CT. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 54200 (Sub-7F) is a directly related matter.

MC-F-13741F. Authority sought for purchase by THRASHER TRUCKING CO., P.O. Box 116, Monahans, TX 79756, of a portion of the operating rights of J. J. Willis Trucking Co., P.O. Box 5328, Dallas, TX 75222, and for acquisition of control of such rights by J. W. Thrasher, Sr., P.O. Box 116, Monahans, TX 79756, through the purchase. Attorneys: Mike Cotten, P.O. Box 1148, Austin, TX 78767 (vendee), and James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224 (vendor). Operating rights sought to be transferred: Oilfield commodities as described in Mercer-Ext., Oilfield Commodities, 74 MCC 459, as a *common carrier*, over irregular routes, from, to, and/or betwen points in TX, LA, AR, OK, KS, NM, CO, and WY; *earth drilling commodities*, over irregular routes, from, to, and/or betwen points in TX, LA, OK, KS, and NM; commodities, which, because of size or weight, require the use of special equipment, over irregular routes, from, to, and/or between points in TX, NM, OK, and CO; *self-propelled articles*, each weighing 15,000 pounds or more, over irregular routes, from, to, and/or between points in TX and NM; *iron and steel articles*, over irregular routes, from Corpus Christi, Galveston, and Houston, TX, to points in NM and TX and from the facilities of C.F. & I. Steel Corp. at or near Pueblo, CO, to points in OK and TX. Vendee is authorized to operate as a common carrier in AZ, NM, TX, OK, KS, and Kansas City, MO. Application has not been filed for temporary authority under section 210a(b).

NOTE.—This application is directly related to a finance proceeding docketed MC-F-13558.

MC-F-13746F. Authority sought to reacquire control by BEATRICE FOODS CO., 120 South LaSalle Street, Chicage, IL 60603, of Haul-Away, Inc. of 419 West Pike Street, Jackson Center, OH 45334; James J. Gallery, Inc. of 555 Pleasant Street, Watertown, MA 02172; and KSS Transportation Corp. of P.O. Box 3052, North Brunswick, NJ 08902, through the transfer of stock from a voting trust. Attorney: Daniel C. Sullivan, 10 South LaSalle Street Chicago, IL 60603. Operating rights to be controlled: Haul-Away, Inc., MC 129049: (1) *Travel trailers* and *camping trailers*, in initial movements, in truckaway service, from Cerritos, CA, to points in AZ, CO, ID, KS, MO, MT, NB, NV, NM, OK, OR, SD, TX, UT, WA, and WY; and from Jackson Center (Shelby County), OH, to points in the United States, including AK, but excluding HI; and *travel trailers* and *camping trailers*, in secondary movements, in truckaway service, from the respective destination points described herein to their respective origin specified herein. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Airstream, Inc. (2) *Accessories, equipment, materials, parts, and supplies* used in, by, or incidental to camping trailers and travel trailers, when moving in conjunction with the

transportation of camping trailers and travel trailers (otherwise authorized), from the facilities of Airstream, Inc., at Cerritos, CA, to points in AZ, CO, ID, KS, MO, MT, NB, NV, NM, OK, OR, SD, TX, UT, WA, and WY, with no transportation for compensation on return except as otherwise authorized. From the facilities of Airstream, Inc., at Jackson Center, Shelby County, OH, to points in the United States (including AK but excluding HI), with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Airstream, Inc., Division of Beatrice Foods, Inc., of Sidney, OH. (3) *Travel trailers and camping trailers,* in initial movements, in truckaway service, and *accessories, equipment, materials, parts, and supplies* incidental to camping trailers and travel trailers, in mixed loads with camping trailers and travel trailers, from Versailles, OH, to points in the United States (including AK but excluding HI); and *travel trailers and camping trailers,* in secondary movements, in truckaway service, from points in the United States (including AK and excluding HI), to Versailles, OH. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Airstream, Division of Beatrice Foods Co., of Sidney, OH. James J. Gallery, Inc., MC 112694: (1) *Frozen foods,* and *foodstuffs,* moving under refrigeration, not included in frozens foods, between Boston, MA, on the one hand, and, on the other, Springfield, MA; Providence, RI; Portland, ME; Hampton and Manchester, NH; points on Cape Cod, and points in NH and MA within the territory bounded by a line beginning at Boston, MA, and extending along the Atlantic coast to Hampton Beach, NH, then in a westerly direction through Hampton, NH, to Manchester, NH, then in a southwesterly direction through New Boston and Petersboro, NH, to East Jeffrey, NH, then south through Winchendon, MA, to East Templeton, MA, then in a southeasterly direction to East Princeton, MA, then south through Holden, Worcester, Auburn, North Oxford, and Oxford, MA, to Webster, MA, then east through Douglas, MA, to Mansfield, MA, then in a southeasterly direction through Stoughton, MA, to New Bedford, MA, and then along the Atlantic coast to Boston, MA, including the points named. (2) *Foodstuffs,* in vehicles equipped with mechanical refrigeration, from Watertown, MA, to Portsmouth, Dover, Rochester, Somersworth, and Keene, NH; York, North Berwick, Wells, Sanford, Biddeford, Saco, and Westbrook, ME, with no transportation for compensation on return except as otherwise authorized. KSS Transportation Corp., MC 135873: (1) *Envelopes, advertising materials, circulars, paper bags, rolled paper stock* for printing, newsprint, periodical inserts, and business forms, from Metuchen and North Brunswick, NJ, to points in the United States (except AK and HI), under a continuing contract or contracts with Webcraft Packing, Inc.; Filmcraft Packaging, Inc.; and Publication Insert Corp. (2) (a) *Inks and adhesives* (except commodities in bulk), from Linden and Newark, NJ, to points in the United States (except AK and HI), (b) *equipment, materials, and supplies* used in the manufacture and sale of envelopes, advertising materials, circulars, paper bags, rolled paper stock, newsprints, periodical inserts, business forms, inks and adhesives (except commodities in bulk), from points in the United States (except AK and HI), to Metuchen, New Brunswick, Newark, and Linden, NJ, under continuing contract with Beatrice Foods Co. (3) To transport such commodities as are dealt in by manufactures or distributors of printed matter, paper, and paper products (except commodities in bulk), between Metuchen, North Brunswick, Newark, and Linden, NJ, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract or contracts with Beatrice Foods Co., of Chicago, IL. Common control of these carriers was previously authorized in MC-F-12588. The reacquisition of control will result in common control of other motor carriers. Beatrice Foods Co. is a noncarrier in control of Tropicana Transportation Corp. and Solar Rest, Inc. Tropicana Transportation Corp. is a contract carrier conducting operations in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, DC, AZ, CA, and the States between AZ and FL as States of traversal. The application also seeks approval to continue in control of Solar Rest, Inc. and to substitute Solar Rest, Inc. (new), a successor to Solar Rest, Inc. (old). Solar Rest, Inc. is a contract carrier under the following authority: (1) *New furniture,* except upholstered furniture, as described in appendix II to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, crated, uncrated, or otherwise packaged or unpackaged, from Union City, PA, to points in AL, AR, CT, DE, GA, IL, IN, IA, KY, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized above is limited to a transportation service to be performed under a continuing contract, or contracts, with Salmanson & Co., of New York, NY. (2) *New furniture,* except upholstered furniture, as described in appendix II to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, uncrated, crated, or otherwise packaged or unpackaged, from Trenton, NJ, to points in CT, DE, MD, MA, NJ, NY, NC, PA, RI, VA, and DC, with no transportation for compensation on return except as otherwise authorized.

MC-F-13751F. Authority sought for purchase by EYRE'S BUS SERVICE, INC., 15910 Union Chapel Road, Woodbine, MD, of a portion of the operating rights of Safeway Trails, Inc., 1200 Eye Street NW, Washington, DC 20005. Attorney: Bruce E. Mitchell, Esq., Serby & Mitchell, P.C. Fifth Floor, Lenox Towers South, 3390 Peachtree Road, Atlanta, GA 30326. Operating rights sought to be purchased: *Passengers and their baggage, and express mail and newspapers, in the same vehicle with passengers, as a common carrier, over regular routes,* (a) between junction U.S. Hwy 29 and MD Hwy 198 at Burtonsville, MD, and Baltimore, MD, serving all intermediate points; (b) between junction U.S. Hwy 29 and MD Hwy 196 at or near Stewart Lane, Montgomery County, MD, and junction U.S. Hwy 29 and MD Hwy 198 at or near Burtonsville, MD, serving all intermediate points; (c) between junction U.S. Hwy 29 and Maryland Hwy 650 and junctions U.S. Hwy 29 and Interstate Hwy 495; (d) between Washington, DC, and Burtonsville, MD, serving all intermediate points, with restrictions. Vendee is authorized to operate pursuant to certificate MC 116212 and permit MC 134929 in the States of MD and WV. Application has been filed for temporary authority under section 210a(b). (Hearing site: Washington, DC.)

NOTE.—MC 116212 (Sub-11f) is a directly related matter.

MC-F-13754F. Applicant: UNIVERSAL CARTAGE, INC., 640 West Ireland Road, South Bend, IN. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. Authority sought for purchase by Universal Cartage, Inc., 640 West Ireland Road, South Bend, IN, of the operating rights of Overland Freight Lines, Inc., Six Points Road, Indianapolis, IN. Operating rights sought to be purchased in MC 76629 and subs thereto, involving the transportation of: (a) *Paper and paper products* between Lafayette, IN, and points in OH serving the intermediate point of Indianapolis, IN; from Lafayette over U.S. Hwy 52 to Indianapolis, IN, then over U.S. Hwy 40 to the IN-OH State line, and then over irregular routes to points in that part of OH south and west of a line beginning at the OH-IN State line and extending along U.S. 40 to junc-

tion OH Hwy 440 (formerly portion of U.S. Hwy 40), then along OH Hwy 440 to Springfield, OH, then along U.S. Hwy 68 to the Ohio River, including points in OH on the indicated portions of the highways specified, and return over irregular routes to the OH-IN State line, and then over the specified route to Lafayette; between Crawfordsville, IN, and points in OH, serving the intermediate point of Indianapolis, IN; from Crawfordsville over U.S. Hwy 136 to Indianapolis, IN, then over U.S. Hwy 40 to the IN-OH State line, and then over irregular routes to points in that part of OH south and west of a line beginning at the OH-IN State line, and extending along U.S. Hwy 40 to junction OH Hwy 440 (formerly portion of U.S. Hwy 40), then along OH Hwy 440 to Springfield, OH, then along U.S. Hwy 68 to the Ohio River, including points in OH on the indicated portions of the highways specified, and return over irregular routes to the OH-IN State line, and then over the specified route to Crawfordsville. Knocked down paper cartons and parts thereof from Indianapolis, IN, to points in OH, that part of MI on and south of MI Hwy 21, that part of IL on and north of U.S. Hwy 50, and Louisville, Covington, Owensboro, and Maysville, KY; and rejected or damaged shipments of the above-described commodities from points in OH, that part of MI on and south of MI Hwy 21, that part of IL on and north of U.S. Hwy 50 and Louisville, Covington, Owensboro, and Maysville, KY, to Indianapolis, IN. Knocked down paper cartons, in straight or mixed truckloads of 15,000 pounds or more, from Indianapolis, IN, to points in that part of IL south of U.S. Hwy 50; and rejected shipments of the commodity described next above, from points in that part of IL south of U.S. Hwy 50 to Indianapolis, IN; (b) *corrugated boxes and corrugated paper,* from the plantsite of the Weston Paper & Manufacturing Co., located at or near Fort Wayne, IN, to points in KY (except Louisville and points in its commercial zone as defined by the Commission); IL (except Chicago and points in its commercial zone as defined by the Commission); points in that part of OH on and east of U.S. Hwy 23 (except Columbus, Cleveland, Toledo, Akron, Canton, Mansfield, and Springfield). (c) *Paper and paper products and commodities* produced or distributed by manufacturers and converters of paper and paper products, from the plantsite of Inland Container Corp. located at Crawfordsville, IN, to points in IL, KY, MI, MO, and OH; and materials and supplies used in the manufacture and distribution of the commodities described in (1) above (except commodities which because of size or weight require the use of special equipment and commodities in bulk), from points in the destination States named in (1) above, to the plantsite of Inland Container Corp. at Crawfordsville, IN, restricted to the transportation of traffic originating at points in the destination States named in (1) above, and destined to the plantsite of Inland Container Corp. located at Crawfordsville, IN. (d) *Paper and paper products* between the facilities of Inland Container Corp. located at or near Cayuga, IN, on the one hand, and, on the other, points in IL, KY, MO, and OH, restricted to the transportation of traffic originating at or destined to Cayuga, IN. (e) *Metal beverage containers* from AC Leasing Warehouse at Sharonville, OH, and the facilities of the National Can Corp. at Obetz, OH, to the facilities of C. Heileman Brewing Co., of Indiana, Inc. at Evansville, IN, with no transportation for compensation on return except as otherwise authorized. (f) *Paper and paper products* (1) from the facilities of the Weston Paper & Manufacturing Co., at Terre Haute, IN, to points in KY; (2) from the facilities of the Weston Paper & Manufacturing Co. at Lexington, KY, to points in IN; (3) from the facilities of Inland Container Corp. at Evansville, IN, to points in KY; and (4) from the facilities of Inland Container Corp. at Louisville, KY, to points in IN restricted to traffic originating at the named origins and destined to points in the named destination States. (g) *Waste paper* for reuse or recycling, between points in IN, on the one hand, and, on the other, points in IL, KY, MI, MO, and OH. Transferee is authorized to operate in the States of IN, IL, KY, MI, and OH. Transferee's commonly controlled companies, C & C Cartage, Inc. and Whiteford Transport, Inc. are authorized to operate in all States except AK, HI, WA, OR, CA, NV, ID, MT, WY, UT, AZ, and NM.

MC-F-13758F. Authority sought for purchase by CARDINAL FREIGHTWAYS LTD., 811 South 59th Avenue, Phoenix, AZ 85043, of the operating rights of M. Nolden, trustee in bankruptcy of Osborne Highway Express. Attorney: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. Representative: David P. Christianson of Knapp, Stevens, Grossman & Marsh, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Operating rights sought to be purchased: *Agricultural chemicals and fertilizers* (except in bulk), as a *common carrier,* over irregular routes, from the plantsite and storage facilities of Occidental Chemical Co., at Lathrop, CA, to points in AZ; and *Chemicals and supplies* used in the manufacture and sale of agricultural chemicals and fertilizers (except in bulk), from points in AZ, to the plantsite and storage facilities of Occidental Chemical Co., at Lathrop, CA. Transferee holds authorities to operate as a common carrier between CA and AZ. Application has not been filed for temporary authority under section 210a(b).

MC-F-13759F. Authority sought for purchase by HOLLAND MOTOR EXPRESS, INC., 750 East 40th Street, Holland, MI 49423, of a portion of the operating rights and property of National Transit Corp., 4401 Stecker, P.O. Box 610, Dearborn, MI 48121, and for acquisition by Charles Cooper, Robert Cooper, and Gerald Cooper, all also of 450 East 40th Street, Holland, MI 49423, of control of such rights and property through the purchase. Attorney: Daniel C. Sullivan, Esq., 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Attorney: Charles F. Rodgers, Esq., Bowes, Millner, Rodgers, Liberstein & Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transferor operates as a *common carrier,* over regular and irregular routes, in the transportation of: *General commodities and other specified commodities,* between points in IN, MI, and OH, pursuant to certificates contained in MC 6945 and sub numbers thereto. The operating rights sought to be transferred in this instance authorize the transportation of *general commodities,* with, exceptions, over regular routes between Cincinnati, Columbus, and Toledo, OH; Indianapolis, IN, and Detroit, MI, with service at numerous intermediate points. Also involved are rights authorizing the transportation of *general commodities,* with exceptions, over irregular routes, between Thomas, Hopewell, Madison, Walnut, and Richland Townships; Perry and Fairfield Counties, and Columbus and Alexandria, OH, on the one hand, and, on the other, points in OH on and south of U.S. Hwy 30 (except Bucyrus and Canton, OH). The foregoing summary is offered as sufficient public notice of the nature and scope of the operating rights being transferred. It is not intended to be and should not be deemed a complete description of said operating rights. Transferee operates as a common carrier over regular and irregular routes in the transportation of general commodities, with exceptions, and specified commodities, between points on IL, IN, IA, KY, MI, and OH, pursuant to authority contained in Docket No. MC 59206 and sub numbers thereto. Approval of this application will not result in dual operations or duplicating authority. Approval may result in a split of a route between Wapakoneta, OH, and Indianapolis, IN, and will result in a split of a route between Bay City and Detroit, MI, at Pontiac, MI, with transferor retaining the portion between Pontiac and Bay City. Application has been

filed for temporary authority under section 210a(b).

NOTE.—MC 59206 (Sub-23F), is a directly related matter.

MC-F-13764F. Authority sought for purchase by GENERAL CARTAGE CO., INC., West Route 30, Rock Falls, IL 61071, of the operating rights and property of Motor Freight Service, Inc., P.O. Box 742, Moline, IL 61265, and for acquisition by Charles D. Hoover, also of West Route 30, Rock Falls, IL 61071, of control of such rights and property through the purchase. Attorney: Bernard J. Kompare, Esq., 10 South LaSalle Street, Chicago, IL 60603. Operating rights sought to be purchased: (1) *Agricultural implements and parts, machinery and parts, advertising matter, and implement dealer supplies,* as a *common carrier* over irregular routes, between Rock Falls, East Moline, Rock Island, and Canton, IL, on the one hand, and, on the other, Davenport and Bettendorf, IA. (2)(a) *Wheels, rims, hubs, and spindles,* as a *common carrier* over irregular routes, from Walcott, IA, to Rock Falls, East Moline, Rock Island, and Canton, IL; and (b) *materials and supplies,* used in the manufacture and distribution of the commodities in (a) above, from Rock Falls, East Moline, Rock Island, and Canton, IL, to Walcott, IA; restricted in (a) and (b) above to the transportation of traffic originating at or destined to the facilities of French & Hecht Division, Kelsey Hayes Co., at or near Walcott, IA. Transferee is authorized to operate as a contract carrier in IL, IN, IA, KS, KY, MI, MN, MO, NB, ND, OH, SD, and WI. Approval of this application will not result in duplicating authority. Approval will result in dual operations. Application has been filed for temporary authority under section 210a(b).

MC-F-13765F. Authority sought for purchase by STOKLEY TRANSPORTATION CORP., P.O. Box 159, Glassboro, NJ 08028, of a portion of the operating rights of Fleetwood Transportation Corp., P.O. Box 155, Dunmore, PA 18512, and for acquisition by John N. Stokley, Jr. and William H. Stokley, also of P.O. Box 159, Glassboro, NJ 08028, of control of such rights through the purchase. Attorney: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Operating rights sought to be purchased: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses (except commodities in bulk), as a contract carrier over irregular routes from Fleetwood, PA, to points in PA, NY, NJ, MD, DE, and DC; from Fleetwood, PA, to points in VA and WV, from points in PA, NY, NJ, MD, DE, VA, WV, and DC to Fleetwood, PA; between the facilities of Ocean Spray Cranberries, Inc., in the Borough of Bordentown, NJ, and the facilities of Agfoods, Inc., in the Township of Florence, NJ, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, WV, and DC. Said operations are restricted against the transportation of glass from points in that part of PA on and west of U.S. Hwy 219 to Bordentown, NJ. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Agfoods, Inc. Common control and dual operations may be involved. Stokley Transportation Corp. holds no authority from this Commission. However, applicant's principals are the sole officers, directors and stockholders of Marsh Express, Inc., a common carrier authorized to operate in the States of PA and NJ. Application has been filed for temporary authority under section 210a(b).

MC-F-13766F. Authority sought to purchase by TFS, Inc., Box 126, Rural Route 2, Grand Island, NE 68801, of a portion of the operating rights of Payne Motor Lines, Inc., P.O. Box 1937, Elko, NV 89801, and for acquisition by Robert Wenzl, Box 126, Rural Route 2, Grand Island, NE 68801, of control of such rights through the transaction. Attorneys: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501, and Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Operating rights, as a *common carrier,* over irregular routes, sought to be transferred: (1) *Frozen inedible meat,* from Salt Lake City and Odgen, UT, and Boise, Idaho Falls, and Twin Falls, ID, to points in CA, OR, WA, CO, KS, MO, NE, IA, AZ, WI, MI, IL, OH, and IN; (2) *Animal and poultry feed* (except liquid), from Ogden, UT, to points in CA, OR, WA, CO, KS, MO, NE, IA, AZ, MN, WI, ND, SD, MI, IL, OH, and IN; and (3) *Animal and poultry feed and frozed inedible meat* (except liquid commodities and commodities in bulk, in tank or hopper-tye vehicles), (a) from points in CA south of San Mateo, Santa Clara, Merced, Madera, and Mono Counties (except points in San Bernardino, Riverside, Imperial, and San Diego Counties), to points in CO on, north and east of a line beginning at the KS-CO State line extending along Interstate Hwy 70 to junction U.S. Hwy 24, then along U.S. Hwy 24 to Colorado Springs, CO, then along Interstate Hwy 25 to junction CO Hwy 14, then along CO Hwy 14 to U.S. Hwy 287 to the CO-WY State line; (b) from Seattle, WA, to points in NE and those points in SD located on and east and south of U.S. Hwy 14 beginning at the MN-SD State line to junction of U.S. Hwy 83 near Pierre, then over U.S. Hwy 83 to the junction of Interstate Hwy 90, then over Interstate Hwy 90 to U.S. Hwy 83, then over U.S. Hwy 83 to junction U.S. Hwy 18, then over U.S. Hwy 18 to U.S. Hwy 83, then over U.S. Hwy 83 to the NE-SD State line; (c) from Seattle, WA, to points in CO, KS, MO, IA, AZ, MI, IL, OH, and IN; (d) from points in CA north of San Benito, Fresno, Monterey, and Inyo Counties to points in CO; (e) from Seattle, WA, to points in MN on, south and east of a line beginning at the WI-MN State line extending along U.S. Hwy 61 to junction MN Hwy 60, then along MN Hwy 60 to the MN-IA State line, and to points in MI (except the Upper Peninsula) and points in WI on and south of U.S. Hwy 10; (f) from Kansas City and St. Joseph, MO, to points in CA, WA, and OR; (g) from Denver, CO, to points in CA on and north extending along U.S. Hwy 66 to San Bernardino, then along CA Hwy 91 to junction CA Hwy 55, then along CA Hwy 55 to Newport Beach, CA, and points in WA and OR; (h) from points in CA located on and south of CA Hwy 126, beginning at Ventura, CA, to the intersection of Interstate Hwy 5, then over Interstate Hwy 5 to junction CA Hwy 15, then along CA Hwy 15 to Palmdale, then east over unnumbered Hwy to Interstate Hwy 15, then over Interstate Hwy 15 to the NV-CA State line to those points in WA located on and east of U.S. Hwy 395 (except Franklin County, WA); (i) from points in CA to points in OH, IN, IL, MI, SD, ND, WI, MN, IA, and NE; and (j) from points in CA on and north of a line extending along U.S. Hwy 66 to San Bernardino, then along CA Hwy 91 to junction CA Hwy 55, then along CA Hwy 55 to Newport Beach to points in MO (except McDonald, Barry, Stone, and Taney Counties), and points in KS (except Stanton, Morton, Grant, Stevens, Haskell, Ford, Meade, Clark, Comanche, Barber, Harper, Sumner, Kiowa, Pratt, Kingman, Cowley, Sedgwick, Chataqua, and Elk Counties). TFS, Inc., holds authority as a contract carrier conducting operations between various points in the United States for the account of Oxford Cheese Corp., Ag Service, Inc., Morgen Manufacturing Co., Bonsail Pool Co., and Endicott Clay Products Co. Application has been filed for temporary authority under section 210a(b).

MC-F-13767F. Authority sought for purchase by ELLIOTT TRUCK LINE, INC., P.O. Box 1, Vinita, OK 74301, of a portion of the operating rights of Farris Truck Line, a corporation, P.O. Box 224, Faucett, MO 64448, and for acquisition by Vincent Elliott, P.O. Box 1, Vinita, OK 74301, of control of such rights, through the transaction. Applicants' attorney: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. Op-

erating rights sought to be transferred: *Dry fertilizer and dry fertilizer materials, in bulk or in bags, and pesticides and herbicides in containers* from the plant site of W. R. Grace & Co., at or near Atlas, MO, to points in IL (except points in the St. Louis, MO-East St. Louis, IL Commercial Zone as defined by the Commission), KY, TN, and TX (except points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties), with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with W. R. Grace & Co. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right; and Dry urea, from the facilities of Atlas Chemical Industries at or near Atlas, MO to points in AR, CO, IL, IA, KS, NE, and OK, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with W. R. Grace & Co. Vendee is authorized to operate as a *common carrier* in the States of MO, OK, KS, AR, TX, LA, TN, MS, NE, IL, IA, CO, MN, SD, WI, GA, NM, and IN. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-59117 (Sub-60F) is a directly related matter.

No. MC-F-13768F. Authority sought for purchase by FASTWAY TRANSPORTATION, INC., 151D Morristown Road, Matawan, NJ 07747, of a portion of the operating rights of Calhoun Trucking Corp., 319 Jacet Road, Kearny, NJ 07032, and for acquisition by Edmund E. Hunt, also of Matawan, 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: As a *contract carrier* by motor vehicle, over irregular routes, *iron and steel mill products and aluminum products*, from Lyndhurst, NJ, to points in CT, NY and PA; *air conditioner sub assemblies and parts* from Newark, NJ, to Maspeth, NY; *boilers, radiators, furnaces, and air-conditioning units and parts* between Newark and Garwood, NJ, on the one hand, and, on the other, points in CT, NY and PA; *household appliances, furnaces, air cleaners, conditioners, waters, humidifiers, dehumidifiers*, from Edison, NJ, to points in CT, NY, PA, RI, MA, MD, DE, VA, DC, NC, SC, GA, FL, AL, TN, KY, and MI and *materials and supplies* in the opposite direction. Approval of the transaction will result in splitting of vendor's operating authority. Permit MC-109501 (Sub-13) to be purchased by Louis J. Kennedy Trucking Co. and section 5 application previously filed. No duplicating authority. Dual operations involved as vendee holds common carrier authority in MC-36918 in NY and NY. Application has been filed for temporary authority under section 210a(b).

MC-F-13769F. Authority sought by CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025, to purchase a portion of the operating rights of Sundance Freight Lines, Inc., 821 E. Pasadena Avenue, Phoenix, AZ 85011, and for acquisition by Consolidated Freightways, Inc., 601 California Street, San Francisco, CA 94108, of control of such rights through purchase. Vendee's attorney: Eugene T. Liipfert, Suite 1000, 1660 L Street NW., Washington, D.C. 20036; Vendor's attorney: William S. Richards, 48 Post Office Place, P.O. Box 2465, Salt Lake City, UT 84110. Operating rights to be purchased: *General commodities* with the usual exceptions, over regular routes (1) between Deming, NM and Rodeo, NM, over U.S. Hwy 80, serving all intermediate points; (2) between El Paso, TX and Deming, NM, over U.S. Hwy 80, serving the intermediate points of Aleka and Cambray, NM, and the off-route points of the Corrillitos Ranch, The Johnson Ranch, The Jernigan Ranch, The Birchfield Ranch and Wemple, NM; (3) between San Antonio, TX and El Paso, TX over U.S. Hwy 87 to Comfort, TX, thence over TX Hwy 27 to junction U.S. Hwy 290, thence U.S. Hwy 290 to junction U.S. Hwy 80, thence U.S. Hwy 80 to El Paso, serving all intermediate points and the off-route points of Royalty, Crane, and Iraan, TX; and (4) between Road Forks, NM and Tucson, AZ over Interstate 10, serving all intermediate points except Benson, AZ. Vendee has agreed to except a restriction against service at intermediate points between El Paso and Tucson outside the El Paso and Tucson Commercial Zones except as required for tacking purposes. Vendee is authorized to operate as a common carrier in all States except Hawaii pursuant to certificates issued in docket No. MC 42487 and sub numbers. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and one copy of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation resulting from approval of its application.

MC 1977 (Sub-29F), filed September 25, 1978. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, commodities in bulk, and commodities, which because of size or weight, require special handling or the use of special equipment): (1) Between Salt Lake City, UT, and Idaho Falls, ID, serving the intermediate points of Blackfoot, ID, Pocatello, ID, and all intermediate points between Salt Lake City and Brigham City, UT, including Brigham City; from Salt Lake City over Interstate Hwy 15 to Idaho Falls and return; (2) between Salt Lake City, UT, and Boise, ID, serving all intermediate points between Salt Lake City and Brigham City, including Brigham City; from Salt Lake City over Intersate Hwy 15 to Junction Interstte Hwy 80 north, then over Intersate Hwy 80 north to Boise and return; (3) between Boise, ID, and Pocatello, ID, serving no intermediate points and serving Pocatello for joinder only; from Pocatello ovef Interstate Hwy 15 west to Junction Interstate Hwy 80 north, then over Interstate Hwy 80 north to Boise and return; (4) serving points within a 50-mile radius of Salt Lake City, UT (excluding points on Interstate Hwy 15 between Salt Lake City and Brigham City, UT, including Brigham City) as off-route points in connection with the carrier's authorized routes to and from Salt Lake City.

NOTE.—The purpose of this application is to convert irregular route authority to regular route authority and is directly related to a finance proceeding docketed MC-F-13681 which was previously published in a previous section of the FR issue of August 17, 1978. (Hearing sites: Salt Lake City, UT, Pocatello and Boise, ID.)

MC 28536 (Sub-17F), filed September 15, 1978. Applicant: FOX & GINN, INC., 207 Perry Road, Bangor, ME 04401. Representative: Kenneth B. Williams, 84 State Street, Boston, MA 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, new furniture, uncrated, commodities in bulk, and commodities requiring special equipment): Between, points in MA, RI and CT, on the one hand, and, on the other, Bennington and Brattleboro, VT, Albany, Kingston, Middleton, Newburgh, Peekskill, Poughkeepsie, Schenectady, Troy, West Point, and New York, NY, Jersey City and Newark, NJ, and points in Putnam and Westchester Counties, NY. (Hearing site: Boston, MA or Hartford, CT.)

NOTE.—The purpose of this application is to eliminate the gateways at points within 30 miles of Boston, Springfield, and Worcester, MA and Bridgeport, Hartford, and New Haven, CT, including the points named and to seek permission to join or tack the above with applicant's presently held irregular route authority, and is directly related to MC-F-13738F, Fox & Ginn, Inc. Purchase: Hartford Despatch & Warehouse Co., Inc., published in a previous section of this FR issue.

MC 54200 (Sub-7F), filed September 14, 1978. Applicant: SEIGLE'S EXPRESS, INC., Foot of Pennsylvania Avenue, South Kearney, NJ 07032. Representative: William W. Becker, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and antique automobiles and used classic cars in secondary movements in truckaway service): between points in Suffolk County, NJ, on the one hand, and, on the other, points in Nassau County, NY, points in the New York, NY, Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 MCC 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), those points in NJ and all of any municipality any part of which is within 5 miles of New York, NY, and points in Passaic, Bergen, Hudson, Essex, Union, Morris and Somerset Counties, NJ; and (2) *Business records* and *printed matter:* between Clinton, NJ and points in Suffolk County, NY. (Hearing site: New York, NY, or Washington, DC.)

NOTE.—This application is filed as a directly related application to finance proceeding docketed MC-F-13739F published in a previous section of this FR issue. The purpose of this application is to eliminate the gateway of New York, NY Commercial Zone.

MC 59117 (Sub-60F), filed October 4, 1978. Applicant: ELLIOTT TRUCK LINE, INC., Box 1 Vinita, OK 74301. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: Dry fertilizer, dry fertilizer materials, in bulk or in bags, pesticides and herbicides in containers and dry urea, from Atlas, MO to points in IL (except points in the St. Louis, MO-East St. Louis, IL Commercial Zone as defined by the Commission), KY, TN, and TX (Except points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller counties), AR, CO, IA, KS, NE, and OK. (Hearing site: Kansas City, MO, or Tulsa, OK.)

NOTE.—The purpose of this application is to convert a contract carrier permit to a certificate of public convenience and necessity. This matter is directly related to a finance proceeding docketed MC-F-13767F, published in a previous section of this FEDERAL REGISTER issue.

MC 59206 (Sub-23F) filed September 29, 1978. Applicant: HOLLAND MOTOR EXPRESS, INC., 750 East 40th Street., Holland, MI 49423. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Wayne, IN and Cincinnati, OH, serving the junction of U.S. Hwy 27 and IN Hwy 67, the junction of U.S. Hwy 27 and U.S. Hwy 40, and the junction of U.S. Hwy 27 and Interstate Hwy 70 as intermediate points for joinder only, from Fort Wayne over U.S. Hwy 27 to Cincinnati, and return over the same route. Between Fort Wayne, IN and Cincinnati, OH, serving the junction of U.S. Hwy 127 and OH Hwy 29 and the junction of U.S. Hwy 127 and U.S. Hwy 40, and the junction of U.S. Hwy 127 and Interstate Hwy 70 as intermediate points for joinder only. From Fort Wayne over U.S. Hwy 33 to junction U.S. Hwy 127, then over U.S. Hwy 127 to Cincinnati, and return over the same route. (Hearing site: Chicago, IL.)

NOTE.—This application is directly related to MC-F-13759F, Holland Motor Express, Inc., purchase (portion), National Transit Corp., published in a previous section of this FEDERAL REGISTER issue. The purpose of this application is to convert an alternate route and a deviation route to service routes in order to allow joinder at the indicated intermediate points.

MC 108194 (Sub-14F), filed October 3, 1978. Applicant: WILLIAM B. MEYER, INC., 60 Long Beach Boulevard, Stratford, CT 06497. Representative: Sidney L. Goldstein, 109 Church Street, New Haven, CT 06510. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points within 15 miles of Stamford, CT, on the one hand, and, on the other, points in NH, VT, DE, DC, MD, OH, and VA. (Hearing Site: New Haven, CT, or Hartford, CT)

NOTE.—The purpose of this application is to enable applicant to tack at common points created by the 15 mileage radii within Bridgeport, CT, and the 15 mileage radii within Stamford, CT. This matter is directly related to a finance proceeding docketed MC-F-13695F published in a previous section of this FEDERAL REGISTER issue.

MC 116212 (Sub-11F), filed October 4, 1978. Applicant: EYRE'S BUS SERVICE, INC., 15910 Union Chapel Road, Woodbine, MD 21797. Representative: Bruce E. Mitchell, Fifth floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, GA 30326. Authority sought to operate as *common carrier*, by motor vehicle, over regular routes, transporting passengers and their baggage and express, in the same vehicle with passengers, between Washington, DC and the junction of U.S. Hwy 29 and Interstate Hwy 495 at or near Four Corners, MD, serving the intermediate point of Silver Spring, MD. From Washington over Colesville Road to junction of U.S. Hwy 29 thence over U.S. Hwy 29 to junction Interstate 495 and return over the same route.

Restriction: The authority requested herein is restricted against (1) originating traffic in the District of Columbia destined to Four Corners and points south thereof, and (2) originating traffic from points between Four Corners and the MD-DC line destined to the District of Columbia. (Hearing site: Washington, DC.)

NOTE.—The purpose of this application is to enable applicant to connect regular route authority at Four Corners, MD in service to and from Baltimore, MD. This matter is directly related to a section 5 finance proceeding docketed MC-F-13751F and published in a previous section of this FEDERAL REGISTER issue.

MC 145483F filed September 29, 1978. Applicant: GENOVA TRANS-

PORT, INC., 484 Clayton Road, Williamstown, NJ 07934. Representive: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: (1) *Canned goods*, from the facilities of Violet Packing Co., at Williamstown, NJ, to Hartford, New Haven, and Stamford, CT, Boston, MA, Providence, RI, New York, Buffalo, Albany, Schenectady, Rochester, and Canandaigua, NY, Philadelphia, Wilkes-Barre, and Scranton, PA, Baltimore, MD and Washington, DC, (2) *Containers, ends, caps, and covers*, from Fruitland, MD, to the plantsite and facilities of Violet Packing Co., at Williamstown, NJ, (3) *Metal containers, ends, caps and covers*, from Winchester, VA, to the facilities of Violet Packing Co., at Williamstown, NJ, (4) *Empty containers*, from Baltimore, MD, to the facilities of Violet Packing Co., at Williamstown, NJ, (5) *Canned goods*, from the facilities of Violet Packing Co., at Williamstown, NJ, to Norfolk and Richmond, VA, and Charlotte, NC, (6) *Metal containers, ends, caps* and *covers*, from Winchester, VA, to the facilities of National Fruit Co., Inc. and Ron Son Mushroom Products Co., Inc., at Glassboro, NJ, (7) *Canned apple products*, from the facilities of National Fruit Co., Inc. at Glassboro, NJ, to New York, Buffalo, Albany, Schenectady, Rochester and Canandaigua, NY, Philadelphia, Wilkes-Barre, and Scranton, PA, Baltimore, MD, Hartford, New Haven, and Stamford, CT, Boston, MA, Providence, RI, Norfolk and Richmond, VA, Charlotte, NC, and Washington, DC, (8) *Empty containers, ends, caps and covers*, from Baltimore, MD, to the facilities of National Fruit Co., Inc. at Glassboro, NJ, (9) *Containers and container ends, caps* and *covers*, from Fruitland, MD, to the facilities of National Fruit Co., Inc., Ron Son Mushroom Products Co., Inc., Di Lullo & Son and Violet Packing Co., at Glassboro and Gloucester, NJ, (10) *Canned goods*, from the facilities of National Fruit Co., Inc., Ron Son Mushroom Products Co., Inc., Di Lullo & Son and Violet Packing Co., at Williamstown, Glassboro, and Gloucester, NJ, to points in NY, PA, CT, MA, VA, RI, MD, DE, NC, and DC, (11) *Commodities*, the transportation of which is otherwise exempt from economic regulations when tranported in the same vehicle, at the same time with containers, and container ends, caps and covers and canned goods, (a) from Fruitland, MD, to the facilities of National Fruit Co., Inc., Ron Son Mushrooms Products Co., Inc., Di Lullo & Son and Violet Packing Co., at Glassboro and Gloucester, NJ, (b) from the facilities of National Fruit Co., Inc., Ron Son Mushroom Products Co., Inc., Di Lullo & Son and Violet Packing Co., at Williamstown, Glassboro, and Gloucester, NJ, to points in NY, PA, CT, MA, VA, RI, MD, DE, NC, and DC, (12) *Containers and container ends, caps and covers*, from Philadelphia and Morrisville (Bucks County), PA, to the facilities of National Fruit Co., Inc. and Ron Son Mushroom Products, Inc., Glassboro, NJ, (13) *Containers and container ends, caps and covers*, (a) from Philadelphia, and Morrisville (Bucks County), PA, to the facilities of Violet Packing Co., at Williamstown, NJ, (b) from Baltimore, MD, to the facilities of Di Lullo & Son, at Gloucester, NJ, (14) *Foodstuffs*, in vehicles equipped with mechanical refrigeration, (a) from the facilities of Joseph L. Scalafani, Inc., at New York, NY to Williamstown, NJ, Baltimore, MD, Washington, DC, and Philadelphia, PA, (b) from the facilities of Joseph L. Scalafani, Inc., at Williamstown, NJ, to Baltimore, MD, Washington, DC, and Philadelphia, PA, (15) *Plastic articles* (except in bulk), from the facilities of Crown Zellerbach Corp., Glassboro, NJ, to points in MA, CT, RI, PA, NY, NJ, MD, DE, VA, NC, SC, GA, FL, and DC, (16) *Containers, container ends, caps and covers*, from Lemoyne, PA, and Cambridge and Hurlock, MD, to the facilities of National Fruit Co., Inc. and Ron Son Mushroom Products, Inc., at Glassboro, NJ, and the facilities of Violet Packing Co., at Williamstown, NJ, (17) *Frozen foods*, from the facilities of Mrs. Paul's Kitchens, Inc., at Philadelphia, PA, to points in NJ, NY, CT, MA, and RI, (18) *Food products* (except in bulk), (a) Between the facilities of Buitoni Foods Corp., at South Hackensack, NJ, on the one hand, and, on the other, New York, NY, and Points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, NY, and points in Fairfield, Hartford, and New Haven Counties, CT, (b) from piers in New York Harbor, NY, to points in NJ, points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, NY, and points in Fairfield, Hartford, and New Haven Counties, CT, and (19) (a) *Canned goods and materials, equipment and supplies* used in the manufacture and sale of a canned goods (except commodities in bulk); and (b) agricultural commodities, the transportation of which is otherwise exempt from economic regulation pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when transported in the same vehicles and at the same time as the commodities in (a) above, between the facilities of Ron Son Mushroom Products Co., at Glassboro, NJ, and the facilities of Violet Packing Co., at Williamstown, NJ, on the one hand, and, on the other, points in OH and ME. Restriction: The authority sought herein is restricted to the transportation of shipments originating at the named origins and destined to the named destinations. (Hearing site: Philadelphia, PA, or Washington, DC.)

NOTE.—The purpose of this application is to convert applicant's contract carrier permits to a certificate of public convenience and necessity. This matter is directly related to a finance proceeding docketed MC-F-13760F, published in a previous section of this FEDERAL REGISTER issue.

MOTOR CARRIER INTRASTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Alaska Docket No. 78-344-MP/E filed: August 3, 1978. Applicant: TRANSPORTATION SERVICES, INC., d.b.a. American Sightseeing of Alaska, 1135 West 8th Avenue, Suite 3, Anchorage, AK 99502. Representative: Andrew E. Hoge, 3201 "C" Street, Suite 706, Anchorage, AK 99503. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Inter-urban, sightseeing and tour services* as defined by the Alaska Transportation Commission, between Fairbanks and Prudhoe Bay, via Alaska State Hwy 2 and the unnumbered North Slope Haul Road, including services from and to all points and places along that route within thirty (30) miles laterally along each side of these hwys and at each terminus, and to and including Manley Hot Springs. Authority is also sought to tack and join these routes with all authority presently held by applicant. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to Alaska Transportation Commission, 1000 McKay Building, 338 Denali Street, Anchorage, AK

99501, and should not be directed to the Interstate Commerce Commission.

Florida Docket No. 780710-CCT filed: August 29, 1978. Applicant: ALL SOUTHERN TRUCKING, INC., 1909 East Hemlock Avenue, Tampa, FL. Representative: Richard H. Wilson, 2316 First Florida Tower, Tampa, FL 33602. Certificate of Public Convenience and Necessity sought to operate a freight service, over irregular routes, as follows: Transportation of: *Rough lumber, semi-finished lumber and finished lumber, millwork, doors, hardboard, sheeting materials and products, plywood, and fabricated lumber products,* to, from and between all points and places within the State of Florida and Applicant seeks duplicating authority from the Interstate Commerce Commission to the same extent to which authority is granted by the Florida Public Service Commission. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to Florida Public Service Commission, Fletcher Building, 101 East Gaines Street, Tallahassee, FL 32304, and should not be directed to the Interstate Commerce Commission.

Nebraska Docket No. M-12610 supplement No. 1, filed: September 13, 1978. Applicant: SYRACUSE TRANSFER, INC., 320 Swanson Drive, Syracuse, NE. Representative: Lavern R. Holdeman, Box 81849, Lincoln, NE. Certificate of Public Convenience and Necessity sought to operate a freight service, over irregular routes, as follows: Transportation of: *General commodities* (excepting those requiring special equipment), from points within a 25-mile radius of Syracuse, NE, (except points in Otoe County), to and from Omaha, occasionally to and from York,Grand Island and points generally within a 175-mile radius of Syracuse, NE. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Nebraska Public Service Commission, 301 Centennial Mall South, P.O. Box 94927, Lincoln, NE 68509, and should be not directed to the Interstate Commerce Commission.

South Carolina Docket No. 78-278-T (Amendment) filed June 1, 1978. Applicant: GREENWOOD MOTOR LINES, INC., Montague Avenue, P.O. Drawer 336, Greenwood, SC. Representative: William B. Patrick, Jr., P.O. drawer 1207, Greenwood, SC. Certificate of Public Convenience and Necessity sought to operate as freight service, as follows: Transportation of: *General commodities* (except any commodities or products in bulk tank trucks; classes A and B explosives and classes, A, C, and D poisons as defined under explosives and other dangerous articles in American Trucking Assn., Inc., Agent, Tariff No. 10, MF-ICC No. 11, PSCSC No. 11, supplements thereto or reissues thereof; and household goods and related articles, as defined in Motor Truck Rate Bureau, Agent, Household Goods Tariff, Motor Freight Tariff No. 8-C, SCPSC-MF No. 79, supplements thereto or reissues thereof): between points and places in Bamberg, Barnwell and Orangeburg counties, and between points and places in these counties and points and places in South Carolina.

NOTE.—The purpose of this publication is to amend the commodity description to include Bamberg County, Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to South Carolina Public Service Commission, P.O. Box 11649, Columbia, SC 29211, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket MC 2668 (Sub-7), filed August 24, 1978. Applicant: HOHENWALD TRUCK LINES, INC., Columbia Highway, Hohenwald, TN 38462. Representative: A. O. Buck, 618 United American Bank Building, Nashville, TN 37219. Certificate of public convenience and necessity sought to operate a freight service, over regular routes, as follows: Transportation of: *General commodities* (except household goods, classes A and B explosives, commodities in bulk and those requiring special equipment): Route 1—between Franklin, TN and Buffalo, TN; from Franklin over TN Hwy 96 to its junction with Interstate Hwy I-40, then over Interstate Hwy I-40 to Buffalo, and return over the same route; Route 2—between Franklin, TN and Hohenwald, TN; from Franklin over U.S. Hwy 31 to its junction with TN Hwy 99, then over TN Hwy 99 to Hohenwald, and return over the same route; Said Routes 1 and 2 to be used as alternate routes for operating convenience only, and to be used in conjunction with all of applicant's existing authority. Intrastate, interstate and foreign commerce authority sought. Hearing: November 21, 1978, at 1:30 p.m., C-1-110 Cordell Hull Building, Nashville, TN. Requests for procedural information should be addressed to Tennessee Public Service Commission, C1-102 Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission. (4) amend Route (1) of carrier's Certificate No. 3436, so as to read as follows: "From Nashville, TN, via I-40 to junction with TN Hwy 22, then via TN Hwy 22 to the Weakley County Line, then over any and all highways and roads in Weakley and Obion Counties, serving all points in said counties, and return over the same route, serving the junction of I-40 and TN Hwy 22 for purposes of joinder only. All of the foregoing routes to be used in conjunction with each other and in conjunction with all of carrier's other authority. Restriction: Restricted against tacking the foregoing authority with any of carrier's other authority for the purpose of providing a through service between Nashville and Memphis, TN and points in their respective commercial zones. Intrastate, interstate and foreign commerce authority sought. Hearing: December 11, 1978, at 9:30 a.m., C1-110 Cordell Hull Building, Nashville, TN. Requests for procedural information should be addressed to Tennessee Public Service Commission, C1-102 Cordell Hull Building, Nashville, TN 37219.

NOTE.—Applicant presently operates in interstate commerce pursuant to Certificates of Registration issued in MC 121699.

Tennessee Docket MC 5317 (Sub-2), filed: August 23, 1978. Applicant: VOLUNTEER EXPRESS, INC., 1220 Faydur Court, Nashville, TN 37211. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. Certificate of public convenience and necessity sought to operate a freight service, over regular routes, as follows: Transportation of: *General commodities* (except classes A and B explosives, household goods, commodities in bulk, and articles requiring special equipment): (1) from Jackson, TN via U.S. Hwy 45 to junction with U.S. Hwy 45W, thence via U.S. Hwy 45W to the Obion County line, thence via any and all highways and roads in Obion and Weakley Counties, TN, serving all points in said counties (but serving no intermediate points between Jackson and the said Obion County line), and return over the same route. (2) Amend Route (2) of carrier's Certificate No. 3436-A, so as to read as follows: "From Memphis, TN via I-40 to junction with U.S. Hwy 45 at Jackson, TN, thence via U.S. Hwy 45 to its junction with U.S. Hwy 45E to the Weakley County line, thence via any and all highways and roads in Weakley and Obion Counties, serving all points in said counties, and serving Jackson as an intermediate point." (3) From Jackson, TN via I-40 to junction of I-40 and TN Hwy 22, and return over the same route, serving said junction of I-40 and TN Hwy 22 for purposes of joinder only.

Tennessee Docket MC 6105 (Sub-1), filed: August 24, 1978. Applicant: SOUTHEASTERN WAREHOUSING & DISTRIBUTION CORP., P.O. Box 5456 EKS, Johnson City, TN 37601. Representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37601. Certificate of public conven-

ience and necessity sought to operate a freight service, over regular routes, as follows: Transportation of: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Bristol, TN and Bulls Gap, TN; from Bristol, TN over U.S. Hwy 11E to Bulls Gap, TN, and return over same route, serving all intermediate points; (2) between Kingsport, TN and Erwin, TN; from Kingsport, TN over U.S. Hwy 23 to Erwin, TN and return over same route, serving all intermediate points; (3) between Johnson City, TN and Mountain City, TN; from Johnson City, TN over TN Hwy 67 to Mountain City, TN and return over same route serving all intermediate points; (4) in connection with routes 1, 2, and 3 above, serving all other points in Carter, Greene, Hawkins, Johnson, Sullivan, Unicoi, and Washington Counties, TN, as off-route points. Intrastate, interstate, and foreign commerce authority sought. Hearing: October 24, 1978, at 9 a.m., in Johnson City, TN. Requests for procedural information should be addressed to Tennessee Public Service Commission, C1-102, Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-29409 Filed 10-18-78; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

October 13, 1978.

This application for long- and short-haul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA 43612, Southwestern Freight Bureau, Agent's No. B-767, rates on cement and related articles, from Joppa, Ill., to Southwestern Territory, in Supp. 120 to its Tariff 325-B, ICC 5156, to become effective November 6, 1978. Grounds for relief—market competition, modified short-line distance formula, and grouping.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-29541 Filed 10-18-78; 8:45 am]

[7035-01-M]

[Finance Docket No. 28867]

ILLINOIS TERMINAL RAILROAD CO.—TRACKAGE RIGHTS—OVER ILLINOIS CENTRAL GULF RAILROAD CO. BETWEEN MOUNT PULASKI, LOGAN COUNTY, AND KENNEY, DE WITT COUNTY, ILL.

Illinois Terminal Railroad Co., Post Office Box 7282, 710 North 12th Boulevard, St. Louis, Mo. 63177, represented by Steven J. Anthony, attorney for Illinois Terminal Railroad Co., Post Office Box 7282, St. Louis, Mo. 63177, hereby give notice that on the 29th day of September 1978, it filed with the Interstate Commerce Commission at Washington, D.C., an application under section 5(2) of the Interstate Commerce Act for a decision approving and authorizing the acquisition of trackage rights by Illinois Terminal over main line track of Illinois Central Gulf Railroad Co. between Mount Pulaski and Kenney, Ill., a total distance of 12.37 miles.

Under the trackage rights requested, the Illinois Terminal will not serve any station on the line of the Illinois Central Gulf (ICG) nor would Illinois Terminal have the right to pick up or set out along the line. The proposed transaction will not adversely affect shippers, receivers, or employees of this carrier. The transaction will extend the trackage rights which Illinois Terminal now operates over ICG from Springfield, Ill., to Mount Pulaski, Ill., by an additional 12.37 miles to Kenney, Ill., where Illinois Terminal owns a line of track. These trackage rights will enable the carrier to effect a more efficient operation to the Peoria Gateway and Decatur, Ill., which areas Illinois Terminal is presently unable to efficiently serve.

Applicant has filed a related application docketed AB-64 (Sub-No. 1F) for certificates of convenience and necessity and authorization to abandon operation over that portion of the ICG-trackage which was covered under trackage agreement dated October 27, 1960, authorized by the Commission in Finance Docket No. 21363 which extends from Mount Pulaski to Lincoln, Ill., all in Logan County, Ill., a distance of 11.04 miles and for authority to abandon and remove that portion of Applicant's tracks which extend from Lincoln, Logan County, Ill., northwardly to Allentown, Tazewell County, Ill., a distance of 27.58 miles.

In the opinion of the Applicant, the granting of the authority sought will 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. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 ICC 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation (Finance Docket No. 28867) and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the Federal Register. Such written comments shall include the following: the person's position—e.g., party protestant or party in support—regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-29543 Filed 10-18-78; 8:45 am]

[7035-01-M]

[Notice No. 118]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after

the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

Finance Docket No. 28875, filed September 1, 1978. Transferee: SWIFT INTERNATIONAL, INC., 4100 14th Way NE., St. Petersburg, FL 33702. Transferor: Swift International Forwarders, a division of Microtron Industries, Inc., 618 North Beltline Road, Irving, TX 75061. Representatives: Robert J. Gallagher, attorney at law, Suite 1200, 1000 Connecticut Avenue NW., Washington, DC 20036. W. Newton Barnes, Esq., Barnes & Dishman, Mockingbird Towers East, Suite 1000, 1341 West Mockingbird Lane, Dallas, TX 75247. Authority sought for purchase by transferee of the operating rights set forth in Permit and Order No. FF-402, issued December 5, 1972, to Swift Home-Way, Inc., Irving, TX, and acquired by transferor pursuant to approval and consummation of the transfer proceeding in Finance Docket No. 28129, as follows: Freight forwarder of used household goods and unaccompanied baggage, between points in the United States (including HI but excluding AK, ND, and SD). Transferee presently holds no authority from this Commission.

MC-FC-77738, filed July 3, 1978. Transferee: ROBERT A. SHIPP and JAMES A. SHIPP, d.b.a. RO-JA Enterprises, 2210 Winterhaven Drive, Winterhaven, CA 92283. Transferor: Raymond W. Bell, d.b.a. Bell's Towing Service, 2149 Winterhaven Drive, Winterhaven, CA 92283. Representative: Waldo W. Israel, 213 South Second Avenue, P.O. Box 649, Yuma, AZ 85364. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in certificate MC 125484 (Sub-1), issued July 2, 1965, as follows: Wrecked or disabled vehicles and trailers and wrecked or disabled farm implements and farm machinery, by use of wrecker equipment only, between points in Imperial County, CA, on the one hand, and, on the other points in Yuma County, AZ, subject to certain restrictions. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210(a)(b).

MC-FC-77814, filed August 14, 1978. Transferee: W. V. TINKLEPAUGH & SON, INC., 25 West Main Street, Hancock, NY 13783. Transferor: Charles P. Faigle, Inc., P.O. Box 806, Hancock, NY 13783. Representatives: Herbert M. Canter and Benjamin D. Levine, 305 Montgomery Street, Syracuse, NY 13202. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Permit No. MC 123630, issued July 23, 1968, as follows: rough and finished lumber, wood pallets, from Hancock, NY, to points in 11 States and DC, lumber and wooden pallets, from Hancock, NY, and Emporium, PA, to specified VA counties and wooden pallets, from Hancock, NY, and Emporium, PA, to points in NC and SC, under contract with Robert Mallery Lumber Co., Inc. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

MC-FC-77827, filed August 29, 1978. Transferee: HOWARD DULLUM, Gardner, ND 58036. Transferor: Fillipi Truck Lines, Inc., Warren, MN 57662. Representative: Alan Foss, Esq., 502 First National Bank Building, Fargo, ND 58102. Authority sought for purchase by transferee of operating rights of transferor as set forth in certificate MC 27368 (Subs 8, 9, and 11), issued October 13, 1964, November 21, 1966, and October 25, 1965, respectively, as follows: fertilizer, in bags, from Crookston, Moorhead, and Shakopee, MN, to points in ND; from Pine Bend and Minneapolis, MN, to points in Walsh and Pembina Counties, ND; and fertilizer and fertilizer ingredients from Winona, MN, to points in ND. Transferee holds authority in MC 134604 (Sub-2). Temporary authority under section 210a(b) was granted September 8, 1978.

MC-FC-77843, filed September 1, 1978. Transferee: LES MATHRE TRUCKING, INC., 417 Eighth Street, Story City, IA 50248. Transferor: Freddie Ahrenstorff, d.b.a. Ahrenstorff Transfer, Lake Park, IA 51347. Representative: Larry D. Knox, Esq., or Richard D. Howe, Esq., 600 Hubbell Building, Des Moines, IA 50309. Authority sought for purchase by transferee of operating rights of transferor as set forth in certificate MC 20729 (Sub-6) issued November 16, 1966, as follows: Anhydrous ammonia, in bulk, in tank vehicles, from the facilities of Monsanto Co., at or near Garner, IA, to points in MN, NE, ND, SD, and WI. Transferee presently holds authority in MC 139379, and (Subs 1, and 2), issued August 2, 1974, December 16, 1977, and December 16, 1977, respectively. Application for temporary authority under section 210a(b) has not been filed.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-29542 Filed 10-18-78; 8:45 am]

[7035-01-M]

[Notice No. 194]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

October 11, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Motor Carriers of Property

MC 409 (Sub-67TA), filed September 6, 1978. Applicant: SCHROETLIN TANK LINE, INC., Box 511, Saunders Avenue and Hwy 6, Sutton, NE 68979. Representative: Steven K. Kuhlmann,

P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of Gulf Central Pipeline, located at or near Aurora, NE, to points in KS and CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Farmland Industries, Inc., P.O. Box 7305, Kansas City, MO 64116. Send protests to: Max Johnston, District Supervisor, Interstate Commerce Commission, 285 Federal Building, Lincoln, NE 68508.

MC 50307 (Sub-99TA), filed September 6, 1978. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, NY 10001. Representative: Arthur Liberstein, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, between New York, NY on the one hand, and, on the other, St. Clairsville, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Montgomery Ward & Co., Inc., 303 Fashion Avenue, New York, NY 10001. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 51146 (Sub-637TA), filed September 8, 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: *Pet food* from Kansas City, KS to points in IL, IN, IA, MD, MI, MN, OH, PA, VA, WV, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Perk Dog Food Co., 1580 North Northwest Highway, Park Ridge, IL 60068 (Lenny Golz). 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 61825 (Sub-83TA), filed September 8, 1978. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone, Traffic Manager, Roy Stone Transfer Corp., P.O. Box 385, Collinsville, VA 24078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and container accessories*, from South Connellsville and Youngwood, PA, to Suffolk, VA and Edenton, NC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Anchor Hocking Corp., Lancaster, OH 43130. Send protests to: Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, VA 24011.

MC 94265 (Sub-279TA), filed September 8, 1978. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Route 460 West, Windsor, VA 23487. Representative: John J. Capo, Suite 212, 5299 Roswell Road NE., Atlanta, GA 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, crude or other than crude, and ground, floor sweeping compound and absorbents*, except in bulk, from the plantsite and storage facilities utilized by Oil-Dri Corp. at or near Ochlocknee, GA, to points in DE, KS, IL, IN, IA, MD, MI, MN, MO, NE, OH, VA, WV, and WI; for 180 days. Supporting shipper: Oil-Dri Corp. of America, 520 North Michigan Avenue, Chicago, IL. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, 10-502 Federal Building, 400 North Eighth Street, Richmond, VA 23240.

MC 105269 (Sub-69TA), filed September 8, 1978. Applicant: GRAFF TRUCKING CO., INC., P.O. Box 986, 2110 Lake Street, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper mill products* from Brownstown, IN to Livingston, AL and return loads from Livingston, AL, Birmingham, AL and Nashville, TN to Brownstown, IN (hearing sites: Lansing, MI or Chicago, IL), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kieffer Paper Mills, Inc., 1220 West Spring Street, Brownstown, IN 47220. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Room 225, Federal Building, Lansing, MI 48933.

MC 107012 (Sub-281TA) filed September 6, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, 5001 U.S. Hwy. 30 West, Fort Wayne, IN 46801. Representative: Gerald A. Burns, P.O. Box 988, Fort Wayne, IN 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated gas venting systems and chimneys and parts and accessories*, from the facilities of Dura-Vent Corp. at or near Redwood City, CA, to points in the United States in and east of MI, IN, KY, TN, and AL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dura-Vent Corp., 2525 El Camino Real, Redwood City, CA 94064. 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 109397 (Sub-426TA), filed September 8, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *foamed plastic carpet cushion* from North Carolina Foam Industries at Mt. Airy, NC to points in and east of MN, IA, LA, MO, and AR for 180 days. Applicant has also filed a corresponding permanent application. Supporting shipper: Sponge Cushion, Inc., 908 Armstrong Street, Morris, IL 60450. Send protests to: John V. Barry, District Supervisor, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106. (Hearing site: Kansas City, MO, or Washington, DC.)

MC 109689 (Sub-337TA), filed September 8, 1978. Applicant: W. S. HATCH CO., 643 South, 800 West, Woods Cross, UT 84087. Representative: Mark K. Boyle, Suite 400, 10 West Broadway Building, Salt Lake City, UT 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and lime products*, in bulk, from Caselton, NV, to The Delamar Mine near Silver City ID, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sierra Chemical Co., 1490 East 2nd Street, Reno, NV 89502 (Stanley K. Kinder, President). Send protests to: District Supervisor L. D. Helfer Interstate Commerce Commission, 5301 Federal Building, Salt Lake City, UT 84138.

MC 12617 (Sub-407TA), filed September 8, 1978. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, 1292 Fern Valley Road, Louisville, KY 40221. Representative: Charles R. Dunford, Vice President, Traffic, P.O. Box 21395, 1292 Fern Valley Road Louisville, KY 40221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica Sand*, in bulk, from Ottawa, IL, to Jeffersonville, IN, for 180 days. Supporting shipper: Mr. H. R. Schroeder, Traffic Manager, Colgate Palmolive Co., State

and Worner Street, Jeffersonville, IN. Send protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission 426 Post Office Building, Louisville, KY 40202.

MC 113106 (Sub-59TA), filed September 6, 1978. Applicant: THE BLUE DIAMOND CO., 4401 East Fairmont Avenue, Baltimore, MD 21224. Representative: Chester A. Zyblut, Esq., 1030 Fifteenth Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass Containers*, from Cliffwood, NJ, to Baltimore, MD and points in its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. 10 days ETA granted at R-24, eff. 8/29/78. Supporting shipper: B. Stein, Director of Transportation, Midland Glass Co., P.O. Box 557, Cliffwood, NJ 07721. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 1025 Federal Building, Baltimore, MD 21201.

MC 113276 (Sub-7TA), filed September 8, 1978. Applicant: ROMANO BROS. TRUCKING, INC., 11 Meadow Street, Rutland, VT 05701. Representative: John F. O'Donnell, Barrett and Barrett, 60 Adams Street, Milton, MA 02187. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Ground limestone* (except limestone slurry) in bulk, in tank or hopper type vehicles, from Florence and New Haven Junction, VT to Ashtabula, OH for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thompson-Weinman and Co., 134 Evergreen Place, East Orange, NJ 07018. Send protests to: David A. Demers, TA, Interstate Commerce Commission, 87 State Street, P.O. Box 548, Montpelier, VT 05602.

MC 113784 (Sub-71TA), filed September 8, 1978. Applicant: LAIDLAW TRANSPORT LTD., 65 Guise Street, Hamilton, ON L8L 4M1. Representative: Douglas R. Gowland, 65 Guise Street, Hamilton, ON L8L 4M1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ilemenite ore* in dump type vehicles, between ports of entry on the United States-Canada boundary line located on the Detroit and St. Clair Rivers and Ann Arbor, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Nuclear Shielding Supplies & Service of Canada Ltd., 2545 Delorimier Avenue, Longueuil, PQ J4K 3P8. Send protests to: Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

MC 114552 (Sub-177TA), filed September 8, 1978. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as *common carrier* by motor vehicle, over irregular routes, transporting: *iron and steel articles*, from the facilites of National Steel Corp. at Steubenville, OH and Weirton, WV, to points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, and VA, for 180 days. Supporting shipper: Weirton Steel Division of National Steel Corp., Three Springs Road, Weirton, WV 26062. Send protests to: Eugene E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 115654 (Sub-108TA), filed September 6, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packinghouse products*, from the facilities of Rath Packing Co. at or near Indianapolis, IN to points in AL, MS, and TN for 180 days. Supporting shipper: Rath Packing Company, Waterloo, IA. Send protests to District Supervisor Joe J. Tate, Room A422, Federal Building, 801 Broadway, Nashville, TN 37203.

MC 115904 (Sub-121TA), filed August 25, 1978. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, ID 83401. 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: *Cement*, in bags, from the port of entry on the international boundry line between the United States and Canada located at Sweetgrass, MT, to points in AZ, CA, CO, ID, MT, NM, UT, and WY for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cascade Imperial Mills, 1205 Richards Street, Vancouver, BC, Canada V68 4H7. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 1471 Shoreline Drive, Suite 110, Boise, ID 83706.

MC 115904 (Sub-123TA), filed September 6, 1978. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring and materials and supplies* used in the installation thereof, from Memphis and Nashville, TN, to Boise, ID, for 180 days. Supporting shippers: Bruce Hardwood Floors, 4255 LBJ Freeway, Dallas, TX 75234; Chandler Corp., P.O. Box 2840, Boise, ID 83701. Send protests to: Barney L. Hardin, District Supervisor, 1471 Shoreline Drive., Suite 110, Boise ID 83706.

MC 115904 (Sub-124TA), filed September 6, 1978. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard*, from Wichita KS, to points in WY, CO, ID, UT, MT, SD, for 180 days. Applicant has also filed an undenying ETA seeking up to 90 days of operating authority. Supporting shippers: Ace Wallboard, Ltd., 1710 West Broadway, Idaho Falls, ID 83401; United Drywall, Inc., 5400 West 3500 South, Salt Lake City, UT 84129. Send protests to: Barney L. Hardin, District Supervisor, 1471 Shoreline Drive, Suite 110, Boise, ID 83706.

MC 119380 (Sub-5TA), filed September 6, 1978. Applicant: RICHARD LEAF, DALE RATLIFF, OLIVER RATLIFF, AND DAMON BARRITT, d.b.a. RATLIFF BROS. AND CO. Representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought for 180 days to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, from points in Fulton County, IL, to points in Clinton, Des Moines, Lee, Louisa, Muscatine, and Scott Counties, IA, for 180 days. Supporting shipper: Midland Coal Co., Division of Asarco Inc., Ronald N. Boesen, Vice President-Sales, P.O. Box 2502X, Galesburg, IL 61401. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 119955 (Sub-6TA), filed September 5, 1978. Applicant: RUDOLPH LABRANCHE, P.O. Box 23, 94 North Main Street, West Franklin, NH 02325. Representative: Paul R. Rugo, 24th Floor, 28 State Street, Boston, MA 02109. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Valves, valve components, tools, jigs, and equipment used in the manufacture of valves; rough castings, casting*

sand and machine parts; correspondence, orders, payroll records, and blueprints in interplant messenger service, between Lawrence, MA; Portsmouth and Franklin, NH; Detroit, Livonia and Adrian, MI; Chicago, IL; Kinsman, OH; Spindale and Charlotte, NC; and, Atlanta, GA, under a continuing contract with Watts Regulator Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Watts Regulator Co., P.O. Box 628, Lawrence, MA 01842. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, Room 3, 6 Loudon Road, Concord, NH 03301.

MC 120427 (Sub-22TA), filed September 6, 1978. Applicant: WILLIAMS TRANSFER, INC., P.O. Box 488, 2128 E. Highway 30, Grand Island, NE 68801. Representative: John K. Walker, P.O. Box 488, 2128 E. Highway 30, Grand Island, NE 68801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain storage, drying and handling equipment, Iron and steel articles, K.D. buildings, and items used in the manufacture and production of grain storage, drying, and handling equipment*, between Grand Island, NE, on the one hand, and on the other, points in the United States (except AK and HI), for 180 days. Supporting shipper: L. W. Ellingson, Office Manager, Haile Construction Co. P.O. Box 1064, Grand Island, NE 68801. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln NE 68508.

MC 123329 (Sub-38TA), filed September 8, 1978. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, AB T2P 2P9, Canada. Representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid oxygen, liquid nitrogen and liquid argon in shipper-owned trailers*, between Union City, CA on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada, located at or near Sumas, Blaine and Oroville, WA. Restricted to traffic originating at or destined to points in British Columbia and Alberta, for 180 days. Supporting shipper: Canadian Liquid Air Ltd., 6017-103A Street, Edmonton, AB, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 124078 (Sub-855TA), filed September 6, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cement*, in bags, from Petoskey, MI to Ankeny and West Des Moines, IA for 180 days. Supporting shipper: Penn-Dixie Industries, Cement Division, Dave Williams, P.O. Box 152, Nazareth, PA 18064. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 124078 (Sub-856TA), filed September 6, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cement*, in bags, from Demopolis, AL to Tahlequah, OK for 180 days. Supporting shipper: Ace Ready Mix Company, Inc., Ernest W. Giddens, Route 5 Box 313, Tahlequah, OK 74464. 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 124078 (Sub-863TA), filed September 8, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Clay and clay slurry*, in bulk, in tank vehicles from Warren County, GA to points in AL, FL, ME, MI, NY, NC, OH, PA, SC, and WI for 180 days. Supporting shipper: J. M. Huber Corporation, Paul W. Moyse, Thornall Street, Edison, NJ 08817. 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 124078 (Sub-864TA), filed September 8, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cement*, in bulk from Demopolis, AL to points in TX and OK (except Tahlequah, OK) for 180 days. Supporting shipper: Citadel Cement Corp., C. T. Anglin, 2700 Cumberland Parkway, Atlanta, GA 30339. 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 124221 (Sub-65TA), filed September 6, 1978. Applicant: HOWARD BAER, P.O. Box 27, Rt. 98 W., Morton, IL 61550. Representative: Robert L. Loser, 1009 Chamber Office Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* in vehicles equipped with mechanical refrigeration, from points in SC to Roanoke, VA. Restriction: (1) Said operations are restricted to the transportation of shipments originating at or destined to the facilities of the Kroger Co. (2) Limited to transportation service to be performed under a continuing contract or contracts with the Kroger Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Kroger Co., 1014 Vine St., Cincinnati, OH 45201. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Ave., Springfield, IL 62701.

MC 126118 (Sub-93TA), filed September 6, 1978. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie, P.O. Box 81228, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportating: *Malt beverages*, in containers from Fort Wayne, IN, and New Orleans, LA, and their commercial zones to points in NC and TN, for 180 days. Note: Common control may be involved. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately six 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: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

MC 126118 (Sub-102TA), filed September 6, 1978. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie, P.O. Box 81228, Lin-

coln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers from Louisville, KY, and its commercial zone to points, in GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. R. Laite, President, Bill Laite Distributing Co., 1998 Waterville Rd., Macon, GA 31206.

MC 127096 (Sub-9TA), filed September 6, 1978. HENNES TRUCKING CO., 338 South 17th Street, Milwaukee, WI 53233. Representative: Beery & Spulock Co., 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the facilities of Lone Star Industries at or near Roanoke, VA to points in OH and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Columbia Cement Corp., 3059 East Mound Street, Columbia, OH 43209. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operation, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, WI 53202.

MC 129387 (Sub-76TA), filed September 8, 1978. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are manufactured and distributed by manufacturers of sporting goods and recreational equipment* (except commodities in bulk), from the facilities of Frabill Manufacturing Co., located at or near Milwaukee, WI to points in AL, AR, CA, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MO, MS, NE, NC, ND, NH, NJ, NY, NV, OH, OK, OR, PA, RI, SC, SD, TN, TX, VA, WA, WV, WI, and VT; and (2) *Materials, equipment, and supplies* used in the manufacture of sporting goods and recreational equipment (except in bulk), from Seattle, WA; Chicago, IL; and Detroit, MI to the facilities of Frabill Manufacturing Co. located at or near Milwaukee, WI, for 180 days. Supporting shipper: Frabill Manufacturing Co., 5211 South 3rd Street, Milwaukee, WI 53207. Send protests to: James L. Hammond, District Supervisor, Interstate Commerce Commission, room 455, Federal Building, Pierre, SD 57501.

MC 129387 (Sub-79TA), filed September 8, 1978. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Welders, parts, accessories, and supplies*, from the facilities of Hobart Brothers Co., at or near Troy, OH to points in AZ, CA, CO, ID, IA, KS, MN, MO, MT, NE, NV, NM, ND, OR, SD, UT, WA, and WY, for 180 days. Supporting shipper: Hobart Brothers Co., 600 West Main Street, Troy, OH 45373. Send protests to: James L. Hammond, District Supervisor, Interstate Commerce Commission, room 455, Federal Building, Pierre, SD 57501.

MC 129414 (Sub-6TA), filed September 6, 1978. Applicant: BELL & MOONEY, INC., P.O. Box 925, Gillette, WY 82716. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and residual fuel oil*, in bulk, in tank vehicles, (1) between points in CO and WY; and (2) from points in CO and WY to points in NE on and west of U.S. Hwy 183 and points in SD on and west of U.S. Hwys 183 and 83, for 180 days. Supporting shipper(s): There are approximately 18 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: Paul A. Naughton, Transportation Specialist, Interstate Commerce Commission, 111 South Wolcott, 105 Federal Building and Post Office, Casper, WY 82601.

MC 129537 (Sub-26TA), filed September 8, 1978. REEVES TRANSPORTATION CO., Route 5, Dews Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 North Morgan Street, Tampa, FL 33602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, and articles* used in the manufacture or distribution thereof from all points in the States of TX and LA on the one hand, to all points in the States of AL, GA, TN, KY, NC, SC, and FL on the other hand, for 180 days. Supporting shipper: Shenandoah Plastics Corp., P.O. Box 2488, Rome, GA 30161. Send protests to: Transportation Assistant Sara K. Davis, Interstate Commerce Commission, 1252 West Peachtree Street NW., room 300, Atlanta, GA 30309.

MC 135797 (Sub-145TA), filed September 6, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, AR 72745. Representative: Paul R. Bergant, P.O. Box 200, U.S. Hwy 71, Lowell, AR 72745. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Animal food*, from the facilities of Kal Kan Foods, Inc. at Sherbourne, NY to points in the United States in and east of IW, IL, KY, TN, and MS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kal Kan Foods, Inc., 3386 E. 44th St., Vernon, CA 90058. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 138875 (Sub-106TA), filed September 8, 1978. Applicant: SHOEMAKER TRUCKING CO., 11900 Franklin Road, Boise, ID 83704. Representative: F. L. Sigloh, 11900 Franklin Rd., Boise, ID 83705. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen foods* (except in bulk) from the facilities utilized by Ore-Ida Foods, Inc. located at or near Greenville, MI to points in AL, FL, GA, KY, LA, NC, SC, TN, and VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707. Send protests to: Barney L. Hardin, District Supervisor, 1471 Shoreline Dr., Suite 110, Boise, ID 83706.

MC 139495 (Sub-384TA), filed September 5, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, Sullivan & Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Petroleum and petroleum products*, in packages, from the facilities of Texaco, Inc. in Jefferson County, TX to points in MO, KS, OK, IL, OH, MI, IA, WI, KY, and NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Texaco, Inc., 1111 Rusk, Houston, TX 77052. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101A Litwin Building, 110 North Market, Wichita, KS 67202.

MC 141532 (Sub-34TA), filed September 6, 1978. Applicant: PACIFIC STATES TRANSPORT, INC., 35433 16th Avenue South, Federal Way, WA 98002. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Draft gear or rigging for railroad cars or locomotives*, from Fort Worth,

TX, to Portland, OR, for 180 days. No underlying application for ETA has been filed. Supporting shipper: FMC Corp. (Marine and Rail Equipment Division), P.O. Box 3616, Portland, OR 97208. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, WA 98174.

MC 141684 (Sub-3TA), filed September 6, 1978. Applicant: COMMAND CARGO CORP., 7950 East Baltimore St., Baltimore, MD 21224. Representative: James E. Savitz, Esq., 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *General commodities*, (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities which because of size or weight require special equipment, commercial papers, documents and written instruments as are used in the business of banks and banking institutions, and stocks, bonds, securities and negotiable instruments), between Fairfax County and Alexandria, VA, on the one hand, and, on the other, points in VA, MD, DE, and DC. Restrictions: (1) Restricted against the transportation of articles weighting in the aggregate more than three hundred and fifty pounds (350) from one consignor at one location to one consignee at one location, in any given day. (2) Restricted against the transportation of tissue cultures and biological products to or from points in Howard, Frederick, or Montgomery Counties, MD, and DC, and against the transportation of live laboratory animals, for 180 days. Supporting shippers: Richard W. Pawlak, Director of Transportation, Spiegels, Regency Towers Oak Brook, IL 60521; John C. Jackson, Director, Traffic and Distribution, Encyclopedia Britannica, 425 Michigan Avenue, Chicago, IL 60611; Thomas Slover, Traffic Manager, Alden's Inc., 500 W. Roosevelt Ave., Chicago, IL 60607. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 1025 Federal Building, Baltimore, MD 21201.

MC 141764 (Sub-11TA) filed September 6 1978. Applicant: BLACKHAWK ENTERPRISES, 3149 Depot Road, Hayward, CA 94544. Representative: William D. Taylor—Handler, Baker & Greene, P.C., 100 Pine Street, Suite 2550, San Francisco, CA 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Film and sheeting*, other than cellulose, in boxes or crates, or in wrapped bundles, rolls or packages, and related chemicals when moving with the above commodities, in temperature control equipment; and paper cores and tubes, between Holyoke, MA, Greer and Hartsville, SC, and Hopewell, VA, on the one hand, and Sunnyvale, CA, on the other, under a continuing contract or contracts with Xidex Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Xidex Corp., 305 Soquel Way, Sunnyvale, CA 94086. Send protests to: District Supervisor A. J. Rodreguez, 211 Main St., Suite 500, San Francisco, CA 94105.

MC 143236 (Sub-21TA) filed September 5, 1978. Applicant: WHITE TIGER TRANSPORTATION, INC., 40 Hackensack Avenue, South Kearny, NJ 07032. Representative: Jay Schiffres, 1001 Connecticut Avenue, Suite 625, Washington, D.C. 20036. Authority sought to operate as a *common carrier* over irregular routes transporting *filter press machines*, set up, partially assembled, and parts and accessories for these machines, between the facility of Hoesch Standard Filter Division at or near Wharton, NJ on the one hand, and, on the other, points in PA, OH, MI, IL, MS, MO, OK, MN, TX, FL and CA. For 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hoesch Standard Filter Division, Richard Mine Road, Wharton, NJ 07885. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Washington, DC 20423.

MC 143787 (Sub-6TA) filed August 14, 1978. Applicant: ADMIRAL TRANSPORT CORP., 821 Pulliam Avenue, Worland, WY 82401. Representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203 Authority sought 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 or contracts with Teton Distributors, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Teton Distributors, Inc., 821 Pulliam Ave., Worland, WY 82401. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, 105 Federal Building and U.S. Courthouse, 111 South Wolcott, Casper, WY 82601.

MC 144122 (Sub-26TA) filed September 8, 1978. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, Esq., 1815 Front Street, Scotch Plains, NJ 07076. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from Texaco facilities in Jefferson County, TX, to points in IN, IL, and MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Texaco Inc., 1111 Rusk, Houston, TX 77052. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 144297 (Sub-2TA) filed August 25, 1978. Applicant: DURGIN TRUCKING, INC., 1803 Eagle Creek Boulevard, Shakopee, MN 55379. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in dump vehicles, from Fort Dodge, IA to Shakopee, MN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midland Glass Co., Box 69 Valley Industrial Road, Shakopee, MN 55379. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144829 (Sub-1TA) filed September 6, 1978. Applicant: MUCHMORE TRUCKING, LTD., 1661 SW "N" Street, Grants Pass, OR 97526. Representative: Jerry R. Woods, Attorney at law, Suite 1440, 200 Market Building, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in vehicles equipped with mechanical refrigeration, from the facilities of Rogue Gold Dairy, Inc., at Grants Pass, OR to points CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rogue Gold Dairy, Inc., 234 SW Fifth Street, Grants Pass, OR 97526. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, ICC, 114 Pioneer Courthouse, 555 SW. Yamhill Street, Portland, OR 97204.

MC 145263 (Sub-1TA) filed September 6, 1978. Applicant: Ken Ames d.b.a. A-WAY TRUCK SERVICE, P.O. Box 1372, Hollister, CA 95023. Representative: Raymond A. Greene, Jr. of Handler, Baker & Greene, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers, truck campers and motor homes*, from the plantsite of Shelton Industries at or near Hollister, CA, to Seattle and Spokane, WA, Portland, Salem and Eugene OR, Pocatello, ID, Denver and Grand Junction, CO, Salt

Lake City, UT, Reno, NV and Phoenix, AZ, under a continuing contract or contracts with Shelton Industries, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shelton Industries, 301 Fallon Road, Hollister, CA 95023. Send protests to: District Supervisor Michael M. Butler, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC-145326TA filed September 6, 1978. Applicant: GEORGE RICHARDS TRANSPORT LTD., Box 100 King Street, Arkona, Ontario, Canada MOM1BA. Representative: Robert D. Schuler, 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: *Soybean meal*, in bulk in dump vehicles from Goodells, MI to the Port of Entry on the International Boundary between the United States and Canada on the St. Clair River. Restricted to shipments destined to points in Canada, under a continuing contract or contracts with Pillsbury Canada Ltd. of London, Ontario, for 180 days. Supporting shipper: Pillsbury Canada Ltd., 383 Richmond Street, Suite 1204, London, Ontario, Canada N6A 3C4. Send protests to: District Supervisor T. S. Quinn, Interstate Commerce Commission, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, MI.

MC-145327TA filed September 6, 1978. Applicant: IMPERIAL GROWERS, INC., 2510 Rib Mountain Drive, Wausau, WI 54401. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Knocked down pre-engineered buildings and components and parts thereof* from Hannibal, MO and Tallapoosa, GA, to job sites in Portage, Wood, Clark, Marathon, Langlade, Lincoln, Oneida, Forest Price, Taylor, Eau Claire, Chippewa, Dunn, St. Croix, Barron, Rusk, Pepin, Waupaca and Vilas Counties, WI. Restriction: Restricted to contracts with Consolidated Building Service, Inc, under a continuing contract or contracts with Consolidated Building Service, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Consolidated Building Service, Inc., P.O. Box 752, 8916 N. Mountain Road, Wausau, WI 54401. Send protests to: Interstate Commerce Commission, Ronald A. Morken, District Supervisor, 212 E. Washington Avenue, Room 317, Madison, WI 53703.

MC 145335TA filed September 6, 1978. Applicant: RIVER ENTERPRISES, P.O. Box 458, South Roxana, IL 62087. Representative: Robert T. Lawley, 300 Reisch Building, 4 West Old State Capitol Plaza, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Construction, road construction, mining and contractors machinery* between points in IL, IN, KY and MO for the account of Bramco Inc. and its subsidiary companies: Brandeis Machinery and Supply Corp., Missouri-Illinois Tractor and Equipment Co. of IN and Rental Equipment Service Co., under a continuing contract or contracts with Bramco, Inc., P.O. Box 10158, St. Louis, MO. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol, Springfield, IL 62701.

MC 145336TA filed September 6, 1978. Applicant: R. G. H. TRANSPORTATION, INC., 6000 Gum Springs Road, P.O. Box 7072, Longview, TX 75602. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paneling*, from Jacksonville, FL to points in KS, MO and TX, under a continuing contract or contract with D. G. Shelter Products, Inc. For 180 days. Supporting shipper: D. G. Shelter Products, Inc., P.O. Box 666, Newton, KS 67114. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, room 13C12, Dallas, TX 75242.

MC 145391TA filed September 8, 1978. Applicant: CUOMO & SON CARTAGE CO., 429 Talcott, Lemont, IL 60439. Representatives: Philip A. Lee, 120 West Madison, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slit-Steel-Coils*, from Milwaukee, WI to LaSalee and Aurora, IL, under a continuing contract or contracts with National Metalware, Inc., for 180 days. Supporting shipper: National Metalware, Inc., Robert Holland, Sales, 900 N. Russell Avenue, Aurora, IL 60506. Send protests to: Lois M. Stahl Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, room 1386, Chicago, IL 60604.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc 78-29539 Filed 10-18-78; 8:45 am]

[7035-01]

[Notice No. 193]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

October 11, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Motor Carriers of Property

MC 11207 (Sub-447TA), filed August 30, 1978. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles* (except commodities in bulk and those which because of size or weight require the use of special equipment) from Alabama City, AL to points in TX, for 180 days. Supporting shipper: Republic Steel Corp., Alabama City Station, Gadsden, AL 35901. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, room 1616, 2121 Building, Birmingham, AL 35203.

MC 13569 (Sub-42TA), filed September 7, 1978. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, INC., 1200 South State Street, Girard, OH 44420. Representative: John P. Tynan, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from the plantsites of the Jones & Laughlin Steel Corp., an LTV Company, located at Cleveland, Louisville, Warren, and Youngstown, OH, to points in the State of IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jones & Laughlin Steel, an LTV Co., 3341 Jennings Road, Cleveland, OH 44109. Send protests to: Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 14215 (Sub-17TA) filed August 25, 1978. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, OH 43212. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Zinc and zinc dross*, except in dump vehicles, between the facilities of Weirton Steel Corporation at or near Weirton, WV, on the one hand, and, on the other, the facilities of Interamerican Zinc, Inc. at or near Adrian, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Interamerican Zinc, Inc., 1415 E. Michigan Street, Adrian, MI 49221. Send protests to: J. A. Niggemyer, District Supervisor, I.C.C., 416 Old Post Office Building, Wheeling, WV 26003.

MC 31389 (Sub-261TA) filed September 7, 1978. Applicant: McLEAN TRUCKING CO., 617 Waughtown Street, P.O. Box 213, Winston-Salem, NC 27107. Representative: David F. Eshelman (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over regular routes, transporting: *Railroad underground mining and industrial equipment*, serving the facilities of the Nolan Co., located at or near Bowerston, OH, as an off-route point, in conjunction with applicant's regular route operations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Nolan Co., P.O. Box 201, Bowerston, OH 44695. Send protests to: District Supervisor Terrell Price, 300 Briar Creek Road, room CC516, Mart Office Building, Charlotte, NC 28205.

MC 51146 (Sub-638TA) filed August 31, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 E. Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Malt beverages* from Detroit, MI to the facilities of Kay Distributing at or near Green Bay WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Kay Distributing Co., 601 Harvey, Green Bay, WI 54302 (Thomas Kolocheski). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 E. Wisconsin Avenue, room 619, Milwaukee, WI 53202.

MC 60014 (Sub-88TA) filed August 30, 1978. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, attorney-at-law, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Iron steel scrap*, from the plantsite of Dayton Products, Inc., at or near Dayton, TN, to the plantsite of Nicroloy Co. at or near Heidelberg, PA, for 180 days. Applicant has also filed and underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dayton Products, Inc., 1616 North Broadway, Dayton, TN Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 95084 (Sub-127TA), filed September 7, 1978. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in appendix V to the report in Descriptions in motor carrier certificates 61 MCC 209, from the facilities of Northwestern Steel & Wire Co., at or near Sterling, IL to points in AR, CO, IN, IA, KS, KY, MI, MN, MO, MT, NE, ND, OH, PA, SD, TN, WV, WI and WY, for 180 days. Supporting shipper: Northwestern Steel & Wire Co., P.O. Box 618, Sterling, IL 61081. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moints, IA 50309.

MC 106373 (Sub-37TA), filed August 31, 1978. Applicant: THE SERVICE TRANSPORT CO., 114½ East Main Street, Ravenna, OH 44310. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Steubenville, OH and Weirton, WV, and points in their commercial zones, to points in NC, SC, GA, and FL; and (2) *Materials, equipment and supplies* used in the manufacture or distribution of iron and steel articles, and iron and steel articles, from points in NC, SC, GA, and FL, to Steubenville, OH and Weirton, WV, and points in their commercial zones, for 180 days. Supporting shipper: Weirton Steel Division of National Steel Corp., Three Springs Road, Weirton, WV, 26062. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199. (Hearing site: Akron, OH or Washington, DC.)

NOTE: Applicant intends to tack at Steubenville, OH or Weirton, WV to provide a through service between points in MI, OH, PA, NY, NJ, WV, and MD, pursuant to its regular route authority, transporting the commodities set forth above. Common control may be involved.

MC 106398 (Sub-824TA), filed August 15, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull, Traffic Manager, 525 South Main, Tulsa, OK 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel bars* from the facilities of North Star Steel Co., at Wilton, IA to all points in AL, AZ, AR, FL, GA, LA, MS, NM, NC, OK, SC, TN, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: North Star Steel Co., Box 495, Wilton, IA 52778. Send protests to: Connie Stanley, Transporting Assistant, Room 240, Old Post Office and Court House Building, 215 Northwest Third Street, Oklahoma City, OK 73102.

MC 106603 (Sub-182TA), filed August 25, 1978. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, MI 49508. Representative: Edwin M. Snyder, Sullivan, Leavitt & Bileti, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *gypsum and gypsum products and materials and supplies* used in the distribution and installation thereof: (A) From the facilities of Georgia-Pacific Corp., located at or near Wilmington, DE, to points in MI, and (B) from the facilities of Georgia-Pacific Corp., located at or near Buchanan, NY and

Croton-on-Hudson, NY, to points in MI and OH. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Georgia-Pacific Corp., Gypsum Products Division, 1062 Lancaster Ave., Rosemont, PA 19010. Send protests to: C. R. Fleming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building Lansing, MI 48933.

MC 107403 (Sub-1113TA), filed August 25, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., 10 West Baltimore Ave., Lansdowne, PA 19050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Condensed fish solubles*, in bulk, in tank vehicles, from Gloucester, MA to Clarkson, Ontario, Canada between the United States and Canada boundary line, port of entry at Niagara Falls, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, room 3238, Philadelphia, PA 19106.

MC 108119 (Sub-95TA), filed September 1, 1978. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, 3303 Sibley Memorial Highway, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, over irregular routes, transporting: (1) *Fencing material, iron or steel*, and (2) *material, supplies and equipment* used in the manufacture of fencing material, iron or steel (except commodities in bulk), between the facilities of Hurricane Steel Industries Co. at or near LaGrange, TX, on the one hand, and, on the other, points in the United States (except AK and HI) for 180 days. Supporting shipper: Hurricane Steel Industries Co., P.O. Box 19128, Houston, TX 77024. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

NOTE.—Common control may be involved.

MC 108651 (Sub-21TA), filed September 7, 1978. Applicant: ROY B. MOORE INC., 233 Wilcox Drive, P.O. Box 628, Kingsport, TN 37662. Representative: Daniel H. Moore, Roy B. Moore Inc. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* from Lincolnton, NC to points in TN on and east of U.S. Hwy 27, for 180 days. Supporting shipper: National Fruit Product Co., Inc., P.O. Box 609, Winchester, VA 22601. Send protests to: Joe Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37221.

MC 110563 (Sub-214TA), filed August 25, 1978. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Victor J. Tambascia (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jams, jellies and preserves;* and fruit juices (other than frozen), from New Hyde Park, NY to Lawrence, KS for 180 days. Supporting shipper: Fruit Crest, Inc., 250 Fulton Ave., New Hyde Park, NY 11040. Send protests to: Mr. Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

MC 111812 (Sub-585TA), filed August 9, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: David Peterson, P.O. Box 1233, Sioux Falls, SD 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh horse meat* from Redmond, OR to Boston, MA; New York City, NY and its Commercial Zone and Plainfield, CT for 180 days. Supporting shipper: Orio Meat Co., 1607 Southwest Railroad, Redmond, OR 97756. Send protests to Mr. James L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 455 Federal Building, Pierre, SD 57501.

MC 112223 (Sub-114TA) filed August 31, 1978. Applicant: QUICKIE TRANSPORT CO., 1700 New Brighton Boulevard, Minneapolis, MN 55413. Representative: Earl Hacking, 1700 New Brighton Boulevard, Minneapolis, MN 55413. Temporary authority for 180 days 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, Fort Dodge, IA 50501. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building, U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 113434 (Sub-107TA) filed August 31, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, P.O. Box 511, Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought: to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) (1) From Holland, MI to points in PA on and west of US 220 and those in NY on and west of I-81, and (2) From Pittsburgh, PA to MI, IL, IN, KY, that part of OH on and south of I-70 and on and west of I-77; and that part of WV on and south of US 50, not including Clarksburg, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Clarence R. Flemming, District Supervisor, 225 Federal Building, 325 West Allegan Street, Lansing, MI 48933.

MC 113666 (Sub-137TA) filed September 7, 1978. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: D. R. Smetanick, Vice President, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients*, in bulk, in tank vehicles, from plant site of American Cyanimid Co. at South River, (Marion County), MO to plant site of American Cyanamid Co. at Willow Island, (Pleasants County) WV, for 180 days. Supporting shipper: American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 115311 (Sub-301TA) filed August 15, 1978. Applicant: J & M Transportation Co., Inc., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Matthews, Watkins & Daniell, P.C., P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper* from Cleveland (Bradley County), TN to points in AL and GA, for 180 days. Supporting shipper: Westavco Container Division, P.O. Box 196, Cleveland, TN 37311. 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 116048 (Sub-24TA) filed August 21, 1978. Applicant: James Elwood Quinn, Inc., P.O. Box 236, Beulaville, NC 28518. Representative: Kim G. Meyer, Watkins & Daniell, P.C., P.O. Box 872, Atlanta, GA 30301. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen concentrate, canned and chilled juice products and fruit sections and salads* from FL to the ports of entry between the United States and Canada located in NY, VT, ME, and NH, for 180 days. Supporting shipper: Citrus Central, Inc., P.O. Box 17774, Orlando, FL 32860. H. P. Hood, Inc., 427 San Christopher Drive, Dunedin, FL 33528. Lykes Pasco Packing Co., P.O. Box 97, Dade City, FL 33525. Send protests to: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

MC 116770 (Sub-4TA), filed August 25, 1978. Applicant: ACTIVE CARTAGE LTD., 1065 Martin Grove Road, Rexdale, Ontario, Canada M9W 4W6. Representative: Robert D. Gunderman, Esq., Suite 710, Statler Hilton, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bridge girders*, the transportation of which because of size or weight require the use of special equipment, and related parts and assemblies, from ports of entry on the International Boundary line between the United States and Canada on the Niagara River to points within a 15 mile radius of the intersection of Interstate 90 and Route 15 at Exit 46, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Canron Limited (Eastern Structural Division), 100 Disco Road, Rexdale, Ontario, Canada. Send protests to: Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

MC 118959 (Sub-177TA), filed August 25, 1978. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63706. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, except in bulk, (1) from Weeks Island, LA to AR, FL and GA (2) from Grand Saline, TX to AL, AR, FL, GA, LA and MS (3) from Rittman, OH to AL, FL, FA, KY, IL, IN, MS, NC, SC, TN, VA and WV, for 180 days. Supporting shipper(s): Morton Salt, 110 North Wacker Dr., Chicago, IL 60606. Send protests to: District Supervisor P. E. Binder, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

MC 119654 (Sub-59TA), filed August 25, 1978. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Representative: Norman R. Garvin, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Temporary authority sought to operate as a *common carrier, over irregular routes, transporting: Such commodities* as are dealt in or used by producers and distributors of paper and plastic products (except commodities in bulk and commodities which because of size or weight require special handling or special equipment). From Chicago, IL and Louisville, KY, to MI. Supporting shipper: Continental Plastics Industries, Bondware Division, 800 East Northwest Highway, Palatine, IL 60067. Send protests to: Mr. J. H. Gray, District Supervisor, Interstate Commerce Commission, 343 West Wayne Street, Fort Wayne, IN 46802. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. For 180 days.

MC 119765 (Sub-58TA), filed August 25, 1978. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, and packinghouse products* from Omaha, NE to points in WI, for 180 days. Applicant has filed underlying ETA's for 30+2 and 25 days of operating authority. Supporting shipper: Northern States, Inc., 3435 Gomez, Omaha, NE. Send protests to: Carroll Russell, District Supervisor, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 119789 (Sub-514TA), filed August 30, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in mechanically refrigerated equipment, from Austin, Spring Valley and San Antonio, TX to AL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): T-Y Corp., P.O. Box 549, Hammond, LA 70404. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 121060 (Sub-72TA), filed: August 25, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials*, (except in bulk), from the facilities of The Celotex Corp. located at or near Texarkana, AR, to points in AL, AR, FL, GA, KS, LA, MS, MO, NM, OK, and TX. (2) *Materials and supplies* used in the manufacture of and/or the distribution of commodities named in (1) above, (except commodities in bulk), from the destination States named in (1) above, to the facilities of The Celotex Corp. located at or near Texarkana, AR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Celotex Corp. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, 2121 8th Avenue, North, 2121 Building, Room 1616, Birmingham, AL 35203.

MC 123263 (Sub-11TA), filed August 31, 1978. Applicant: Floyd Wangerin and Lorraine C. Wangerin, d.b.a. WANGERIN TRUCKING CO., Rural Route No. 2, Stephenson, MI 49887. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients* from the facilities of Bullard Feed Co. in Chicago, IL to Barron, Madison, Janesville, and Fond du Lac, WI, Minnneapolis-St. Paul, MN and Lansing, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bullard Feed Co., 250 West 87th Street, Chicago, IL 60620. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933.

MC 123685 (Sub-23TA), filed August 25, 1978. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road, SW., Massillon, OH 44646. Representative: James W. Muldoon, MULDOON, PEMBERTON & FERRIS, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned food products and materials, equipment and supplies* used in the manufacture of canned food products between the plantsite of the Campbell Soup Co. at or near Napoleon, OH, on the one hand, and, on the other, points in KY, NY, PA and WV for 180

days. Supporting shipper(s): Campbell Soup Co., Napoleon, OH 43545. Send protests to: Frank Calvary, District Supervisor, 255 Federal Building, 85 Marconi Boulevard, Columbus, OH 43215.

MC 124078 (Sub-865TA), filed September 7, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground fire clay*, in bulk, in tank vehicles, from Mexico, MO to Bessemer, AL, for 180 days. Supporting shipper(s): A. P. Green Refractories Co., Green Boulevard, Mexico, MO 65265. (William J. Hartell) 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 124078 (Sub-866TA), filed September 7, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Petoskey, MI to Lakeville, MN, for 180 days. Supporting shipper(s): Penn-Dixie Industries, Cement Division, Box 152, Nazareth, PA 18064. (David L. Williams). 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 124489 (Sub-11TA), filed August 21, 1978. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, IL 60639. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Temporary authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used and dealt in by manufacturers of snack foods (except commodities in bulk) (a) between points in IA and OH; (b) between points in IA and OH on the one hand, and, on the other, points in IL, IN, MI, and WI. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Jays Foods Inc. of Chicago, IL, for 180 days. Supporting shipper: Jays Food, Inc., Silas A. Marttila, Executive Vice President-Marketing, 825 East 99th Street, Chicago, IL 60628. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 133494 (Sub-17TA), filed August 30, 1978. Applicant: E. W. BELCHER TRUCKING, INC., 201 Dallas Drive, Denton, TX 76201. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defluorinated phosphate, feed grade*, in bulk from North Little Rock, AR to points in OK, TX, KS, and MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Borden Chemical, 180 East Broad Street, Columbus, OH 43215. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Ft. Worth, TX 76102.

MC 134286 (Sub-75TA), filed August 31, 1978. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, Iowa 51102. Representative: Charles M. Williams, Kimball, Williams, & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203, 303-839-5856. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film, plastic articles and corrugated boxes* (except in bulk), and materials, equipment, and supplies used in the manufacture and distribution of the above commodities (except commodities in bulk), in vehicles equipped with mechanical refrigeration devices, from the plantsites and storage facilities of Resinite Department, Borden Chemical, Division of Borden, Inc., at or near Griffin, GA, to points in FL, SC, NC, AL, TN, MS, LA, AR, MO, IA, WI, MN, NE, KS, OK, TX, NM, CO, KY, IL, IN, MI, and points in OH on and west of U.S. Highway 23; and to North Bergen, NJ; Gloucester City, NJ; Cockeysville, MD; Cleveland, OH; Carson, CA; North Andover, MA; Oakland, CA; and Kent, WA; and points in their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. T. "Tom" Willcox, Resinite Department, Borden Chemical Division of Borden, Inc., 1 Clark Street, North Andover, MA 08145. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 Number 14th Street, Omaha, NE 68102.

MC 138026 (Sub-18TA), filed September 7, 1978. Applicant: LOGISTICS EXPRESS, INC., d.b.a. LOGEX, 8060 East Florence Avenue, Downey, CA 90341. Representative: Elizabeth I. Abreu, Knapp, Stevens, Grossman & Marsh, 707 Wilshire Boulevard, 1800, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen*, from Plaquemine, LA and New Orleans, LA to Santa Rosa County, FL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Big Three Industries, Inc., 3535 West 12th Street, Houston, TX 77008. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 139273 (Sub-4TA), filed August 25, 1978. Applicant: KINGS COUNTY TRUCK LINES, P.O. Box 1016, Tulare, CA 93274. Representative: Manuel Espinola, P.O. Box 1016, Tulare, CA 93274. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice Cream, Sherbert, Water Ice, Frozen Yogurt, Ice Cream Topping and Advertising Materials;* from the facilities of Baskin-Robbins, Inc. at or near Burbank, CA to the facilities of Baskin-Robbins, Inc. at or near Anaconda, Billings, Bozeman, Butte, Great Falls, Helena, Kalispell and Missoula, MT, under a continuing contract or contracts with Baskin-Robbins, Inc. of Burbank, CA for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Baskin-Robbins, Inc., 1119 South Victory Boulevard, Burbank, CA 91502. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 139850 (Sub-17TA), filed August 30, 1978. Applicant: FOUR STAR TRANSPORTATION, INC., P.O. Box 66, Underwood, IA 51576. Representative: Randall K. Trively (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and packinghouse products*, from the plantsite and storage facilities of Palamera Beef Corp. at Omaha, NE to Wichita, KS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: David A. Kousgaard, Traffic Consultant, Palamera Beef Corp., 25th & Z Street, Omaha NE 68107.

MC 140006 (Sub-1TA), filed August 15, 1978. Applicant: John W. George d.b.a. Hepner's Trucking Co., 1810 East Washington Avenue, Vineland, NJ 08360. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering*

and materials and supplies used in the installation and manufacturing thereof, except in bulk, between Vineland, NJ and Philadelphia, PA, on the one hand, and, on the other, Atlanta, Dalton, and Rome, CA, and Chattanooga, TN, for 180 days. Supporting shipper: Spaceway Carpets, Inc., P.O. Box 1464, Dalton, GA 30720, Vineland Interiors, Brewster & Wheat Roads, Vineland, NJ 08360, Shadeen Cpt. Mills, Rt. 41, Calhoun, GA, Waldman & Sons, 1945 North Howard Street, Philadelphia, PA 19122, S & S Mills, Inc. 1406 Riverbend Rd., Dalton, GA., and Aspen Wholesale Carpets, Inc., 7025 Colonial Hwy, Pennsauken, NJ 08110. Send protests to: John P. Lynn, Transportation Specialist, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 142368 (Sub-13TA), filed August 21, 1978. Applicant: DANNY HERMAN TRUCKING, INC., 15252 Valley Boulevard, City of Industry, CA 91744. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum windows and patio doors* from Fresno, CA, to points in AZ and those points in NV on and south of U.S. Hwy 6, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Merzon Industries, Inc., 4385 West Shaw Avenue, P.O. Box 5277, Fresno, CA 93705. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 142559 (Sub-49TA), filed August 30, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John A. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic flakes, plastic granules, plastic powder and plastic articles* (except commodities in bulk), from points in and east of ND, SD, NE, KS, OK and TX to the facilities of General Polymers of Michigan, Inc., at Dearborn, and Warren, MI, for 180 days. Supporting shipper: General Polymers of Michigan, Inc., 1080 Naughton, Troy, MI 48084. Send protests to: Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 143183 (Sub-3TA) filed August 30, 1978. Applicant: L. M. ROACH d.b.a. D & L TRUCKING CO., P.O. Box 1741, (145 Sampson Road), Wilmington, NC 28401. Representative: Ralph McDonald, Attorney, 336 Fayetteville Street Mall, P.O. Box 2246, Raleigh, NC 27602. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, and in bulk between points in NC, SC and VA, for 180 days. Supporting shipper: W.R. Grace & Co., P.O. Box 368, Wilmington, NC 28401. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

MC 143218 (Sub-1TA) filed August 24, 1978. Applicant: DONALD SANTISI TRUCKING CO., 1024 North Main Street, Niles, OH 44446. Representative: Beery & Spurlock Co., L.P.A., 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Books, magazines, periodicals, and advertising matter*, except commodities in bulk, from Canton, OH to points in TX, NM, AZ, CO, UT, WA, OR, CA, and MN, under a continuing contract or contracts with Danner Press Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Danner Press Corp., 1250 Camden, SW, Canton, OH. Send protests to: Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 143380 (Sub-1TA) filed August 30, 1978. Applicant: JAMES S. HELWIG & ALLEN L. GRIMLAND, d.b.a. H & G Leasing, 6331 Melody Lane, 1720, Dallas, TX 75231. Representative: Paul D. Angenend, Robinson, Felts, Meyers, Starnes & Latting, 1806 Rio Grande, P.O. Box 2207, Austin, TX 78768. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Vinyl floor covering*, from Trenton, NJ and Marcus Hook, PA to Houston and Irving, TX, under a continuing contract or contracts with L.D. Brinkman & Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: L.D. Brinkman & Co., 520 North Wildwood Road, Irving, TX 75061. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 143775 (Sub-14TA) filed August 15, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: O. Paul Yates (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Dog food and cat food, canned or dry (in bags), from Vernon, CA., and its commercial zone, to points in AZ*, for 180 days. Applicant holds contract carrier authority at MC 143610; therefore, dual operations may be involved. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kal Kan Foods Inc., 3386 East 44th Street, Vernon, CA 90058. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 N First Avenue, Phonex, AZ 85025.

MC 143775 (Sub-18TA) filed August 7, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Toilet preparations, beauty and health products and equipment, personal electric appliances and accessories and parts therefor*, on vehicles equipped with mechanical refrigeration, from La Mirada, CA and its commercial zone, to Portland, OR and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Clairol, Inc., 1 Blachley Road, Stamford, CT 06902. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

MC 143873 (Sub-2TA), filed August 25, 1978. Applicant: TITAN TRANSFER, INC., 4302 South 30th Street, Omaha, NE 68107. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-product, and articles distributed by meat packinghouses*, as described in Section A, B, 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 Swift & Co.'s facilities at Des Moines, Iowa to Omaha, NE, for 180 days. Applicant has filed underlying ETA's for 30 + 2 and 25 days of operating authority. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to Carroll Russell, District Supervisor, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 145109 (Sub-1TA), filed August 30, 1978. Applicant: BOWLING GREEN BEVERAGE CO., INC., P.O. Box 3390, Bowling Green, KY 42101. Representative: Louis J. Amato, Attorney, P.O. Box E, Bowling Green, KY 42101. Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brush blocks, wood flour, in bags, folding director chairs, tables, stools, and lounges*, from Bowling Green, KY to Atlanta, GA, Chicago, IL, Detroit, MI, Milwaukee, WI, Evansville and Ft. Wayne, IN, Chattanooga and Memphis, TN, St. Paul, MN, Cincinnati and Columbus, OH, and San Antonio, TX, for 180 days. Supporting shipper: Barry V. Locke, Locke Enterprises, Inc., P.O. Box 237, Bowling Green, KY 42101. Send protests to: Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

MC 145220 (Sub-1TA), filed August 25, 1978. Applicant: IREDELL MILK TRANSPORTATION, INC., Rt. 3, Box 368, Mooresville, NC 28115. Representative: George W. Clapp, Registered Practitioner, P.O. Box 836, Taylors, SC 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fruit juices and fruit juice concentrates*, in bulk, in tank vehicles, (a) between Asheville, NC and points in its commercial zone on the one hand and on the other Fremont, MI and Bedford, VA and (b) between the facilities of Seneca-Lincoln Foods at or near Mountain Home, NC on the one hand and on the other the facilities of Seneca-Lincoln Foods at or near Lawrence, MA, Dundee and Highland, NY; and (2) *Raw apple juice* in bulk in tank vehicles from the facilities of Carolina Apple Processors Cooperative, Inc. at or near Hendersonville, NC to Fleetwood and Orrtanna, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carolina Apple Processors Cooperative, Inc., P.O. Box 1126, Hendersonville, NC 28739. Gerber Products Co., P.O. Box 2689, Asheville, NC 28802. Seneca-Lincoln Foods, Div. of S. S. Pierce Co., 74 Seneca St., Dundee, NY 14837. Send protests to: Interstate Commerce Commission, District Supervisor Terrell Price, 800 Briar Creek Road, Mart Office Building, Room CC516, Charlotte, NC 28205.

MC 145220 (Sub-2TA), filed August 25, 1978. Applicant: IREDELL MILK TRANSPORTATION, INC., Rt. 3, Box 368, Mooresville, NC 28115. Representative: George W. Clapp, Registered Practitioner, P.O. Box 836, Taylors, SC 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude peanut oil*, in bulk, in tank vehicles, from Hershey, PA to New Orleans and St. Rose, LA for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gold Kist, Inc., P.O. Box 2210, Atlanta, GA 30301. Send protests to: Interstate Commerce Commission, District Supervisor Terrell Price, 800 Briar Creek Road, Mart Office Building, Room CC516, Charlotte, NC 28205.

MC 145267 (Sub-2TA), filed September 7, 1978. Applicant: CAMPBELL TRANSPORT, INC., P.O. Box 386, Vineland, NJ 08360. Representative: L. Agnew Myers, Jr., Attorney at Law, 407 Walker Building, 734 15th Street, NW., Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys; aluminum and aluminum articles; barrels, drums, pails, tubs or containers; cement and mortar brick or shapes; castings or forgings; chemicals; buffing or polishing compounds; graphite crucibles; furnace electrodes; fluorspar; fly ash; powdered or scrap iron; metals; ores; pallets, platforms or skids; and slag pots*, (1) from the facilities of Shieldalloy Corp., at or near Newfield, NJ, to points in the States of AL, IL, IN, IA, KY, LA, MD, MI, MO, NY, NC, OH, PA, TN, TX, and WV, (2) from Birmingham, AL, Chicago, IL, St. Louis, MO, Atlanta, GA, Freeport, TX, and Texas City, TX, to the facilities of Shieldalloy Corp., at or near Newfield, NJ, under a continuing contract or contracts with Shieldalloy Corp., for 180 days. Supporting shipper: Shieldalloy Corp., West Boulevard, Newfield, NJ 08344. Send protests to: John P. Lynn, Transportation Specialist, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 145275TA, filed August 25, 1978. Applicant: JERALD HEDRICK d.b.a. Hedrick & Son Trucking, RR No. 1, Warren, IN 46792. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feeds, dry animal and poultry mineral mixtures, animal and poultry tonics and medicines, insecticides, pesticides, livestock and poultry feeders and equipment and advertising matter and premiums related to such commodities*, except the transportation of liquid commodities in bulk from the plant site and warehouse facilities of Moorman Manufacturing Co., at or near Bluffton, IN, to points in the States of VA, AL, DE, FL, GA, KY, MD, WI, NY, TN, WV, IL, MI, MS, OH, PA, SC and NC; and (2) *Materials, equipment and supplies* used in the manufacture, sale and distribution of the above-named commodities, except the transportation of liquid commodities in bulk from the above-named destination States to the plant site or warehouse facilities of Moorman Manufacturing Co., at or near Bluffton, IN, under a continuing contract or contracts with Moorman Manufacturing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Moorman Manufacturing Co., 1000 North 30th Street, Quincy, IL 62301. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 242 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 145324 TA, filed August 30, 1978. Applicant: LIBERTY TRANSPORT, INC., 1212 Tierra Luna, Walnut, CA 90096. Representative: Patricia M. Schnegg, Knapp, Stevens, Grossman & Marsh, 1800 United California Bank Building. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, vinyls, and upholstery materials, and related supplies and accessories*, from points in MA, OH, IN, LA, NC, TN, KY, GA and IL to points in Phoenix, AZ, Sacramento and Los Angeles Counties, CA, for 180 days. Supporting shipper: Lindsey & Hall, 1036 S. Hope Street, Los Angeles, CA 90015. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 145355 (Sub-1TA), filed September 7, 1978. Applicant: JOHN MURRAY'S MOTOR TOURS, INC., 111 South Washington Street, Wilkes-Barre, PA 18702. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in motor vehicles having no more than a carrying capacity of nine persons, between points in Luzerne, Lackawanna, and Monroe Counties, PA, on the one hand, and, on the other, NJ, NY, MD, CT, FL, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately (13) 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: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, PA 18503.

By the Commission.

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

[FR Doc. 78-29540 Filed 10-18-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Commodity Credit Corporation	1
Commodity Futures Trading Commission	2
Federal Communications Commission	3, 4, 5
Federal Energy Regulatory Commission	6, 7, 8
International Trade Commission	9, 10
National Mediation Board	11
National Transportation Safety Board	12

[3410-05-M]

1

COMMODITY CREDIT CORPORATION.

MEETING RESCHEDULED FOR OCTOBER 26, 1978, 3 p.m.

"FEDERAL REGISTER" CITATIONS OF PREVIOUS ANNOUNCEMENTS: Vol. 43, No. 185, September 22, 1978, page 43083, and Vol. 43, No. 190, September 29, 1978, page 44964.

PLACE: Room 218-A, Administration Building, U.S. Department of Agriculture.

STATUS: Open except for agenda item 9 which will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Minutes of CCC Board meeting on September 8, 1978.
2. Docket UCP 2a re 1979-crop wheat loan, purchase, payments, set-aside, and land diversion program.
3. Docket FCZ 247, Revision 1, Amendment 1 re Policy on Commodity Credit Corporation interest rates on commodity loans, grain reserve loans, farm storage, and drying equipment loans and certain price support purchase transactions.
4. Secretary's determination of Pub. L. 480 availability.
5. Resolution UCX 310a re Commodities available for sale to voluntary relief organizations during fiscal year 1979.
6. Docket CX 308a, Amendment 1 re Assurance arrangements required by CCC under its noncommercial risk assurance program.
7. Docket RCZ 252b, Amendment 1 re Operating provisions for extending farm stored and warehouse stored loan programs for the 1976 and subsequent crops, and Docket TCP 33a, Amendment 1 re 1978-crop rice loan, purchase and payment program.
8. Docket TCO 309 re Research project—testing 1978 crop of tobacco to determine the level of Maleic Hydrazide residue on cured leaves.
9. Docket UNP 307 re Purchase and distribution of agricultural commodities and other foods for domestic distribution with FNS and section 32 funds, fiscal year 1979.

CONTACT PERSON FOR MORE INFORMATION:

Bill Cheery, Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013, telephone 202-447-7583.

[S-2095-78 Filed 10-17-78; 11:32 am]

[6351-01-M]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., October 24, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Regulation 1.35(g),
Proliferation of Interest-Rate Futures Contract,
Amendment to Commission Regulation 1.31 dealing with recordkeeping, and
Interim amendment to the definition of "proprietary account."

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-2101-78 Filed 10-17-78; 3:35 pm]

[6712-01-M]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, October 19, 1978.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Petition for reconsideration filed April 1, 1977, on behalf of KGME Radio, Inc., licensee of AM station KGMB, Honolulu, Hawaii.

General—2—Applications for review of staff ruling partially granting the Freedom of Information Act request jointly filed by Classical Radio for Connecticut, Inc. and the WTIC-FM Listeners' Guild.

General—3—Inquiry into commercial television network practices.

General—4—Measurement techniques of television reciever noise figures.

General—5—GAO report (The Role of Field Operations in the Federal Communications Commission Regulation).

Safety and Special Radio Services—1—Amendment of part 81 of the rules to delete the provisions which provide for the use of telegraphy by limited coast stations.

Safety and Special Radio Services—2—Termination of Docket 20092.

Safety and Special Radio Services—3—Report and Order, adopting the rules proposed in NPRM SS Docket No. 78-28, concerning the frequencies allocated in the Business Radio Service for use by operators of central station commercial protection facilities.

Safety and Special Radio Services—4—Conflict between rule section 97.79(d) and text of the Notice of Proposed Rulemaking in Docket 20112.

Safety and Special Radio Services—5—Amendment of the General Mobile Radio Service and Amateur Radio Services rules to establish procedures to minimize potential interference to radio astronomy operations.

Common Carrier—1—Proposed rulemaking to amend section 61.38 of the Commission's rules.

Common Carrier—2—A.T. & T. revisions to Tariff No. 260 establishing rates for leased voice-grade channels (Transmittal No. 13048) and Hawaiian Telephone Co. revisions to Tariffs Nos. 4 and 11 establishing rates for leased voice-grade channels (Transmittal No. 467).

Common Carrier—3—A.T. & T. and Bell System Operating Companies revisions to the A.T. & T. long lines department and Bell System Operating Companies interim OCC Tariffs to reflect a new expanded offering of telegraph grade facilities.

Common Carrier—4—Applications for consent to assignment and consent to transfer of control of radio authorizations in various services from American Television and Communications Corp. to Time Television and Communications, Inc., and applications by TTC for section 214 authority to acquire and operate channels of communication being provided by ATC through domestic satellite receive-only Earth stations.

Cable Television—1—Petition for declaratory ruling (CSR-1271) filed by Micro-Cable Communications Corp.

Cable Television—2—Joint petition for reconsideration of Arlington Telecommunications Corp. d.b.a. Artec, Arlington County, Va.

Cable Television—3—Petition for reconsideration filed by People's Cable Co., opera-

tor of a proposed cable television system serving the town of Henrietta, N.Y.

Cable Television—4—Applications for consent to the transfer of control of two cable television relay service stations licensed to Wolverine Cablevision, Inc., from American Television and Communications Corp. to the Industrial National Bank of Rhode Island as trustee under a Voting Trust Agreement.

Renewal—1—Renewal of licenses of four FM stations proposing nonentertainment programing (news, public affairs, and all other programing exclusive of entertainment and sports).

Renewal—2—Petition to deny application of Westinghouse Broadcasting Co., Inc., for renewal of license for station KPIX, San Francisco, Calif. filed by Community Coalition for Media change.

Renewal—3—Petition to deny application of Pacific FM, Inc., and San Francisco Wireless Talking Machine Co., Inc., for renewal of licenses of stations KIOI(FM) and KIQI, San Francisco, Calif., filed by Community Coalition for Media Change.

Renewal—4—Petition to deny the broadcast renewal application of McClatchy Newspapers, licensee of station KOVR(TV), filed by San Joaquin Communications Corp.

Renewal—5—Petition filed by the St. Louis Broadcast Coalition seeking reconsideration of Commission Orders in Newhouse Broadcasting Corp.

Renewal—6—Renewal application of Communico Oceanic Corp. for stations KPOI and KHSS(FM), Honolulu, Hawaii.

Complaints and Compliance—1—Request for a declaratory ruling concerning the meaning of the phrase "program or any part thereof" in section 325(a) of the act.

Complaints and Compliance—2—Violations by station WTRP, La Grange, Ga., of representations, made to the Commission in its application for license renewal, regarding the maximum amount of commercial time to be broadcast in hour.

Complaints and Compliance—3—Application for review, filed July 19, 1978, of the Broadcast Bureau's ruling of June 27, 1978, denying a complaint filed by Horace Rowley, III, against WWL-TV, New Orleans, La.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Public Information Office, telephone 202-632-7260.

Issued: October 13, 1978.

[S-2091-78 Filed 10-17-78; 10:44 am]

[6712-01-M]

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 10:30 a.m., Monday, October 16, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special emergency closed Commission meeting for October 16 canceled and rescheduled.

The Federal Communications Commission has canceled the emergency closed meeting previously scheduled for Monday, October 16, 1978, starting at 10:30 a.m., in Room 856, at 1919 M Street NW., Washington, D.C. (Public Notice 8277). The item has been rescheduled for October 18, 1978.

The following items are scheduled for a special closed Commission meeting on Wednesday, October 18, 1978, starting 9:30 a.m., in Room 856, at 1919 M Street NW., Washington, D.C., as previously announced in Public Notices 8278 and 8337.

Agenda, Item No., and Subject

General—1—Briefing on preparation of WARC '79, including status of consultations with foreign countries.

General—2—The decision in *Central Florida Enterprises, Inc. v. FCC* (D.C. Circuit No. 76 1742).

General—3—Internal personnel matter.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this matter may be obtained from the FCC Public Information Office, telephone 202-632-7260.

Dated: October 16, 1978.

[S-2099-78 Filed 10-17-78; 3:35 pm]

[6712-01-M]

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, October 19, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

CHANGES IN THE MEETING: The following items have been deleted.

Agenda, Item No., and Subject

Common Carrier—4—Applications for consent to assignment and consent to transfer of control of radio authorizations in various services from American Television and Communications Corp. to Time Television and Communications, Inc. and applications by TTC for section 214 authority to acquire and operate channels of communication being provided by ATC through domestic satellite receive-only Earth stations.

Cable Television—4—Applications for consent to the transfer of control of two cable television relay service stations licensed to Wolverine Cablevision, Inc., from American Television and Communications Corp. to the Industrial National Bank of Rhode Island as trustee under a Voting Trust Agreement.

The above items will be rescheduled for consideration at a special open meeting, October 25, 1978.

Additional information concerning this meeting may be obtained from the FCC Public Information Office, telephone 202-632-7260.

Issued: October 16, 1978.

[S-2100-78 Filed 10-17-78; 3:35 pm]

[6740-02-M]

6

OCTOBER 16, 1978.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10:30 a.m., October 19, 1978.

PLACE: 825 North Capitol Street NE., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Staff briefing of the Commission in public session on the general contents of the recently passed National Energy Act (NEA) and the Commission's responsibilities under the various sections of the NEA. The Commission will not consider any proposed implementing regulations at this briefing.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

The following members of the Commission voted that agency business requires the holding of an open meeting on less than the 1 week's notice required by the Government in the Sunshine Act:

Chairman Curtis
Commissioner Smith
Commissioner Sheldon
Commissioner Holden
Commissioner Hall

KENNETH F. PLUMB,
Secretary.

[S-2093-78 Filed 10-17-78; 10:44 am]

[6740-02-M]

7

OCTOBER 17, 1978.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 9 a.m. to 12 noon, November 6, 1978.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Staff briefing of the Commission in public session on the generic issue of rate of return allowed on common

equity. At this session, staff will discuss the relative merits of various methodologies used in Federal and State commission determinations of rate of return and the legal criteria established by statute and case law under which the Commission makes those determinations.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

[S-2094-78 Filed 10-17-78; 10:44 am]

[6740-02-M]

8

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 47649, published October 16, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., October 18, 1978.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CI-4. G-10083, et al., Texaco Inc.

KENNETH F. PLUMB,
Secretary.

[S-2096-78 Filed 10-17-78; 1:34 pm]

[7020-02-M]

9

[USITC SE-78-52]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, October 24, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints: (a) Pump dispensers and thermally insulated liquid containers (Docket No. 537).
5. Motorcycles from Japan (Inv. AA1921-187)—Briefing.
6. Bolts, nuts, and large screws (Inv. TA-201-37)—Briefing.
8. Status report on the EEO program.
9. Any items left over from previous agenda.

Portions closed to the public:

7. Status report on Investigation 332-101 (MTN), if necessary.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-2097-78 Filed 10-17-78; 1:34 pm]

[7020-02-M]

10

[USITC SE-78-53]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, October 26, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Motorcycles from Japan (Inv. AA1921-187)—Vote on injury.
2. Bolts, nuts, and large screws (Inv. TA-201-37)—Vote on injury.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-2098-78 Filed 10-17-78; 1:34 pm]

[7550-01-M]

11

NATIONAL MEDIATION BOARD.

TIME AND DATE: 2 p.m., Wednesday, November 1, 1978.

PLACE: Board Hearing Room, 8th floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of Board actions taken by notation voting during the month of October 1978.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Rowland K. Quinn, Jr., Executive Secretary, telephone 202-523-5920.

Date of notice: October 16, 1978.

[S-2102-78 Filed 10-17-78; 3:35 pm]

[4910-58-M]

12

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, October 26, 1978 [NM-78-37].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first two items on the agenda will be open to the public; the last item will be closed under exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—Midair collision involving a Falcon Jet, N121GW, and a Cessna 150M, N6423K, Memphis, Tenn., May 18, 1978, and recommendations associated with this and other midair collisions.
2. *Special Study*—"'Human Error' in Air Carrier Accidents and Incidents."
3. *Opinion and Order*—Administrator versus Neville, Dkt. SE-3756; disposition of respondent's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-2092-78 Filed 10-17-78; 10:44 am]

Federal Register

THURSDAY, OCTOBER 19, 1978
PART II

DEPARTMENT OF DEFENSE

Department of the Army

■

PRIVACY ACT OF 1974

Amendments to Systems of Records

[3710-08-M]

DEPARTMENT OF DEFENSE

Department of the Army

PRIVACY ACT OF 1974

Amendment of Record Systems

AGENCY: Department of the Army, DOD.

ACTION: Notice of amendments to record systems.

SUMMARY: The Army proposes to amend 43 systems of records. Following specific changes to the systems being amended, the systems are published in their entirety.

DATES: These systems shall be amended as proposed without further notice on November, 1978, unless comments are received which would result in a contrary determination.

ADDRESS: Send comments to The Adjutant General, Department of the Army, ATTN: DAAG-AMR-R, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20314; telephone: 202-693-0973.

SUPPLEMENTARY INFROMATION: The Department of the Army systems of records notices as prescribed by the Privacy Act of 1974, 5 U.S.C. 552a, Pub. L. 93-579, have been published in the FEDERAL REGISTER as follows:

FR Doc. 77-28255 (42 FR 50396), September 28, 1977.
FR Doc. 78-23953 (42 FR 38070), August 25, 1978.
FR Doc. 78-25562 (42 FR 40272), September 11, 1978.
FR Doc. 78-26372 (42 FR 42026), September 19, 1978.
FR Doc. 78-42374 (42 FR 25819), September 20, 1978.
FR Doc. 78-26699 (42 FR 43059), September 22, 1978.
FR Doc. 78-26996 (42 FR 43539), September 26, 1978.

The proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) of the act which requires submission of a new or altered system report.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services. Department of Defense.

OCTOBER 11, 1978.

AMENDMENTS

AAFES0207.02

System name: 207.02 AAFES Customer Comments, Complaints, and Direct Line Files (42 FR 50498), September 28, 1977.

Changes:

Authority for maintenance of the system: After "Title 10", delete entry and substitute: "U.S.C., Section 3012."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Delete entry and substitute: "All records are retrieved, retained, stored, and disposed of by authorization of the Director, Command and Public Relations Division."

Retention and disposal: Delete entry and substitute: "Command and Public Relations Division-Regulation 1300-10b: Cutoff at close of fiscal year. Destroyed after 3 years."

System manager(s) and address: Delete entry and substitute: "Director, Command and Public Relations Division, HQ AAFES, Dallas, TX 75222."

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: CP, Dallas, TX 75222. Telephone: Area Code 214-330-3865."

Record access procedures: Change address in first paragraph to: "HQ AAFES, ATTN: CP, DALLAS, TX 75222."

AAFES0401.04

System name: 401.04 Official Personnel Folders (OPF) (42 FR 50400) September 28, 1977.

Changes:

Categories of individuals covered by the system: Delete first paragraph and substitute: "OPF: All United States (US) citizen (to include permanent-resident alien and non-immegrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment."

Categories of records in the system: Substitute "OPF" for "Official Personnel Folder"; "SSN" for "social security number"; "CMF" for "Career Management Folder"; and "CPF" for "Convenience Personnel Folder".

Routine uses of records maintained in the system including categories of users and the purposes of such uses: Substitute "OPF" for "Official Personnel Folder".

System manager(s) and address: Delete entry and substitue: "Director, Personnel Division, HQ AAFES, Dallas, TX 75222."

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214-330-2761".

Record access procedures: Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222."

AAFES0401.05

System name: Employee Service Record Card Files (42 FR 50400) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitue: "Director, Personnel Division, HQ AAFES, Dallas, TX 75222."

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE Dallas, TX 75222. Telephone: Area Code 214-330-2761".

Record access procedures; Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222."

AAFES0401.11

System name: 401.11 Personnel Records Maintained at Supervisory Level (42 FR 50401) September 28, 1977.

Changes:

System manager(s) and address: Change entry to read: "Director, Personnel Division, Headquarters (HQ) AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214-330-2761"

Record access procedures: Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0403.01

System name: 403.01 Application for Employment Files (42 FR 50401) September 28, 1977.

Changes:

System manager(s) and address: Change entry to read: "Director, Personnel Division, Headquarters (HQ) AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761"

Record access procedures: Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0403.04

System name: 403.04 College Recruitment Files (42 FR 50401) September 28, 1977.

Changes:

System manager(s) and address: Change entry to read: "Director, Personnel Division, Headquarters (HQ) AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761"

Record access procedures: Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0403.05

System name: 403.05 Employee Examination Records (42 FR 50402) September 28, 1977.

Changes:

System manager(s) and address: Change address to read: "Director,

Personnel Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761"

Record access procedures: Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0403.08

System name: 403.08 Reference and Pre-Employment Credit Files (42 FR 50402) September 28, 1977.

Changes:

System manager(s) and address: Change entry to read: "Director, Personnel Division, Headquarters (HQ) AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761"

Record access procedures: Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0404.01

System name: 404.01 Incentive Awards Case Files (42 FR 50403) September 28, 1977.

Changes:

System manager(s) and address: Change entry to read: "Director, Personnel Division, Headquarters (HQ) AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761"

Record access procedures: Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0404.03

System name: 404.03 Award Control Files (42 FR 50403) September 28, 1977.

Changes:

System manager(s) and address: Change entry to read: "Director, Personnel Division, Headquarters (HQ) AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761"

Record access procedures: Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0404.04

System name: 404.04 Award Ceremony Files (42 FR 50404) September 28, 1977.

Changes:

System manager(s) and address: Change entry to read: "Director, Personnel Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761".

Record access procedures: Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0405.07

System name: 405.07 Retirement Assistance Files (42 FR 50405) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Director, Personnel Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761".

Record access procedures: Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0405.15

System name: 405.15 Retirement Extention Files (42 FR 50406) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Director, Personnel Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761".

Record access procedures: Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0408.05

System name: 408.05 Individual Trainee Files (42 FR 50406) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Director, Personnel Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761".

Record access procedures: Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0408.06

System name: 408.06 Trainee Card Index (42 FR 50406) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Director, Personnel Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761".

Record access procedures: Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0408.14

System name: 408.14 Tuition Assistance Case Files (42 FR 50407) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Director, Personnel Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761".

Record access procedures: Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0408.15

System name: 408.15 Correspondence Course Files (42 FR 50407) September 28, 1977.

Changes:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Safeguards: Change "None." to: "Stored in locked cabinets."

System manager(s) and address: Change entry to read: "Director, Personnel Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761".

Record access procedures: Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0409.01

System name: 409.11 AAFES Accident Report (42 FR 50407) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Director, Safety and Security Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: SS, Dallas, TX 75222. Telephone: Area Code 214/330-2721".

Record access procedures: Change address to read: "HQ AAFES, ATTN: SS, Dallas, TX 75222".

AAFES0501.04

System name: 501.04 Universal Annual Photograph Files (42 FR 50409) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Director, Personnel Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761".

Record access procedures: Change address to: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0505.02

System name: 505.02 IO Biographical Files (42 FR 50409) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Director, Command and Public Relations Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: CP, Dallas, TX 75222. Telephone: Area Code 214/330-3865".

Record access procedures: Change address to: "HQ AAFES, ATTN: CP, Dallas, TX 75222".

AAFES0702.01

System name: 702.01 Paid Disbursement Files (42 FR 50411) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Chief, General Accounting Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: Comptroller Division, CM-G, Dallas, TX 75222. Telephone: Area Code 214/330-2631".

Access record procedures: Change address to: "HQ AAFES, ATTN: CM-G, Dallas, TX 75222".

AAFES0702.22

System name: 702.22 Check-Cashing Privilege Suspense Files (42 FR 50412) September 28, 1977.

Changes:

System manager(s) and address: Change address to: "Chief, General Accounting Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

AAFES0702.23

System name: 702.23 Check-Cashing Privilege Files (42 FR 50412) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Chief, General Accounting Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

AAFES0702.34

System name: 702.34 Accounts Receivable Files (42 FR 50413) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Chief, General Accounting Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

AAFES0702.43

System name: 702.43 Travel Advance Register Files (42 FR 50413) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Chief, General Accounting Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

AAFES0702.44

System name: 702.44 Travel Advance-Trial Balance Files (42 FR 50413) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Chief, General Accounting Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

AAFES0703.01

System name: 703.01 AAFES TIME SHEETS (42 FR 50414) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

AAFES0703.02

System name: 703.02 Payroll Allotment Files (42 FR 50414) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

AAFES0703.03

System name: 703.03 United States Savings Bond Register Files (42 FR 50414) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

AAFES0703.05

System name: 703.05 Personnel Action/Discrepancy Notice Files (42 FR 50415) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Director, Personnel Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761"

Record access procedures: Change address to read: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0703.07

System name: 703.07 Payroll Register Files (42 FR 50415) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

AAFES0703.09

System name: 703.09 Employer's Copy of Income Tax Withheld (42 FR 50415) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

AAFES0703.10

System name: 703.10 Employer's Quarterly Federaly Tax Return Files (42 FR 50416) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

AAFES0703.11

System name: 703.11 Wage and Separation Information Report Files (42 FR 50416) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

AAFES0703.12

System name: 703.12 Payroll Adjustment Files (42 FR 50416) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

AAFES0703.13

System name: 703.13 Levy and Garnishment Files (42 FR 50417) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

AAFES0703.14

System name: 703.14 Payroll Report Files (42 FR 50417) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

AAFES0704.07

System name: 704.07 Fidelity Bond Files (42 FR 50418) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Director, Personel Division, HQ AAFES, Dallas, TX 75222".

AAFES0803.01

System name: 803.01 AAFES Incident Record (42 FR 50422) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Director, Safety and Security Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: SS, Dallas, TX 75222. Telephone: Area Code 214/330-2721".

Record access procedures: Change address to: "HQ AAFES, ATTN: SS, Dallas, TX 75222".

AAFES0903.06a

System name: 903.06a Systems Magnet Tape Files (42 FR 50422) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Director, Personnel Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761".

Record access procedures: Change address to: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0903.06c

System name: 903.06c Systems Magnetic Tape Files (42 FR 50423) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Director, Personnel Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, Tx 75222. Telephone: Area Code 214/330-3871".

Record access procedures: Change address to: "HQ AAFES, ATTN: PE, Dallas, TX 75222."

AAFES0903.06e

System name: Personal Profile (42 FR 50421) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Director, Personnel Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HA AAFES, ATTN: PE, Dallas, Tx 75222. Telephone: Area Code 214/330-2761".

Record access procedures: Change address to: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES0903.06f

System name: 903.06 Personnel Management Information System (42 FR 50424) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Director, Personnal Division, HQ AAFES, Dallas, TX 75222".

Notification procedure: Delete entry and substitute: "Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222; Telephone: Area Code 214/330-2761".

Record access procedures: Change address to: "HQ AAFES, ATTN: PE, Dallas, TX 75222".

AAFES1204.07

System name: 1204.07 Customers' Merchandise Returned for Repair or Replacement (42 Fr 50426) September 28, 1977.

Changes:

System manager(s) and address: Delete entry and substitute: "Chief, General Accounting Branch, Comptroller, HQ AAFES, Dallas, TX 75222".

AAFES0207.02

System name:

207.02 AAFES Customer Comments, Complaints, and Direct Line Files.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Command and Public Relations Division; also oversea system headquarters, regional headquarters, area exchanges and individual exchanges, within the worldwide system.

Categories of individuals covered by the system:

Customer inquiries, complaints, and comments on all phases of AAFES operations; also, customer opinion survey information.

Categories of records in the system:

File contains: Customer address, telephone numbers, information pertaining to nature of inquiry, research information, and AAFES response to the customer.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To aid the exchange management in determining the needs of the customers and deciding a course of action, if deemed necessary in settling any complaint to the customer's satisfaction.

Information regarding the customer's inquiry may be exchanged between AAFES HQs and field elements for the purpose of expediting customer satisfaction, corrective action and response.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed of by authorization of the Director, Command and Public Relations Division.

Storage:

Paper records in file folders stored in metal cabinets.

Retrievability:

Customer correspondence is logged by name and cross-referenced, then filed in metal containers by number and by exchange.

Safeguards:

Folders maintained in metal filing cabinets. Buildings employ security guards.

Retention and disposal:

Command and Public Relations Division Regulation 1300-01b: Cutoff at close of fiscal year. Destroyed after 3 years.

System manager(s) and address:

Director, Command and Public Relations Division, HQ AAFES, DALLAS, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: CP, Dallas, TX 75222. Telephone: Area Code 214/330-3865.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CP, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, current address and telephone number, and the case (control) number that appears with the office symbol on all correspondence received from this office.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

AAFES Form 1200-75/1200-76, Personnel Action.

Systems exempt from certain provisions of the act:

None.

AAFES0401.01

System name:

401.04 Official Personnel Folders (OPF)

System location:

Primary: OPF-Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; HQ AAFES-Pacific; HQ AAFES-Europe; HQ AAFES-Alaska; all regional offices; and post and base area exchanges within the AAFES system.

Decentralized: Career Management Folder (CMF)-Personnel Division, HQ AAFES, Dallas, TX 75222.

Convenience Personnel Folder (CPF)-HQ AAFES, Dallas, TX 75222; HQ AAFES-Pacific; HQ AAFES-Europe; HQ AAFES-Alaska; all regional offices; all post and base exchanges and satellites within the AAFES system.

Categories of records in the system:

OPF: All United States (US) citizen (to include permanent-resident alien and non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

CMF: All US citizen (to include permanent-resident alien and non-immigrant alien) employees with category of regular full-time and temporary full-time who are at the managerial level.

CPF: All US citizen (to include permanent-resident alien and non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the system:

OPF: Name, social security number (SSN); employment history; education; job and pay data; performance reviews; letters of commendation, reprimand; training certificates; salary and benefit information to include allowances and insurance data; travel orders and general correspondence; other personal data such as security clearance, loyalty, non-affiliation, etc.

CMF: Name, SSN; employment history; education; job and pay data; performance reviews; letters of commendation, reprimand; training certificates; travel orders and general correspondence; personal data to include health, security clearance, military separation, etc.

CPF: Name, SSN, training certificates, employment history; job and pay data; performance reviews; letters of commendation, reprimand, travel orders and general correspondence.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

OPF: Servicing Personnel Offices to provide hard-copy documentation on employee's current job and pay data, past job history, career progression, etc.

CMF: Personnel Division to obtain information on current and past employment for the purposes of job assignments, promotions, and career progression.

CPF: Maintained by non-servicing personnel offices for ready reference of employee's current and past employment history, job and pay data, etc.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Alphabetically by employee name.

Safeguards:

Folders maintained in locked filing cabinets.

Retention and disposal:

OPF: Placed in active file upon separation. Hold 1 year then forward to National Personnel Records Center (NPRC) (Civilian), 111 Winnebago Street, St. Louis, MO 63118. Inactive OPF may be retired to NPRC 3 months after separation by AAFES elements when the volume of inactive OPFs create a storage problem.

CMF: Cutoff at close of fiscal year in which employee is separated. Destroyed after 3 years.

CPF: Transferred with OPF to gaining location upon transfer Cutoff at close of fiscal year employee is separated. Destroy after 1 year.

System manager(s) and address:

Director, Personnel Division, HQ, AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: PE. Dallas, TX 75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personal visits are provided at this time.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing intitial determinations may be obtained from the SYSMANAGER.

Record source categories:

OPF: Application for Employment; Application for Fidelity Bond; College Transcripts; Personnel Actions; Performance Reviews and/or Personnel Evauluation Reports; Letters of Commendation, Reprimand; Training Certificates; Travel Orders; Employee Insurance Data; Housing Allowance; Certificate of Clearance; Loyalty Affidavit; Certificate of Non-Affiliation; and Bonds.

CMF: Application for Employment; College Transcripts; Personnel Actions; Personnel Evaluation Reports; Letters of Commendation, Reprimand; Training Certificates; Travel Orders; Certificate of Clearance; and other related papers.

CPF: Personnel Actions; Training Certificates; Performance Reviews and/or Personnel Evaluation Reports; Letters of Commendation, Reprimand; Travel Orders; and other related papers.

Systems exempt from certain provisions of the act:

None.

AAFES0401.05

System name:

401.05 Employee Service Record Card Files

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; HQ AAFES-Pacific; HQ AAFES-Europe; HQ AAFES-Alaska; all regional offices; and all post and base exchanges and satellites within the AAFES system.

Categories of individuals covered by the system:

All United States citizen (to include permanent-resident alien and non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the stystem:

Official summary of employment history to include name; social security number (SSN); date of birth; home address and telephone number; emergency contact; passport data; identification card data; dependent data; foreign languages to include degree of proficiency; clerical skills; education to include schools attended, degree achieved; AAFES education/training courses; performance reviews to include data and type; service award data; employment record to include date, job data, pay data, and separation data.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To have as ready reference to official summary of employment history, chronology of personal and service data for employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in kardex or file boxes.

Retrievability:

Alphabetical by employee name.
Alphabetical within activity and branch.

Safeguards:

Maintained in locked cabinet.

Retention and disposal:

Cutoff at close of fiscal year in which employee is separated or transferred. Retain 5 additional years in current files area and retire. Destroy 15 years after cutoff. Exception: Forward files to employees of discontinued installations to National Personnel Records Center (Civilian).

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: TE, Dallas, TX 75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personal visits are provided at this time.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Personnel Actions: Performance Reviews and/or Personnel Evaluation Reports; application form; training certificates; and service award certificates.

Systems exempt from certain provisions of the act:

None.

AAFES0401.11

System name:

401.11 Personnel Records Maintained at Supervisory Level.

System location:

All supervisory personnel within the Army and Air Force Exchange Service (AAFES) for subordinate employees.

Categories of individuals covered by the system:

All U.S. citizen (including permanent-resident alien and nonimmigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the system:

Name; social security number (SSN); job data; performance review data to include date and rating; counseling interview record; training record to include courses, type, and completion date; job description; and standards of conduct review.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Ready reference for supervisor of pertinent data on subordinate employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper file maintained in file folder.

Retrievability:

Alphabetical by employee's name.

Safeguards:

Maintained in locked filing cabinet or supervisor's desk.

Retention and disposal:

Destroy upon separation, retirement, or non-local transfer of employee.

System manager(s) and address:

Director, Personnel Division, Headquarters (HQ) AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address, and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personal visits are provided at this time.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Supervisor's Record of Employee, Employee Interview Record Card (Counseling), Job Description, Employee Training Record, and comparable papers.

Systems exempt from certain provisions of the act:

None.

AFFES0403.01

System name:

403.01 Application for Employment Files.

System location:

Executive and Managerial: Personnel Division, Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

Non-Managerial: HQ AAFES, Dallas, TX 75222; HQ AAFES-Pacific; HQ AAFES-Europe; AAFES-Alaska; all regional offices; and post and base exchanges and satellites within the AAFES system.

Categories of individuals covered by the system:

Individuals outside of AAFES applying for positions within the AAFES.

Categories of records in system:

Active applications: Application for Employment, resume, applicant referrals, interview form, previous employers' references, and related papers.

Inactive applications: Application for Employment, resume, letter of rejection, and related papers.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personnel Division: Filling of vacancies at the managerial level for which outside recruitment is necessary.

Servicing Personnel Office: Filling of vacancies of non-managerial level that require outside recruitment.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records filed in file folders.

Retrievability:

Active applications: Alphabetical within position category.

Inactive applications: Aphabetical by individual name.

Safeguards:

Maintained in locked cabinets.

Retention and disposal:

Active applications: Destroy after 2 years, except that on request they may be returned to individuals.

Inactive applications: Cutoff monthly. Destroy after 3 months.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personal visits are provided at this time.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Applicant; previous employers.

Systems exempt from certain provisions of the act:

None.

AAFES403.04

System name:

403.04 College Recruitment Files.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Personnel Division, Career Management Branch, Recruitment and Executive Development Section, Dallas, TX 75222.

Categories of individuals covered by the system:

All United States citizens (to include permanent-resident alien, non-immigrant alien) who have been interviewed at a college or university for employment with the AAFES.

Categories of records in the system:

File contains copies of correspondence with school, school recruiting trip report, and report of campus visit.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personnel Division: To maintain information on school placement functions and curriculums, available on-campus interviewing dates, and other information relevant to students' interest in AAFES employment.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Locked containers.

Retrievability:

Alphabetical by school name. Each request for information evaluated as to need before release.

Safeguards:

Stored in locked containers.

Retention and disposal:

Cutoff at close of fiscal year. Destroy after 3 years.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the name of the school and date visited and the name of the student/applicant interviewed.

Neither instructions nor provisions for personal visits are provided at this time.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Information obtained directly from school in correspondence form.

Systems exempt from certain provisions of the act:

None.

AAFES0403.05

System name:

403.05 Employee Examination Records.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

Categories of individuals covered by the system:

All managerial and regular full-time hourly-paid employees who have been considered for promotion to managerial level.

Categories of records in the system:

File contains test scores and normative date on those persons who have taken the AAFES test battery which consists of (a) SET tests, (b) Thurstone Test of Mental Alertness, (c) Wesman Personnel Classification Test, (d) Thurston Tempermanent Schedule, and (e) Personagraph (Allston B. Hobby Associates).

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used as research data and a predictor of success in given situations during job considerations. Test battery is read only by a professional psychologist with a minimum of a MA in Psychology.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Locked containers.

Retrievability:

Alphabetical by employee name. Each request for data evaluated as to need before release.

Safeguards:

Stored in locked containers.

Retention and disposal:

Permanent; cutoff at close of fiscal year.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personal visits are provided at this time.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Individual tests taken by employee.

Systems exempt from certain provisions of the act:

None.

AAFES0403.08

System name:

403.08 Reference and Pre-Employment Credit Files

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

Categories of individuals covered by the system:

All United States citizens (to include permanent-resident alien, non-immigrant alien) who have interviewed for a management or management trainee position with the AAFES.

Categories of records in the system:

File contains correspondence and other documents regarding employment suitability. Includes letters to and replies from previous employers, personal reference checks, security and/or other preemployment investigations and clearances deemed appropriate to the position, and evidence that the applicant is in satisfactory physical condition.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Assure that an individual, after having been selected for appointment but prior to official appointment, has cleared for employment suitability.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Alphabetical by employee's name.

Safeguards:

Maintained in locked filing cabinet.

Retention and disposal:

Cutoff at close of fiscal year. Destroy after 1 year for satisfactory reference and credit checks. Destroy after 3 years for adverse reference and/or derogatory credit checks.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, DALLAS, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

Contesting record procedures:

The agency's rules for access to records and for contesting contestants and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Information obtained from employee's previous employer(s) and from personal references provided AAFES by the employee.

Systems exempt from certain provisions of the act:

None.

AAFES0404.01

System name:

404.01 Incentive Awards Case Files

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

Categories of individuals covered by the system:

All United States citizen (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the system:

File contains name, social security number (SSN), grade/step, position title, organization, award nominated for, accomplishments, requirements of the position occupied during period covered in award nomination, and staff comments/concurrence/non-concurrence.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To accomplish staff comments and recommendations to support justification for award nominations in order to present findings to AAFES Incentive Awards Committee for recommendation of honorary award to Commander, AAFES.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper files stored in filing cabinets.

Retrievability:

Alphabetical by employee name.

Safeguards:

Files maintained in locked filing cabinets.

Retention and disposal:

Cutoff at close of fiscal year in which case is closed; destroyed after 2 years.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX. 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to above.

Neither instructions nor provisions for personal visits are provided at this time.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

AAFES Form 1900-19, Awards Nomination Form, submitted by employee's supervisor; AAFES Form 1900-22, Evaluation of Honorary Award Nomination.

Systems exempt from certain provisions of the act:

None.

AAFES0404.03

System name:

404.03 Award Control Files.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

Categories of individuals covered by the system:

United States (US) citizen, national and permanent resident alien employees; local national and third-country national AAFES employees providing there is no conflict with local treaties, host-country agreements or command directives.

Categories of records in the system:

Managerial and nonmanagerial employees (Hourly Pay Plan/Universal Annual); name, social security number (SSN), grade/step, organizational, and award for which nominated.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the systems, including categories of users and the purposes of such uses:

Personnel Division: To control award nominations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Three four-drawer and one five-drawer file cabinets.

Retrievability:

By name.

Safeguards:

Files maintained in locked filing cabinets.

Retention and disposal:

Cutoff at close of fiscal year in which case is closed; destroyed after 2 years.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personal visits are provided at this time.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

AAFES Form 1900-19, Award Nomination Form, submitted by employee's supervisor.

Systems exempt from certain provisions of the act:

None.

AAFES0404.04

System name:

404.04 Award Ceremony Files

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Personnel Branch, Dallas, TX 75222: and Command and Public Relations Division and Office of the Commander.

Categories of Individuals covered by the system:

HQ AAFES employees who have been recipients of military awards, AAFES service, and other awards.

Categories of records in the system:

Managerial and nonmanagerial employees (Hourly Pay Plan/Universal Annual): name, grade, position title, organization, award for which nominated, accomplishments, and requirements of the position occupied during period covered in award nomination.

Authority for maintenance of the system:

Title 10 U.S.C., Sections 3012 and 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Background on recipients of awards to be read at an awards ceremony held by the Commander, AAFES or his designated representative.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored in file folders in one four-drawer file cabinet.

Retrievability:

By name.

Safeguards:

Files maintained in filing cabinets.

Retention and disposal:

Cutoff at close of fiscal year. Destroyed after 3 years.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Information is obtained from employee on AAFES Form 1100-22 and from employee's Official Personnel Folder.

Systems exempt from certain provisions of the act:

None.

AAFES0405.07

System name:

405.07 Retirement Assistance Files

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

Categories of individuals covered by the system:

All United States citizen (to include permanent-resident alien, non-immigrant alien) emloyees with category of regular full-time, regular part-time, temporary part-time, temporary full-time, and intermittent employment.

Categories of records in the system:

File contains social security number (SSN), name, exchange location, date of birth, date of hire, leave accrual date, retirement participation date, service award base date, citizenship, martial status, sex, security clearance, current military status, prior AAFES service, job and pay data, type of insurance coverage, deductions, mobility status, date in grade, and step.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

To accomplish authority to employ a retired member of the armed forces during the 180 days immediately following retirement.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Contains inquiries and the replies to questions submitted in writing by employees concerning their own retirement situations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Five-drawer metal file cabinet.

Retrievability:

Alphabetical by employee's name.

Safeguards:

File cabinets are locked when not in use.

Retention and disposal:

Cutoff at close of fiscal year. Destroy after 1 year.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number: if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personnel visits are provided at this time.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Information is furnished by Servicing Personnel Office.

Systems exempt from certain provisions of the act:

None.

AAFES0405.15

System name:

405.15 Retirement Extension Files

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas TX 75222.

Categories of individuals covered by the system:

All United States citizen employees who have applied for deferred retirement.

Categories of records in the system:

File contains social security number (SSN), name, exchange location, date of birth, service award base date, citizenship, martial status, sex, security clearance, current military status, prior AAFES service, job and pay data, type of insurance coverage, deductions, mobility status, date in grade, and step.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

To accomplish authority to employ a retired member of the armed forces during the 180 days immediately following retirement.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to approve and control requests for extension of normal retirement date.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Five-drawer metal file cabinet.

Retrievability:

Alphabetical by employee's name.

Safeguards:

File cabinets are locked when not in use.

Retention and disposal:

Cutoff at close of fiscal year. Destroyed after 1 year.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation and last employing location in addition to the above.

Neither instructions nor provisions for personnel visits are provided at this time.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Systems exempt from certain provisions of the act:

None.

AAFES0408.05

System name:

408.05 Individual Trainee Files

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

Categories of individuals covered by the system:

All United States citizens (to include permanent-resident alien, non-immigrant alien) who have been selected for a college trainee or management development trainee position.

Categories of records in the system:

Copy of employment application forms; copy of trainee appointment personnel action; copy of trainee appointment letter; copy of completion of college/university baccalaureate degree requirements; if Hourly Pay Plan (HPP), letter of nomination to college trainee or management development trainee program; if HPP, and participating in AAFES Upward Mobility Program, copy of Employee Qualification Record and Employee Career Appraisal Form; copy of statement of Mobility; if HPP, copy of supervisor's record of employee and copy of last three performance reviews.

Authority for maintenance of the system:

Title 10 U.S.C., Seciton 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personnel Division: To obtain information on current and past employment, education, training history, mobility preference, and personal data for the purpose of assignment to a college trainee or a management development trainee position.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Locked container.

Retrievability:

Alphabetical by employee's name. Each file is retrieved, retained, stored, and disposed of by authorization of the Director, Personnel Division.

Safeguards:

Stored in locked container.

Retention and disposal:

Cutoff at close of fiscal year following the completion of training. Destroy after 5 years.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written request for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determination may be obtained from the SYSMANAGER.

Record source categories:

Information is based on initial written data provided by the applicant and AAFES to assist in the employment selection process.

Systems exempt from certain provisions of the act:

None.

AAFES0408.06

System name:

408.06 Trainee Card Index.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

Categories of individual covered by the system:

All United States citizens (to include permanent-resident alien, non-immigrant alien) selected for college trainee or management development trainee positions.

Categories of records in the system:

Card contains trainee category, name, social security number (SSN), date of hire, date of birth, training location, marital status, position and grade of which assigned, and date and location of assignment.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personnel Division: To obtain ready reference regarding summary information, trainee employment status, and pertinent data for trainee employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Locked cabinet.

Retrievability:

Alphabetical by employee name.

Safeguards:

Stored in locked cabinet.

Retention and disposal:

Cutoff at close of fiscal year in which individual's trainee program is completed. Destroy after 1 year.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX

75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in additon to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Information is obtained from employee's Career Management Folder.

Systems exempt from certain provisions of the act:

None.

AAFES0408.14

System name:

408.14 Tuition Assistance Case Files.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

Categories of individuals covered by the system:

All United States citizens (to include permanent resident, resident aliens) who are regular full-time employees.

Categories of records in the system:

Managerial and nonmanagerial employees: Applicaiton for Tuition Assistance, approval letters, letters of congratulations, copies of Request for Disbursement, transcripts, curricula, grade reports, and course receipts.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personnel Division: To maintain information on participants in the tuition assistance program of AAFES in order to properly administer the program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Filing cabinets

Retrievability:

Alphabetical by employee's name.

Safeguards:

Stored in locked containers.

Retention and disposal:

Cutoff at close of fiscal year in which course is complete or 2 years after date of last action, is completion is unknown. Destroy after 2 years.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notificaiton procedure:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personal visits are provided at this time.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

AAFES Form 1850-3, Application for Tuition Assistance.

System exempt from certain provisions of the act:

None.

AAFES0408.15

System name:

408.15 Correspondence Course Files

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas TX 75222.

Categories of individuals covered by the system:

All United States citizens (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the system:

Managerial and nonmanagerial employees who are enrolled in AAFES correspondence courses and US Army correspondent courses: Application for enrollement, notice of enrollment, notice of completion, and certificate of completion.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To maintain information on participants in the correspondence course program of the AAFES in order to properly administer the program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File cabinets.

Retrievability:

Alphabetical by employee's name.

Safeguards:

Stored in locked cabinets.

Retention and disposal:

Cutoff at close of fiscal year in which course is completed, or 2 years after date of last action, if completion date is unknown. Destroy after 2 years.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dalles, TX 75222.

Notification procedures:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telphone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Neither instructions nor provisions for personal visits are provided at this time.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and

appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

AAFES Form 1850-43, Management Development Program Course/Correspondence Course Enrollment Application; DA Form 145.

Systems exempt from certain provisions of the act:

None.

AAFES0409.01

System name:

409.01 AAFES Accident Report

System location:

Primary system will be at the Exchange reporting the accident/incident, at the Safety and Security Office at Exchange Region/Regional Exchange, and the Overseas Exchange Systems (OES) having jurisdiction over the reporting exchange.

Categories of individuals covered by the system:

Any individual injured in Army and Air Force Exchange Service (AAFES) controlled property/equipment/facility or involved in accidents or mishaps resulting in reportable damage to AAFES property or facilities; or who is injured or becomes ill when those injuries or illnesses are covered by the Williams-Steiger Occupational Safety and Health Act of 1970.

Categories of records in the system:

AAFES Accident Report/Supplementary Record of Federal Occupational Injuries and Illnesses/physicians' reports.

Authority for maintenance of the system:

Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Files are maintained at Headquarters (HQ) AAFES/HQ OES/Exchange Regions/Regional Exchanges/Area Exchanges/Exchanges as a primary record of accidents, incidents, mishaps, fires, or illnesses to be used in correcting deficiencies in safety field; in initiating insurance and workman's compensation claims; and in satisfying statistical reporting requirement to higher echelons of AAFES and the Department of Labor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed by location of incident and code identifier.

Safeguards:

Buildings have security guards. Files kept in file cabinets. Records available to those with a need-to-know.

Retention and disposal:

Retained by reporting exchange for 5 years and by Safety and Security Offices for 2 years, then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

System manager(s) and address:

Director, Safety and Security Division, HQ AAFES, Dallas, TX 75222

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: SS, Dallas, TX 75222. Telephone: Area Code 214/330-2721.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: SS, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, correct address, social security number, status, telephone number, job title, and date/place/time of the incident.

For personal visits, the individual should be able to provide acceptable identification.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations may be obtained from HQ AAFES, ATTN: SS, Dallas, TX 75222.

Record source categories:

Data obtained from medical institutions/police/investigating officials/bureau of motor vehicles/State and local governments/witnesses and victims.

Systems exempt from certain provisions of the act:

None.

AAFES0501.04

System name:

501.04 Universal Annual Photograph Files

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

Categories of individuals covered by the system:

All Universal Annual (UA) Salary Plan employees worldwide.

Categories of records in the system:

File contains photographs of UA employees with their name and date of photograph.

Authority for maintenance of the system:

Title 10 U.S.C., Sections 3012 and 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used for publicity purposes when photograph is needed for publication.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed of by authorization of the Director, Personnel Division.

Storage:

File cabinet.

Retrievability:

Alphabetically by employee's name.

Safeguards:

Maintained in locked file cabinet. Available only to personnel having specific authorization to retrieve photographs.

Retention and disposal:

Maintained in active status for duration of UA's employment. Maintained in inactive status for 3 years after separation, after which time it is destroyed.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Photographs taken of UA employees at duty stations.

Systems exempt from certain provisions of the act:

None.

AAFES0505.02

System Name:

505.02IO Biographical Files.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Command and Public Relations division; AAFES-Europe-CP; and AAFES-Pacific-CP.

Categories of individuals covered by the system:

Military and Universal Annual personnel assigned to HQ AAFES, continental United States Exchange Regions, and overseas headquarters.

Categories of records in the system:

File contains: Individual's name; current position title; home address to include street, city, State, zip code/Army Post Office; date of birth; place of birth; marital status; maiden name of spouse, place of birth; name and ages of children; education to include high school and/or college attended, degree; military history, rank, date and type of discharge; reserve status, awards and decorations; membership in fraternal and civic organizations; prior employment; AAFES assignments, AAFES training, awards or honors; special interests or hobbies, name of hometown newspaper, and individual 5 x 7/8 x 10 photograph.

Authority for maintenance of the system:

Title 10 U.S.C., Sections 3012 and 8012.

Routines uses of records maintained in the system, including categories of users and the purposes of such uses:

Command and Public Relations Division, Information Service Branch: To prepare news and feature articles about employees for employee newspaper, trade media and/or hometown newspaper.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed of by authorization of the Director, Command and Public Relations Division.

Storage:

Paper records in file folders.

Retrievability:

Alphabetically by employee's name.

Safeguards:

Buildings employ security guards. Records maintained in areas accessible only to authorized personnel.

Retention and disposal:

Records are retained in active file for as long as individual is employed. Destroyed upon termination of employment.

System manager(s) and address:

Director, Command and Public relations Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: CP, Dallas, TX 75222. Telephone: Area Code 214-330-3865.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CP, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

AAFES Form 1200-75/1200-76, Personnel Action.

Systems exempt from certain provisions of the act:

None.

AAFES0702.01

System name:

702.01 Paid Disbursement Files.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; In continental United States: AAFES Exchange Regions, Area Exchanges; Overseas: HQ AAFES-Alaska, HQ AAFES-Europe, HQ AAFES-Pacific, and Exchange Regions.

Categories of individuals covered by the system:

All U.S. Citizen Universal Annual Salary Plan employees and foreign national employees who are required to travel.

Categories of records in the system:

File contains alphanumeric: Employee's social security number (SSN)/payroll number, employee's name, and payments made to or on behalf of employee for travel/transfer expenses.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

HQ AAFES Comptroller Division, General Accounting Branch, utilizes file to control payments to employees and furnish necessary information to both employee and Internal Revenue Service for income tax purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed by authorization of AAFES Comptroller.

Storage:

Copies of checks and supporting documents such as travel orders, travel vouchers, invoices, etc.

Retrievability:

By SSN/payroll number, employee's name or check number.

Safeguards:

Documents maintained in file folders in metal container such as standard file cabinets. Retrievability request must be written and requires signature of section chief or unit supervisor.

Retention and disposal:

Cutoff at close of fiscal year; destroyed after 6 years.

System manager(s) and address:

Chief, General Accounting Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: Comptroller Division, CM-G Dallas, TX 75222. Telephone: Area Code 214-330-2631.

Record access procedures:

Request from individuals should be addressed to: HQ AAFES, ATTN: CM-G, Dallas, TX 75222.

Written request should contain full name of individual, SSN/payroll number, and location of employment.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Travel orders, travel vouchers, records of expenses incurred, and copies of checks issued for reimbursement.

Systems exempt from certain provisions of the act:

None.

AAFES0702.22

System name:

702.22 Check-Cashing Privilege Suspense Files.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; In continental United States: AAFES Exchange Regions and Main Stores at Exchanges; Overseas: HQ AAFES-Alaska, HQ AAFES-Europe, HQ AAFES-Pacific, Exchange Regions and Main Stores.

Categories of individuals covered by the system:

Exchange customers: Military, dependents, retirees, and exchange employees.

Categories of records in the system:

File contains alphanumeric: Customer name and social security number (SSN), amounts of checks not paid by bank, and category (military, dependent, retiree, etc.) of customer.

Authority for maintenance of the system:

Title 10, U.S.C. Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Printout of listing distributed to applicable locations where mechanical device is not available. Mechanical device, where used, will indicate eligibility to cash a check by displaying a colored light. Printout or mechanical device used to control customer eligibility to cash checks.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are established, maintained and/or deleted by authorization of AAFES Comptroller.

Storage:

Computer disks and computer printouts.

Retrievability:

By SSN.

Safeguards:

Computer printouts usually covered by pressboard binders and are located in offices accessible only by personnel authorized to cash checks.

Computer disks maintained by Computer Processing Branch, Data Systems Division. Retrievability by persons authorized to cash checks.

Retention and disposal:

Destroyed when superseded.

System manager(s) and address:

Chief, General Accounting Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information is restricted to personnel authorized to cash checks and is presented only to person who presents a checks for encashment.

Record access procedures:

Information is assessed at time a check is presented for encashment.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Checks that were cashed and not paid by the bank.

Systems exempt from certain provisions of the act:

None.

AAFES0702.23

System name:

702.23 Check-Cashing privilege Files.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; In continental United States: AAFES Exchange Regions, Area Exchanges, and Installation Exchanges; Overseas: HQ AAFES-Alaska, HQ AAFES-Europe, HQ AAFES-Pacific, and Exchange Regions.

Categories of individuals covered by the system:

Exchange customers: military, dependents, retirees, and exchange service employees.

Categories of records in the system:

File contains alphanumeric: customer name and social security number (SSN), indebtedness amount, and collection efforts documentation.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

HQ AAFES Comptroller Division, General Accounting Branch, utilizes file to collect checks that were not paid by the bank.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed by authorization of AAFES Comptroller.

Storage:

Records are stored in metal filing cabinets; access is restricted to employees who have a need-to-know.

Retrievability:

By SSN and customer name.

Safeguards:

Documents maintained in file folders and stored in metal containers such as standard file cabinets. Retrievability is authorized by unit chief.

Retention and disposal:

Cutoff at time case is closed and destroyed after 3 years.

System manager(s) and address:

Chief, General Accounting Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: Comptroller Division, CM-G, Dallas, TX 75222. Telephone: Area Code 214-330-2631.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CM-G, Dallas, TX 75222.

Written requests should contain full name of individual and SSN.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Checks cashed by customers and not paid by the bank.

Systems exempt from certain provisions of the act:

None.

AAFES0702.34

System name:

702.34 Accounts Receivable Files.

System location:

Headquarters (HQ), Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; HQ AAFES-Paeific; HQ AAFES/Europe; HQ AAFES-Alaska; continental United States and oversea exchange regions, area exchanges, and post and base exchanges and satellites within the AAFES system.

Categories of individuals covered by the system:

All AAFES customers to include military, retirees, civilians, and civilian dependents.

Categories of records in the system:

File contains charge or credit vouchers, oil company credit card tickets, cash receipts documents, purchase orders, receiving reports, and correspondence with the customer.

Authority for maintenance of the system:

Title 10 U.S.C., Sections 3012 and 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to establish exchange receivables from customers for purchases under a deferred payment plan, book store catalog sales, mail order payment shortages, and rejected oil company credit cards/tickets. Provides documentation to monitor amounts due to take necessary collection actions. Provides support for monthly detailed listings of open items which are prepared to support ledger balances.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alpabetically by last name of customer.

Safeguards:

Records are maintained in areas accessible only to authorized personnel. Paper documents are maintained in steel storage cabinets.

Retention and disposal:

Records are retained in current files until close of fiscal year in which receivable is cleared. At year end, files are stored and subsequently destroyed after 6 years.

System manager(s) and address:

Chief, General Accounting Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: Comptroller Division, General Accounting Branch, Dallas, TX 75222. Telephone: Area Code 214-330-2631.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CM-G, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, current address and telephone number, AAFES activity at which the receivable was established, and date of transaction.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Information is collected directly from the customer either in writing or verbally. Additional data may be obtained from correspondence between AAFES and vendors.

Systems exempt from certain provisions of the act:

None.

AAFES0702.43

System name:

702.43 Travel Advance Register Files.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Comptroller Division, Dallas, TX 75222.

Categories of individuals covered by the system:

Universal Annual Salary Plan employees who are required to travel either for frequent intermittent periods or sustained periods of time.

Categories of records in the system:

File contains alphanumeric: employee's name, area of assignment, and dollar amount advanced.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

HQ AAFES Comptroller Division, General Accounting Branch, utilizes file to monitor travel advances paid out.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed by authorization of AAFES Comptroller.

Storage:

Records are stored in locked metal filing cabinets; access is restricted to employees who have a need-to-know.

Retrievability:

By employee's name.

Safeguards:

Documents maintained in file folders in combination locked file cabinet. Retrievability authorized by unit supervisor.

Retention and disposal:

Cutoff after advance has been repaid. Destroy after 1 year.

System manager(s) and address:

Chief, General Accounting Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: Comptroller Division, CM-G, Dallas, TX 75222. Telephone: Area Code 214-330-2631.

Record access procedures:

Requests from individuals should be addressed to: HQ AFFES, ATTN: CM-G, Dallas, TX 75222.

Written requests should contain full name of individual.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Checks issued to employees for permanent travel advance.

Systems exempt from certain provisions of the act:

None.

AAFES0702.44

System name:

702.44 Travel Advance—Trail Balance Files.

System location:

Headquarters (HQ), Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; In continental United States: AAFES Exchange Regions and Area Exchanges; Overseas:

HQ AAFES-Pacific, HQ AAFES-Europe, HQ AAFES-Alaska, and Exchange Regions.

Categories of individuals covered by the system:

Universal Annual Salary Plan employees who have been issued travel advances.

Categories of records in the system:

File contains alphanumeric: employee name and dollar amount advanced.

Authority for maintenance of the system:

Title 10 U.S.C. Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

HQ AAFES Comptroller Division, General Accounting Branch, utilizes file to control travel advances issued.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed by authorization of AAFES Comptroller.

Storage:

Records are stored in metal filing cabinets; access is restricted to employees who have a need-to-know.

Retrievability:

By employee's name and location where advance was issued.

Safeguards:

Documents maintained in file folders in standard file cabinets. Retrievability authorized by section supervisor.

Retention and disposal:

Cutoff at close of fiscal year. Destroy after 1 year.

System manager(s) and address:

Chief, General Accounting Branch, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: Comptroller Division, CM-G, Dallas, TX 75222. Telephone: Area Code 214-330-2931.

Record access procedures:

Request from individual should be addressed to: HQ AAFES, ATTN: CM-G, Dallas, TX 75222.

Written requests should contain full name and area of assignment.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Trial balances prepared by exchange elements.

Systems exempt from certain provisions of the act:

None.

AAFES0703.01

System name:

702.01 AAFES Time Sheets.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; In continental United States (CONUS): AAFES Exchange Regions, Area Exchanges, post and base exchanges including satellites; Overseas: HQ AAFES-Europe, HQ AAFES-Pacific, and HQ AAFES-Alaska.

Categories of individuals covered by the system:

All United States citizens (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the system:

File contains alphanumeric: Facility number, employee's name, social security number (SSN), category, leave balance, and shift identification number. Printout is combination Time Sheet and Time and Attendance (TA) Register for CONUS exchanges and TA Register only for overseas exchanges.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Printout distributed to all exchanges biweekly two pay periods in advance for recording hours worked, leave hours, and other data essential to payroll processing. CONUS exchanges record payroll data from TA Register to Optical Character Recognition (OCR) Time Sheet and submit to HQ AAFES for OCR Reader. Oversea exchanges key punch data from TA Register and submit via wire transmission to HQ AAFES.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

Storage:

Computer tape and printouts resulting from source input. OCR paper source documents stored by exchange number in steel file cabinets in HQ AAFES CM-M.

Retrievability:

Source documents by payroll period, exchange number, SSN or name.

Safeguards:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel on a need-to-know basis.

Retention and disposal:

Maintained 3 months in Payroll Branch. Transferred to AAFES Records Warehouse. Destroyed after 2 years.

System manager(s) and address:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: Comptroller, Payroll Branch, Dallas, TX 75222. Telephone: Area Code 214-330-3870.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

TA Registers.

Systems exempt from certain provisions of the act:

None.

AAFES0703.02

System name:

703.02 Payroll Allotment Files.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AFFES), Comptroller Division, Dallas, TX 75222.

Categories of individuals covered by the system:

All regular full-time employees of HQ AAFES and all Universal Annual employees worldwide.

Categories of records in the system:

File contains alphanumeric: Employee's social security number (SSN) or pseudo number, employee's name, exchange number, amount of allotment, and allottee's name and address.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used as source document to update employee's payroll master records and name and address file for mechanical preparation of checks payable to allottee.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

Computer printouts and paper documents in file folders.

Retrievability:

Usually by name within exchange.

Safeguards:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel on a need-to-know basis.

Retention and disposal:

Replaced when superseded by new or revised document or deleted upon employee termination. Pulled documents destroyed after 1 year.

System manager(s) and address:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: Comptroller, Payroll Branch, Dallas, TX 75222. Telephone: Area Code 214-330-3870.

Record access procedures:

Requests from individuals should be addressed to HQ AAFES, ATTN: CM-M, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Employee completes and submits document through Servicing Personnel Office.

Systems exempt from certain provisions of the act:

None.

AAFES0703.03

System name:

703.03 United States Savings Bond Register Files

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; In continental United States: AAFES Exchange Regions, Area Exchanges, and post and base exchanges including satellites; Overseas: HQ AAFES-Europe, HQ AAFES-Pacific, and HQ AAFES-Alaska.

Categories of individuals covered by the system:

All United States citizens (to include permanent-resident alien, nonimmigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the system:

Computer printout showing employee's name, social security number (SSN), exchange number, maturity value, cost of bond, current deduction, refund, old balance, new balance, and serial number of bond purchased.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Printout of listing by exchange distributed to each applicable Servicing Personnel Office biweekly with purchased bonds. HQ AAFES Comptroller Division, Payroll Branch, utilizes printout to control employee's bond balance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

Computer tape, printout, and microfiche.

Retrievability:

Usually by SSN or pseudo number within Exchange Number.

Safeguards:

Buildings employ security guards. Records are maintained in areas accessible to authorized personnel on a need-to-know basis.

Retention and disposal:

HQ AAFES Payroll Branch: Destroy after 4 years. Other offices: Destroy after 1 year.

System manager(s) and address:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: Comptroller, Payroll Branch, Dallas, TX 75222. Telephone: Area Code 214-330-3870.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Bond application form completed by employee.

Systems exempt from certain provisions of the act:

None.

AAFES0703.05

System name:

703.05 Personnel Action/Discrepancy Notice Files

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222 and applicable Servicing Personnel Offices within the AAFES worldwide system.

Categories of individuals covered by the system:

All United States citizens (to include permanent-resident alien) employees with category of regular full-time, reg-

ular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the system:

File contains: Social security number (SSN); name; exchange location; home address to include street, city/State/county, zip code/Army Post Office; date of birth; date of hire; leave accrual date; retirement participation date; service award base date; citizenship; marital status; prior military status; prior AAFES service, sponsor affiliation where the employee is a dependent of a U.S. Government/military member; job code and job title; mobility status; employment category; pay plan wage schedule number; grade/step; base hourly rate; scheduled work week; scheduled shift; commission rate/override where applicable; Federal tax exemptions; State tax code and exemptions; type of insurance coverage and deduction amount; deductions to include janitorial fee, union dues, employees' association, and Combined Federal Campaign; and overseas allowances where applicable to include cost of living allowance, post differential, quarters allowance, and separate maintenance allowance.

Authority for maintenance of the system:

Title 10 U.S.C., Sections 3012 and 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personnel Division: To correct errors in keypunch Personnel Actions which are identified through machine edits.

Comptroller Division: To maintain hard copy documentation of the employee's current and past personnel records for pay purposes.

Servicing Personnel Offices: To document corrections to the personnel actions in the employee's Official Personnel Folder (OPF).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed of by authorization of the Director, Personnel Division.

Storage:

Paper records in file folders.

Retrievability:

Alphabetically by employee's name.

Safeguards:

Folders maintained in locked filing cabinets.

Retention and disposal:

Personnel Division: Destroyed upon verification of error correction.

Comptroller Division: Cutoff at close of fiscal year in which employee is terminated. Destroyed after 4 years.

Servicing Personnel Office: Destroyed after posting correction to the employee's OPF.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214-330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

AAFES Form 1200-75/1200-76, Personnel Action.

Systems exempt from certain provisions of the act:

None.

AAFES0703.07

System name:

703.07 Payroll Register Files

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; In continental United States: AAFES Exchange Regions, Area Exchanges, post and base exchanges including satellites; Overseas: HQ AAFES-Europe, HQ AAFES-Pacific, and HQ AAFES-Alaska.

Categories of individuals covered by the system:

All United States citizens (to include permanent-resident alien, nonimmigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the system:

File contains alphanumeric: Employee's social security number (SSN) or psuedo number, employee's name, current payroll data, quarter-to-date and year-to-date wages and/or deductions, leave balances, and control information.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Printout of listing by exchange distributed to each applicable Servicing Personnel Office biweekly. HQ AAFES Comptroller Division, Payroll Branch, utilizes microfiche of subject report. Printout serves to control employee's current pay status and year-to-date data in order to reply to valid inquiries to individual employee's payroll data.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

Storage:

Computer tape and computer printout.

Retrievability:

Usually by SSN or psuedo number within exchange number.

Safeguards:

Tape file maintained at Data Systems Division, Computer Processing Branch—Computer Processing Tape Library. Retrievability requests must be written and need the signature of the Comptroller.

Retention and disposal:

Tape file: 1 year.

Computer Printout: Permanent, cutoff at close of fiscal year and maintained for 2 years, then retired to National Personnel Records Center.

Other offices: Cutoff at close of fiscal year. Destroy after 1 year.

System manager(s) and address:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: Comptroller, Payroll Branch, Dallas, TX 75222. Telephone: Area Code 214/330-3870.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above information.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Personnel Action, Time Sheet, other related documents, and calculated results from current payroll.

Systems exempt from certain provisions of the act:

None.

AAFES0703.09

System name:

703.09 Employer's Copy of Income Tax Withheld

System location: Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Comptroller Division, Payroll Branch, Dallas, TX 75222.

Categories of individuals covered by the system:

All United States citizens (to include permanent-resident alien, nonimmigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the system:

File contains alphanumeric: Employee's name; address; social security number (SSN); exchange number; Federal, social security, State or local information; and other information required.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Printout in replica of wage and tax statement Form W-2 on microfiche. File is utilized to reply to valid inquiries and to replace lost W-2 Forms for employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

Storage:

Computer tape and microfiche printout.

Retrievability:

By employee's last name.

Safeguards:

Tape file maintained at Data Systems Division, Comptroller Processing Branch, Tape Library. Retrievability requests should be written and requires authority of Comptroller.

Retention and disposal:

Destroy microfiche after 5 years.

System manager(s) and address:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: Comptroller, Payroll Branch, Dallas, TX 75222. Telephone: Area Code 214/330-3870.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

At end of year from mechanically stored payroll data (Payroll Master File).

Systems exempt from certain provisions of the act:

None.

AAFE0S703.10

System name:

703.10 Employer's Quarterly Federal Tax Return Files

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Comptroller Division, Payroll Branch, Dallas, TX 75222.

Categories of individuals covered by the system:

All United States citizens (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the system:

These files consist of Treasury Department Form 941, other comparable forms, computer printouts, magnetic tape, and related documents showing reports of Federal and State tax withheld from employees and the banking and payment thereof.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For reconciliation of payment of taxes withheld from employees and employer's share.

To provide Internal Revenue Service (IRS) with magnetic tape representing wages covered by Social Security.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

Storage:

Computer tape and microfilm received from IRS and computer printouts.

Retrievability:

By social security number (SSN).

Safeguards:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel on a need-to-know basis.

Retention and disposal:

Destroy after 5 years.

System manager(s) and address:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES ATTN: Comptroller, Payroll Branch, Dallas, TX 75222. Telephone: Area Code 214/330-3870.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222.

Written requests or information should contain the full name of the individual, SSN, current address, and telephone number; if terminated, date of separation and last location in addition to the above.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Data stored in payroll master file.

Systems exempt from certain provisions of the act:

None.

AAFES0703.11

System name:

703.11 Wage and Separation Information Report Files.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Comptroller Division, Payroll Branch, Dallas, TX 75222.

Categories of individuals covered by the system:

All United States citizens (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time temporary part-time, and intermittent employment.

Categories of records in the system:

File contains alpha-numeric: Employee's social security number (SSN), employee's name, last employment facility, reason for separation, and wage data as requested.

Authority for maintenance of the system.

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To furnish data requested by State Employment Service.

Polices and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

Storage:

Documents maintained alphabetically in file folders.

Retrievability:

By employee's name.

Safeguards:

Building employees security guards. Records are maintained in areas accessible only to authorized personnel on a need-to-know basis.

Retention and disposal:

Destroy after 4 years.

System manager(s) and address:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: Comptroller, Payroll Branch, Dallas, TX 75222. Telephone: Area Code 214/330-3870.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222.

Written request for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Document received from State Employment Service. Data retrieved from computer printouts, microfilm, and personnel actions.

Systems exempt from certain provisons of the act:

None.

AAFES0703.12

System name:

703.12 Payroll Adjustment Files.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Comptroller Division, Payroll Branch, Dallas, TX 75222.

Categories of individuals covered by the system:

All United States citizens (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the system:

File contains alpha-numeric: Facility number, employee's number, social security number (SSN), hours, and dollar amount by type to be paid to or withheld from employee.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To adjust employee's pay due to retroactive increases/decreases or over/under withholding deductions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

Storage:

By exchange number within pay period ending date. Copy maintained in Servicing Personnel Office and copy furnished to employee.

Retrievability:

By Exchange; by employee's name.

Safeguards:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel on a need-to-know basis.

Retention and disposal:

Destroy after 4 years.

System manager(s) and address:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: Comptroller, Payroll Branch, Dallas, TX 75222. Telephone: Area Code 214-330-3870.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address, and telephone number; if terminated, date of separation and last location in addition to the above.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Documents completed by Servicing Personnel Offices of HQ AAFES, Comptroller Division, Payroll Branch.

Systems exempt from certain provisions of the act:

None.

AAFES0703.13

System name:

703.13 Levy and Garnishment Files.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Comptroller Division, Payroll Branch, Dallas TX 75222.

Categories of individuals covered by the system:

All United States citizens (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the system:

File contains alphanumeric: Employee's name, social security number (SSN), and tax assessment data. File is applicable only to Internal Revenue Service (IRS) Notice of Levy.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To comply with IRS requirements regarding the Notice of Levy.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

Storage:

Paper documents maintained in file folders.

Retrievability:

Filed alphabetically by employee's name.

Safeguards:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel on a need-to-know basis.

Retention and disposal:

Destroy after 4 years.

System manager(s) and address:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: Comptroller, Payroll Branch, Dallas, TX 75222. Telephone: Area Code 214-330-3870.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Notice of Levy received from IRS.

Systems exempt from certain provisions of the act:

None.

AAFES0703.14

System name:

703.14 Payroll Report Files.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; in continental United States: AAFES Exchange Regions, Area Exchanges, post and base exchanges including satellites; Overseas: HQ AAFES-Europe, HQ AAFES-Pacific and HQ AAFES-Alaska.

Categories of individuals covered by the system:

All United States citizens (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the system:

File contains alphanumeric: Facility number, employee's name, social security number (SSN) or pseudo number, employee category, pay plan, current wages and deductions, quarter-to-date wages, year-to-date wages and deductions, hours worked, and leave hours accrued and taken.

Authority for maintenance of the system:

Title 5 U.S.C., Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Computer printouts distributed biweekly to Exchanges to facilitate adjustment to employee's pay, if applicable, and to identify payments to employee unions, associations, Federal campaigns, allotments, and to facilitate payment of Federal and State taxes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

Storage:

Computer magnetic tape, computer printouts, and microfiche.

Retrievability:

Usually by SSNS within Exchange.

Safeguards:

Tape file maintained at Data Systems Division, Computer Processing Branch—Computer Processing Tape Library. Retrievability request must be written and requires approval of the Comptroller.

Retention and disposal:

Destroy after 4 years.

System manager(s) and address:

Chief, Payroll Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: Comptroller, Payroll Branch, Dallas, TX 75222. Telephone: Area Code 214-330-3870.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CM-M, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of separation and last location in addition to the above.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Payroll master file.

Systems exempt from certain provisions of the act:

None.

AAFES0704.07

System name:

704.07 Fidelity Bond Files.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; In continental United States: AAFES Exchange Regions, Area Exchanges; Overseas: HQ AAFES-Europe, HQ AAFES-Pacific, HQ AAFES-Alaska and Exchange Regions.

Categories of individuals covered by the system:

All United States citizen (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time temporary full-time employment.

Categories of records in the system:

File contains fidelity bond applications, transmittal letter to insurance company, and related correspondence.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012

Routine uses of records maintined in the system, including categories of users and the purposes of such uses:

Exchange activities listed in System Location. Uses to assure that all individuals submitted a fidelity bond application. The originals are submitted to the bonding company for review and retention.

Policy and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records in AAFES are retrieved, retained, stored, and disposed of by authorization of the Comptroller.

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name of employee.

Safeguards:

Records are maintained in area accessible only to authorized personnel.

Retention and disposal:

Cutoff as close of fiscal year in which bond becomes inactive. Destroy after 3 years.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notification precedure:

Information may be obtained from: HQ AAFES, ATTN: Personnel Division, Dallas, TX 75222. Telephone: Area Code 214-330-2621.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, social security number, current address, and telephone.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Fidelity bond applications completed by the employee; correspondence relating thereto.

Systems exempt from certain provisions of the act:

None.

AAFES0803.01

System name:

803.01 AAFES Incident Record

System location:

Primary System: Safety and Security Office, Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

Decentralized Segments: Safety and Security Offices in Overseas Exchange System Regions.

Categories of individuals covered by the system:

Any individual suspected to be involved in criminal activities/fires/accidents at AAFES activities or involving AAFES property who are identified in criminal reports of investigation furnished AAFES by military and civilian investigating agencies.

Categories of records in the system:

AAFES Incident Record.

Authority for maintenance of the system:

Title 44 U.S.C., Section 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To identify in a single AAFES record system, criminal reports prepared by investigating and law enforcment agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records stored in card index filing cabinets.

Retrievability:

Filed alphabetically by last name of individual and by identifier code.

Safeguards:

Buildings have security guards. Files kept in locked file cabinets. Records available only to those with a need-to-know.

Retention and disposal:

Records are retained until corresponding investigative files are destroyed or until the records are no longer needed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

System manager(s) and address:

Director, Safety and Security Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: SS, Dallas, TX 75222. Telephone: Area Code 214/330-2721.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: SS, Dallas, TX 75222.

Written requests for information should contain the full name of the individual; correct address; telephone number; status; job title; social security number; and time, date, and place incident occurred.

For personal visits, the individual should be able to provide acceptable identification.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source category:

AAFES Incident Reports and Criminal Investigative Reports.

Systems exempt from certain provisions of the act:

None.

AAFES0903.06a

System name:

903.06a Systems Magnetic Tape Files

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

Categories of individuals covered by the system:

All United States citizen (to include permanent-resident alien, non-immigrant alien) employees with categories of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the system:

Files contain information on (a) nonmanagerial employees: social security number (SSN); name; Exchange location; home address to include street, city, state/country, zip code/Army Post Office (APO); date of birth; date of hire, leave accrual date; retirement participation date; service award base date; citizenship; marital status; sex; security clearance and type; current and/or prior military status; prior AAFES service and type; sponsor affiliation where the employee is a dependent of a U.S. government/military member; job code and title; employment category; pay plan; wage schedule, number, grade, and step; base hourly rate; scheduled work week

and shift; commission rate where applicable to commission pay plan employees; Federal exemptions; State exemptions; type of insurance coverage; deductions to include janitorial fee, union dues, employees' association, Combined Federal Campaign, and Panamanian hospital and life insurance supplement; and (b) managerial employees: All of the above as well as mobility statue; place of birth; date in grade and step; assignment/health restrictions; date of last Excecutive Management Program (EMP) physical examination; passport issuance date; number of dependents to accompany upon reassignment; dates and number of months' active military service; date assigned to an overseas area; date returned to the continental United States (CONUS); foreign languages to include degree of proficiency; education to include high school, name of college, major, minor, type of degree, date completed, non-graduate semester/quarter hours completed, whether or not currently enrolled in college, and whether or not seeking a degree; professional licenses; professional/technical field of study to include date completed; assignment preference locations (overseas and with CONUS); career area interests outside current field; dependents to include name, date of birth, relationship, country of citizenship, health restrictions, and emergency contact to include name and address; whether or not employee is home-owner; training courses to include date, title, type (AAFES, management development, correspondence, professional/technical); EMP member and date status attained; and Personnel Evaluation Report (PER) to include period covered, total score, overall evaluation, promotion potential, career area, and recommended outside career area.

Authority for maintenance of the system:

Title 10, U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personnel Division: To accomplish statistical anaylsis of the work force for the purposes of projecting trends in such areas as personnel costs, organizational configurations, strength requirements, etc. For managerial employees: to obtain information on current and past employment for the purposes of job assignment, promotions, and career progression.

Comptroller Division: To provide updated data on pay and deductions necessary to compute bi-weekly payrolls.

Servicing Personnel Offices: To provide hard-copy documentation on employee's current pay and job data, career progression, cost analysis, etc.

Employee: To provide a permanent record of his personal master file as updated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed of by authorization of the Director, Personnel Division.

Storage:

Disk file and computer printout.

Retrievability:

Usually by SSN; however, capability exists to retrieve by any data item listed under Record-Category.

Safeguards:

Disk files maintained in locked room. Retrievability requests must be written and approved by Director, Personnel Division.

Retention and disposal:

Disk file: Retained for 18 months after separation and destroyed, with the exception of employees terminated under disciplinary action (ineligible for rehire), retired employees, and all Universal Annual Salary Plan employees whose file remains a permanent record.

Personnel Management Information System: back-up tapes retained for 90 days, computer printouts of purged files maintained for 1 year.

System manager(s) and address:

Director, Personnel Division, HQ AFFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214-330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Personnel Action; PER and Personal Profile Questionnaires for managerial personnel only; bonds.

Systems exempt from certain provisions of the act:

None.

AAFES0903.06c

System name:

903.06 Systems Magnetic Tape Files

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222.

Categories of individuals covered by the system:

All United States citizen (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the system:

Managerial and nonmanagerial employees: social security number (SSN); name, job title; course number and name, date enrolled, enrollment action/status, and transaction data.

Authority for maintenance of the system:

Title 10, U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personnel Division: To provide updated data on employees worldwide who are enrolled in Management Developement Program (MDP) courses as to status of participation, drop-out, or completion.

Servicing Personnel Offices: To provide updated data on employees under jurisdiction of particular servicing personnel offices, who are enrolled in MPD courses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed of by authorization of the Director, Personnel Division.

Storage:

Disk file and computer printout.

Retrievability:

By SSN.

Safeguards:

Disk files maintained in locked room. Retrievability requests must be approved by Director, Personnel Division.

Retention and disposal:

Disk file is retained for 90 days after processing cycle is completed.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-3871.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, Dallas, TX 75222.

Contesting record procedures:

The agency's rules for access to records and for contesting and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

AAFES Form 1850-33, Study Course-Notice of Status.

Systems exempt from certain provisions of the act:

None.

AAFES0903.06f

System name:

903.06f Personnel Management Information System (PMIS)

System location:

Disk files and computer tapes are maintained at Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222. System maintenance and output products are maintained by Servicing Personnel Offices of the AAFES.

Categories of individuals covered by the system:

All United States citizens (to include permanent-resident alien, non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time, and intermittent employment.

Categories of records in the system:

The system consists of those documents necessary to maintain the centralized AAFES personnel data base, that information which is mechanically stored, and a variety of computer printouts related to the personnel management function of AAFES. The system contains the following information: (a) non-managerial employees: social security number (SSN); name; Exchange location; home address to include street, city, state/county, zip code/Army Post Office (APO); date of birth; date of hire; leave accrual date; retirement participation date; service award base date; citizenship; marital status; sex/security clearance and type; current and prior military status; prior AAFES service and type; sponsor affiliation where the employee is a dependent of a U.S. Government/military member; job code and title; employment category; pay plan; wage schedule number; grade/step; base hourly rate; scheduled work week and shift; commission rate where applicable to commission pay plan employees; Federal and State exemptions; type of insurance coverage; deductions to include janitorial fee, union dues, employees' association, Combined Federal Campaign, Panamanian hospital and life insurance supplement; disability identification; minority code; city tax code and deduction; (b) managerial employees: all of the above as well as mobility status; place of birth, date in grade and step; assignment/health restrictions; date of last Executive Management Program (EMP) physical examination; passport issuance date; number of dependents to accompany upon reassignment; dates of military service; number of months' active military service; date assigned to an overseas area; date returned to the continental United States (CONUS); foreign languages to include degree of proficiency; education to include high school, name of college, major, minor type of degree, date completed, nongraduate semester/quarters hours completed, whether or not currently enrolled in college and seeking a degree; professional licenses; professional/technical field of study to include date completed; assignment preference location (overseas and within CONUS); career area interests outside current field; dependents to include name, date of birth, relationship, country of citizenship, and health restrictions; emergency contact to include name and address; whether or not employee is home-owner; training courses to include date, title, type (AAFES, management development, correspondence, professional/technical); EMP member and date status attained; and Personnel Evaluation Report to include period covered, total score, overall evaluation, promotion potential, career area, and recommended outside career area.

Authority for maintenance of the system:

Title 10 U.S.C., Sections 3012 and 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personnel Division: To produce statistical reports (without individual identification) for various echelons of AAFES management for use in projecting trends and evaluating results in such areas as personnel costs, oreganizational configurations, strength requirements, etc., or evaluating programs not directly related to personnel management function; to obtain information on individual's current and past employment for the purposes of job assignments, promotions, and career progression; to identify and correct errors in employees' computerized data files; and to provide summary reports (with or without personal identification) in support of the function for which the records are maintained or for related personnel management or manpower studies.

Comptroller Division: To provide updated data on pay and deductions necessary to computer bi-weekly payrolls and/or to determine the validity of individual claims related to pay adjustments.

Audits and Inspection Division: To produce summary reports (with or without personal identification) in support of auditing the conduct of personnel programs within various AAFES elements.

Office of the Commander: To provide summary statistics (without individual identification) to evaluate AAFES Equal Employment Opportunity (EEO) programs and to report to the Civil Service Commission; and to produce summary listings or information (with or without individual identification) necessary to the investigation of EEO complaints or grievances.

Servicing Personnel Offices: To provide hard-copy documentation on employee's current pay and job data, career progression, cost analysis, etc.; to produce statistical reports (without individual identification) for various echelons of AAFES management for use in projecting trends and evaluating results in such areas as personnel costs, organizational configurations, strength requirements, etc., or evaluating programs not directly related to personnel management functions; to obtain information on individual's current and past employment for the purpose of job assignments, promotions, and career progression; to identify and correct errors in employees' computerized data files; and to provide summary reports (with or without personal identification) in support of the function for which the records are

maintained or for related personnel management or manpower studies.

Employee: To provide a permanent record of his/her personal master file as updated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

All records are retrieved, retained, stored, and disposed of by authorization of the Director, Personnel Division.

Storage:

Records are maintained on disk file, computer tapes, computer printouts, and in file folders.

Retrievability:

Computer records are indexed by SSN but may be retrieved by any data item listed under Record Category. Computer printouts are normally indexed by SSN within employment location but may be sorted chronologically and/or on the basis of any data item listed under Record Category.

Safeguards:

Disk files and tapes are located in restricted areas accessible only to authorized personnel who are properly screened, cleared, and trained. Retrievability requests must be written and under the signature of the Director, Personnel Division; manual records and computer printouts which contain individual identification are maintained in locked file drawers or storage cabinets and are available only to individuals having a need-to-know.

Retention and disposal:

Disk file retained for 18 months after separation and destroyed, with the exception of employees terminated under disciplinary action (ineligible for rehire), retired employees, and all Universal Annual Salary Plan employees whose file remains a permanent record. PMIS back-up tapes retained for 90 days. Computer printouts are maintained as follows: system edit reports are destroyed upon verification that identified errors have been corrected; printouts produced in connection with management functions (as described in routine uses) are maintained for periods varying from 2 to 10 years, and source documents and computer printouts which are included as part of the employee's official personnel folder are permanent.

System manager(s) and address:

Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information may be obtained from: HQ AAFES, ATTN: PE, Dallas, TX 75222. Telephone: Area Code 214/330-2761.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: PE, Dallas, TX 75222.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number; if terminated, date of birth, date of separation, and last employing location in addition to the above.

Visits are limited to HQ AAFES, Director, Personnel Division, HQ AAFES, Dallas, TX 75222.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Employee, employee's supervisor, Servicing Personnel Office representatives, and other AAFES management officials.

Systems exempt from certain provisions of the act:

None.

AAFES1204.07

System name:

1204 Customers' Merchandise Returned for Repair or Replacement.

System location:

Headquarters (HQ) Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; HQ AAFES-Pacific; HQ AAFES-Europe; HQ AAFES-Alaska; all continental United States and oversea exchange regions, area exchanges, and post and base exchanges and satellites within the AAFES system.

Categories of individuals covered by the system:

All AAFES Customers to include, military, retirees, civilians, and civilian dependents.

Categories of records in the system:

File contains charge or credit vouchers, shipping and receiving documents, warranty docuements, correspondence between AAFES and customers, and correspondence between AAFES and vendors.

Authority for maintenance of the system:

Title 10 U.S.C., Sections 3012 and 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To document receipt from customers of merchandise which is subsequently returned to vendors for repair or replacement. Used for follow-up actions with vendor and provides details of vendor's actions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing or records in the system:

Storage:

Paper records in file folders.

Retrievability:

Alphabetically by last name of customer.

Safeguards:

Records are maintained in areas accessible only to authorized personnel. Paper documents are maintained in steel storage cabinets.

Retention and disposal:

Records are retained in current files until close of fiscal year in which transaction is completed. At year end, files are stored and subsequently destroyed after 2 years.

System manager(s) and address:

Chief, General Accounting Branch, Comptroller, HQ AAFES, Dallas, TX 75222.

Notification procedure:

Information should be obtained from HQ AAFES, ATTN: Comptroller Division, General Accounting Branch, Dallas, TX 75222. Telephone; Area Code 214/330-2631.

Record access procedures:

Requests from individuals should be addressed to: HQ AAFES, ATTN: CM-C, Dallas TX 75222.

Written requests for information should contain the full name of the customer, current address and telephone number; AAFES activity to which the merchandise was returned, and date of return.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Information is collected directly from the customer in writing or verbally. Additional data may be obtained from correspondence between AAFES and vendors.

Systems exempt from certain provisions of the act:

None.

[FR Doc. 78-29211 Filed 10-18-78; 8:45 am]

Federal Register

THURSDAY, OCTOBER 19, 1978
PART III

DEPARTMENT OF ENERGY

STANDARDS OF CONDUCT FOR EMPLOYEES

Proposed Rules

[3128-01-M]

DEPARTMENT OF ENERGY

[10 CFR Parts 207, 735, and 1010]

CONDUCT OF EMPLOYEES

Proposed Standards

AGENCY: Department of Energy.

ACTION: Proposed regulations.

SUMMARY: These regulations prescribe standards of conduct for all employees of the Department of Energy except employees of the Federal Energy Regulatory Commission (FERC). The Department of Energy (DOE) intends these regulation to incorporate those prohibitions, restrictions, and requirements, statutory and otherwise, designed to assure the ethical conduct of employees. All DOE employees except employees of the Federal Energy Regulatory Commission (FERC) are subject to these regulations, which are intended to supersede other regulations applicable to employees prior to their commencement of DOE service. FERC employees are subject to only those provisions implementing the requirements of sections 601 through 608 of the Department of Energy Organization Act (Pub. L. 95-91). Those provisions are specifically listed and identified in the regulations.

DATE: Comments must be received on or before December 18, 1978.

ADDRESS: Send comments to: Department of Energy, Box TS, 2000 M Street, Room 2313, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Ralph D. Goldenberg, Acting Assistant General Counsel for Standards of Conduct, 301-353-5285.

SUPPLEMENTARY INFORMATION:

I. Background

These regulation prescribe standards of conduct for all employees of the Department of Energy except employees of the Federal Energy Regulatory Commission (FERC). Only those provisions specifically designated are applied to employees of FERC. Incorporated in these regulations are the requirements of sections 601 through 608 of the Department of Energy Organization Act (Pub. L. 95-91), section 522 of the Energy Policy and Conservation Act (Pub. L. 94-163), section 308 of the Energy Research and Development Administration Appropriation Authorization Act (Pub. L. 95-39), and section 201(f) of the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95-87). These regulations also reflect requirements of 18 U.S.C. 201-209, Executive Order 11222 and applicable regulations of the Civil Service Commission (5 CFR Part 735). These regulations, when effective, will supersede conduct of employee regulations for the Energy Research and Development Administration (10 CFR Part 735), and the Federal Energy Administration (10 CFR Part 203). These regulations are divided into six subparts, as discussed below.

II. Discussion

Subpart A—"General"

This general introductory subpart of the regulations provides an explanation of the scope and applicability of the regulations, the duties and responsibilities of DOE employees, reviewing officials, the Director of Personnel, and the General Counsels of the Department and the Federal Energy Regulatory Commission (FERC). Definitions of terms used in the regulations are also contained in Subpart A.

Subpart B—"Standards of Conduct"

Subpart B contains the bulk of those provisions which guide DOE employees in their day-to-day activities. The restrictions contained in those provisions include the following:

All employees are cautioned to avoid any action which might result in, or create the appearance of, using public office for private gain, giving preferential treatement to any person, impeding Government efficiency or economy, making a Government decision outside official channels, or affecting adversely the confidence of the public in the integrity of the Government.

A supervisory employee may not engage in outside employment without first obtaining approval of the employee's reviewing official and the Counselor; any other employee must provide advance notice to his or her reviewing official.

Honoraria or fees may be accepted only for activities approved by the employee's reviewing official and the Counselor. No DOE employee shall receive compensation for any consultation, lecture, writing, etc., devoted substantially to DOE activities, drawn substantially from DOE information not publicly available, or sponsored by an interested party.

A DOE employee shall not solicit or accept, directly or indirectly, anything of monetary value (including complimentary meals and beverages) from an "interested party". An interested party is a person or entity that is, or seeks to become, engaged in financial transactions with DOE, that conducts activities regulated by DOE, or that may be substantially affected by the DOE employee's performance or nonperformance of assigned duties. Exceptions to this general rule include items available impersonally to the general public such as exhibits at fairs; loans on customary terms for usual activities such as home mortgage loans; gifts, entertainment, or favors where it is clear the motivating factor is a personal relationship rather than the business interests of the persons concerned; food and refreshments of insubstantial value and local transportation when alternative arrangements cannot be made; exchanges of entertainment and social amenities with representatives of foreign governments in accordance with diplomatic custom; and transportation, lodging, and subsistence paid by a foreign government or an international organization pursuant to treaty or U.S. statute. The Department is currently developing regulations which will implement the Foreign Gifts and Decorations Act, 5 U.S.C. 7342, as amended by Pub. L. 95-105, section 15 (August 15, 1977).

DOE employees are governed by the provisions of the Hatch Act which generally prohibit Federal employees from taking an active part in political management or political campaigns or using official authority or influence to interfere with an election or affect its results.

Employees shall not misuse Government property; engage in discrimination; misuse official information obtained through or in connection with the employee's Government employment; participate in any gambling activity while on Government property; fail to pay just financial obligations; misuse funds entrusted to the employee by fellow employees; or endorse in an official capacity the proprietary products or processes of manufacturers or other commercial firms.

Subpart C—"Restrictions on Financial, Employment, and Similar Interests"

This subpart contains more specific restrictions with which employees must comply in order to avoid having or appearing to have a conflict between an employee's financial, employment and similar interests and the employee's Government duties and responsibilities.

Unless specifically permitted, no employee may participate personally and substantially in any particular matter in which, to the employee's knowledge, the employee or the employee's spouse or minor child has a financial interest. Financial interests in mutual funds or regulated investment companies that have widely diversified portfolios, and similarly constituted entities are exempted from this restriction. An employee having a financial interest in a particular matter that is within the scope of the employee's official duties shall disclose in writing that interest to the Counselor and the employee's reviewing official. An employee negotiating or arranging pro-

spective employment with any entity may not participate personally and substantially as a Government employee in a particular matter when the employee knows that entity has a financial interest in the matter.

If a DOE employee terminates employment with the Government, that employee may never act as agent or attorney for anyone other than the United States in a particular matter involving a particular party or parties in which the United States is involved or has an interest if the former employee participated in the matter personally and substantially while employed by the Government. If the particular matter was merely within the boundaries of the former employee's official responsibilities during any part of the last year of the employee's Government service, the former employee is prohibited from appearing personally before any court or agency of the Government on behalf of anyone other than the United States with respect to that matter for 1 year after termination of the employee's official responsibility for that matter.

In addition to the above restrictions, the Department of Energy Organization Act prohibits "supervisory employees" of the Department from holding interests in energy concerns. "Supervisory employee" is defined as any employee at specified senior grade or pay levels or certain organizational levels. The term also includes employees performing certain specified functions and other employees designated by the Secretary who exercise sufficient decisionmaking or regulatory authority to warrant application of this prohibition; these employees will be identified as the Department's organizational structure solidifies. Appendix II of these regulations will contain a listing of the names or positions of supervisory employees and will be amended as circumstances warrant. The DOE Organization Act defines "energy concern" as any person having an interest in property from which certain energy resources are commercially obtained, or any person significantly engaged in any of a variety of business activities such as developing, producing, refining, distributing or selling minerals for use as an energy source; or producing, generating, transmitting, distributing, or selling electric power. A nonexclusive list of energy concerns will be published periodically to assist employees in identifying prohibited and/or reportable interests. The initial list of energy concerns was published in March 1978. The absence of a particular entity on the list shall not stay the application of any prohibition or restriction of these regulations. DOE is refining the criteria for identification of energy concerns. Such criteria will be incorporated into these regulations when they are established. Requests for determinations as to whether any particular entity is an energy concern should be submitted to the General Counsel of DOE.

In addition, supervisory employees employed by energy concerns prior to commencing service in the DOE are prohibited for 1 year after commencing DOE service from participating in any Department proceeding in which the employee while employed by an energy concern participated substantially or personally or for which the employee had direct responsibility, within 5 years of joining the Department. The supervisory employee is similarly prohibited from participating in Department proceedings involving an energy concern for 1 year after terminating employment with that energy concern other than in a rulemaking proceeding which has a substantial effect on numerous energy concerns. These regulations define Department proceeding to include a judicial proceeding, Department hearing, application, rulemaking, order, license, contract, grant, award, fund transfer, claim, controversy, charge, accusation, or arrest, in which the Department is directly involved.

Finally, supervisory employees are generally prohibited for 1 year after ceasing DOE employment from knowingly, with respect to a particular matter pending before the Department, making any communication to the DOE with intent to influence a DOE action, or making any appearance or attendance before DOE. An appearance or attendance is defined as the former employee's personal presence before a DOE employee conducting official DOE business, with direct or indirect contact between the former employee and the DOE employee relating to such official business. In person or other responses to requests from DOE officials for information relating to the former employee's duties in the Department are not encompassed by this definition.

All employees performing functions under the Surface Mining Control and Reclamation Act of 1977 are prohibited from having a financial interest in surface or underground coal mining operations. Appendix IV of these regulations will contain a list, by position, of employees performing such functions. This list is currently being compiled.

SUBPART D—"REPORTS"

Certain DOE employees will be required to file reports with their reviewing officials or the Counselor, as appropriate. Generally, all employees must file reports of financial interests unless they occupy positions specifically exempted from the disclosure requirements. Appendix I of these regulations will contain a list of exempted positions for the Department; positions may be exempted for FERC in the future.

Certain reports are required by law to be made publicly available. Lists of persons requesting access to an employee's reports will be made available to that employee.

It is intended that the report required by § 1010.403 of these regulations satisfy the reporting requirements of section 603 of Pub. L. 95-91 (42 U.S.C. 7213), section 522 of Pub. L. 94-163 (42 U.S.C. 6392) and section 308 of Pub. L. 95-39 (42 U.S.C. 5816a).

SUBPART E—"PROCEDURES AND SANCTIONS"

Subpart E explains the procedures employees should follow in seeking counseling or interpretation concerning these regulations. The Counselor will be responsible for counseling and providing interpretation. This subpart also includes procedures for seeking waivers from the restrictions or prohibitions in these regulations.

Finally, the penalties for noncompliance with these regulations are explained in Subpart E. The penalties range from administrative sanctions to civil and criminal penalties. For example, administrative sanctions may be imposed against reviewing officials for failure to perform review functions properly.

SUBPART F—"SPECIAL GOVERNMENT EMPLOYEES"

This subpart deals only with special Government employees and supplements provisions in the other subparts. Special Government employees are those employees retained or employed with or without compensation for 130 days or less during any 365 consecutive days.

III. Revocations

These regulations when effective will supersede conduct of employee regulations for the Energy Research and Development Administration (10 CFR Part 735), and the Federal Energy Administration (10 CFR Part 203).

IV. Comments

To the extent that section 501 of the DOE Organization Act (42 U.S.C. 7191) is applicable to these regulations, it has been determined that no substantial issue of fact or law exists and that these regulations are unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Therefore these regulations are being promulgated in accordance with section 553 of Title 5, United States Code. These reg-

ulations relate to Department management and personnel and therefore could be made final without notice and comment period (5 U.S.C. 553(a)(2)). However, written comments are solicited and a 60-day comment period is provided. Comments must be received by 4:30 p.m. e.d.t., December 18, 1978 at the address indicated in the "Address" section of this preamble. Seven copies of the comments should be submitted.

(Department of Energy Organization Act, sections 601-608, 42 U.S.C. 7211-7218; Energy Policy and Conservation Act, section 522, 42 U.S.C. 6392; Energy Research and Development Administration Appropriation Authorization Act, section 308, 42 U.S.C. 5816a; and 5 CFR Part 735.)

Issued in Washington, D.C., October 11, 1978.

LYNN R. COLEMAN,
General Counsel.

It is proposed to amend 10 CFR Ch. X by adding Part 1010 to read as follows:[1]

PART 1010—CONDUCT OF EMPLOYEES

Subpart A—General

Sec.
1010.101 Purpose and scope.
1010.102 Applicability.
1010.103 Definitions (applicable to FERC).
1010.104 Responsibilities and authorities.
1010.105 Counseling and interpretations.

Subpart B—Standards of Conduct

1010.201 General.
1010.202 Additional statutory provisions.
1010.203 Salary of an employee payable only by the United States.
1010.204 Outside employment and other outside activity.
1010.205 Gifts, entertainment, and favors.
1010.206 Political activity.
1010.207 Use of Government property.
1010.208 Nondiscrimination.
1010.209 Misuse of information.
1010.210 Indebtedness.
1010.211 Gambling, betting, and lotteries.
1010.212 Handling of funds entrusted by fellow employees.
1010.213 Endorsements.
1010.214 Use of credentials.
1010.215 Assignees pursuant to the Intergovernmental Personnel Act and the President's Executive Interchange Program.
1010.216 Guidelines for Economic Regulatory Administration Employees in Conduct of Audits.

Subpart C—Restrictions on Financial, Employment and Similar Interests

1010.301 General.
1010.302 Restrictions concerning private financial interests.
1010.303 Postemployment restrictions.
1010.304 Participation prohibitions.
1010.305 Exceptions and waivers.

[1]These regulations when effective will supersede conduct of employee regulations for Energy Research and Development Administration (10 CFR Part 735) and the Federal Energy Administration (10 CFR Part 203).

Subpart D—Reports

1010.401 General.
1010.402 Availability of reports.
1010.403 Statements of employment and financial interests, and interests in energy concerns.
1010.404 Statement of interests in coal mining operations.
1010.405 Prior employment report—supervisory employees.
1010.406 Postemployment report—supervisory employees.
1010.407 Filing of forms DOE-459, DOE-460, and DOE-461.

Subpart E—Procedures and Sanctions

1010.501 Waivers.
1010.502 Sanctions.
1010.503 Appeals and grievances.
1010.504 Cancellation of contracts.

Subpart F—Special Government Employees

1010.601 Use of Government employment.
1010.602 Use of inside information.
1010.603 Coercion.
1010.604 Gifts, entertainment, and favors.
1010.605 Other provisions.

Appendix I [Reserved]
Appendix II [Reserved]
Appendix III A Form DOE-459.
Appendix III B Form DOE-460.
Appendix III C Form DOE-461.
Appendix IV [Reserved]

AUTHORITY: Pub. L. 95-91, section 644, 91 Stat. 599 (42 U.S.C. 7254); Pub. L. 95-91, Title VI, Part A, 91 Stat. 591-596 (42 U.S.C. 7211-7218); Pub. L. 94-163, section 522, 89 Stat. 961 (42 U.S.C. 6392); Pub. L. 95-39, section 308 (42 U.S.C. 5816a).

Subpart A—General

§ 1010.101 Purpose and scope.

(a) In order to assure that the business of the Department of Energy (DOE) is conducted effectively, objectively and without improper influence or the appearance thereof, all employees must be persons of high integrity and observe unquestionable standards of behavior. An employee shall not engage in criminal, infamous, dishonest, immoral, or disgraceful conduct or other conduct prejudicial to the Government. An employee shall avoid conflicts of private interests with public duties and responsibilities. Also, the employee must not do indirectly what would be improper to do directly. The propriety of any activity shall be considered in relation to general ethical standards of the highest order.

(b) These regulations are intended to implement the foregoing concepts. They are issued in compliance with Executive Order 11222, 5 CFR Part 735, and the following statutes:

(1) 18 U.S.C. 201-209.

(2) Pub. L. 95-91, sections 601-608 (42 U.S.C. 7211-7218).

(3) Pub. L. 94-163, section 522 (42 U.S.C. 6392).

(4) Pub. L. 95-39, section 308 (42 U.S.C. 5816a).

(5) Pub. L. 95-87, section 201(f) (30 U.S.C. 1211(f)).

(6) 30 U.S.C. 6.

In addition to the foregoing, these regulations implement other statutes cited elsewhere herein.

(c) These regulations, among other things, reflect prohibitions and requirements imposed by the criminal and civil laws of the United States. These regulations do not purport to reflect or enumerate all restrictions or requirements imposed by statutes, Executive Orders, regulations or otherwise upon Federal employees and former Federal employees. The omission of a restatement of or a reference to any such restriction or requirement in no way alters the legal effect of that restriction or requirement and any such restriction or requirement, as the case may be, continues to be applicable to employees in accordance with its own terms.

(d) It is expected that the provisions of these regulations will be observed and administered in a manner which is consistent with both their spirit and their letter.

§ 1010.102 Applicability.

(a) Except where specifically provided otherwise, these regulations apply to all officers, employees, and special Government employees of DOE, excluding officers, employees, or special Government employees of the Federal Energy Regulatory Commission (FERC).

(b) Those provisions hereinafter that are applicable to officers, employees, and special Government employees of FERC in addition to DOE employees are designated by "(Applicable to FERC)" and include: §§ 1010.103, 1010.104(g), 1010.215(a), 1010.302(b), 1010.303(b), 1010.303(c), 1010.304(b), 1010.304(c), 1010.305(d), 1010.401, 1010.402, 1010.403(b), 1010.403(c), 1010.403(d), 1010.405, 1010.406, 1010.407, 1010.501(a)(1), 1010.501(a)(2), 1010.501(a)(4), 1010.501(c), 1010.501(d), 1010.501(e), 1010.502(b), 1010.502(c), 1010.502(d), 1010.502(e), 1010.503, 1010.605(b), Appendix I, Appendix II, Appendix IIIA, Appendix IIIB, and Appendix IIIC.

(c) Special Government employees should also see Subpart F of these regulations.

§ 1010.103 Definitions (Applicable to FERC).

(a) "Secretary" means the Secretary of Energy as provided by the Department of Energy Organization Act, section 201, Pub. L. 95-91 (42 U.S.C. 7131), or his delegate.

(b) "Administrator" means any of the heads of the Energy Information Administration, Economic Regulatory Administration, Bonneville Power Administration, Southeastern Power Administration, Southwestern Power Administration, Alaska Power Adminis-

tration, or Western Area Power Administration.

(c) "Appearance or attendance" means, for the purposes of section 605 of Pub. L. 95-91 (42 U.S.C. 7215), a former employee's personal presence before a DOE employee conducting official DOE business involving direct or indirect contact between the former employee and the DOE employee relating to such official business. In person, or other responses to requests from DOE officials for information relating to the former employee's duties in the Department are not encompassed by this definition.

(d) "Commission" or "FERC" means the Federal Energy Regulatory Commission established by Title IV of the Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7171-7177).

(e) "Counselor" means the General Counsel of the Department or the General Counsel of the Commission or Deputy Counselors designated by either of the General Counsels, as appropriate.

(f) "DOE" or "Department" means the Department of Energy established by the Department of Energy Organization Act, section 201, Pub. L. 95-91 (42 U.S.C. 7131).

(g) "Department proceeding" means any judicial proceeding, Department hearing, application, rulemaking, order, license, contract, grant award, fund transfer, claim, controversy, charge, accusation, or arrest, in which the Department is directly involved.

(h) "Dependent" means dependent as defined in section 152 of the Internal Revenue Code of 1954, as amended.

(i) "Employee" means a DOE officer or employee (including, except where otherwise indicated, a special Government employee), or a member of the Uniformed Services (other than enlisted members) or an employee of another Government agency assigned or detailed to DOE.

(j) "Energy concern" means:

(1) Any person listed on the Energy Concern List published by DOE; or

(2) Any other person:

(i) Holding an interest in property from which coal, natural gas, crude oil, nuclear material, or a renewable resource is commercially produced or obtained;

(ii) Significantly engaged in the business of:

(A) Developing, extracting, producing, refining, transporting by pipeline, converting into synthetic fuel, distributing, or selling minerals for use as an energy source, or in the generation or transmission of energy from such minerals or from wastes or renewable resources;

(B) Producing, generating, transmitting, distributing, or selling electric power;

(C) Development, production, processing, sale, or distribution of nuclear materials, facilities, or technology; or

(D) Conducting research, development, or demonstration related to an activity described in paragraphs (2)(i), (2)(ii)(A), (2)(ii)(B) or (2)(ii)(C); or

(iii) Significantly engaged, whether or not for profit, in conducting research, development, or demonstration related to an activity described in paragraph (2)(i) or (2)(ii)(A), (2)(ii)(B) or (2)(ii)(C) with financial assistance under any act the functions of which are vested in or delegated or transferred to the Secretary or the Department.

(3) For the purposes of reports required by Pub. L. 94-163 and Pub. L. 95-39, "energy concern" includes "energy businesses" and "energy properties" as those terms are used in those acts.

(4) "Energy concern" does not include religious organizations; mutual funds or regulated investment companies the portfolios of which are widely diversified, or similarly constituted entities; or utility cooperatives in which ownership is required for services.

(k) "Interested party" means any person, firm, corporation, or other entity, or representative thereof, which:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with DOE;

(2) Conducts operations or activities that are regulated by DOE; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the official duty of the DOE employee concerned.

(l) "Known financial interest" means any pecuniary interest of an employee, of which such employee has or should have knowledge.

(m) "Organization" means a university; foundation; nonprofit research entity or similar nonprofit organization; or State, county or municipality or subdivision thereof; as well as a business organization.

(n) "Participate" means, for the purposes of section 606 of Pub. L. 95-91 (42 U.S.C. 7216), involvement by an employee in a Department proceeding through decision, approval, disapproval, recommendation, the rendering of advice, or investigation.

(o) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(p) "Represent" means, but is not limited to, acting as an agent or attorney.

(q) "Reviewing official" means, for each employee, the individual to whom reports are submitted as set forth in § 1010.407(h). The functions of a reviewing official may not be redelegated.

(r) "Special Government employee" means an officer or employee retained, designated, appointed, or employed with or without compensation for 130 days or fewer during any 365 consecutive days, to perform temporary duties either on a full-time or part-time or intermittent basis. The term includes experts and consultants, but does not include enlisted members of the Uniformed Services.

(s) "Supervisory employee" means:

(1) An individual holding a position in the Department at GS-16, GS-17, or GS-18 of the General Schedule or at level I, II, III, IV, or V of the Executive Schedule, or who is in a position at a comparable or higher level on any other Federal pay scale, or who holds a position pursuant to subsection (b) or (d) of section 621 of the DOE Organization Act (including an employee in the Energy Executive Service) or who is an expert or consultant employed pursuant to section 3109 of title 5, United States Code, for more than ninety days in any calendar year and receives compensation at an annual rate equal to or in excess of the minimum rate prescribed for individuals at GS-16 of the General Schedule;

(2) The director and deputy director of any State, regional, district, local, or other field office;

(3) An employee or officer who has primary responsibility for the award, review, modification, or termination of any grant, contract, award, or fund transfer within the authority of the Secretary; including:

(i) Contracting officers;

(ii) Grant officers;

(iii) Awarding officers (financial assistance awards);

(iv) Any other employees with authority or warrants to commit the Department to a transfer of appropriated funds to a non-Federal entity;

(v) Source selection officials; and

(4) Any other employee or officer who, in the judgment of the Secretary, exercises sufficient decisionmaking or regulatory authority so that the provisions of title VI of the DOE Organization Act should apply to such individual (See Appendix II).

(t) "Uniformed Services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Services (37 U.S.C. 101(3)).

(u) "Waiver" means any action by the Secretary or the Commission, where appropriate, to exempt or exclude an individual from particular restrictions, prohibitions or requirements of these regulations, including but not limited to actions under sec-

tions 602(c), 605(a)(3), and 606(c) of the DOE Organization Act, and 18 U.S.C. 205, 207, and 208.

§ 1010.104 Responsibilities and authorities.

(a) Employees shall:

(1) Read and comply with the statutes and the rules, standards of conduct, and other regulations referred to herein. Each employee shall receive a copy of these regulations and acknowledge, in writing, such receipt prior to assuming duties in the DOE;

(2) Conduct themselves in such a manner as to create and maintain respect for DOE and the Federal Government and avoid situations which require or appear to require a balancing of private interests or obligations against official duties;

(3) Be mindful of the high standards of integrity expected of them in all their activities, personal and official;

(4) Not give or appear to give favored treatment or competitive advantage to any member of the public, including former employees of DOE;

(5) Recognize that violation of any of the instructions or statutes referred to in these regulations may subject them to disciplinary action in addition to the penalty prescribed by law for such violation (see Subpart E); and

(6) Discuss with the reviewing official, or the Counselor, as appropriate, any problem arising out of these regulations.

(b) Reviewing officials shall:

(1) Assure that required reports are promptly filed by employees in each Office;

(2) Personally review all reports submitted to them, make determinations as appropriate, and forward all reports to the Counselor. Failure to fulfill these responsibilities may result in sanctions imposed in accordance with Subpart E of this part;

(3) Notify employees at the time of entrance on duty and periodically thereafter of the availability of counseling services and how and where these services are available;

(4) Bring the provisions of these regulations to the attention of each employee at such times as circumstances warrant;

(5) Bring to the attention of contractors dealing with their offices those provisions of these regulations (such as "Future employment"; "Gifts, entertainment, and favors"; "Cancellation of contracts"; and others) which may affect the actions of contractors and their employees in dealing with DOE employees; and

(6) Report to the Counselor and the Inspector General all alleged or actual misconduct of DOE employees; in consultation with the Counselor, take action where appropriate as a result of any investigation, and report to the Counselor on any action taken.

(c) The Director of Administration shall:

(1) Provide a copy of these regulations and any subsequent revision to each employee;

(2) Be responsible for transmitting notice to employees of applicable reporting requirements; and

(3) Distribute to reviewing officials those annual report forms required in Subpart D of this part no later than May 1 of each year.

(d) The Director of Personnel shall:

(1) Distribute to prospective employees and former supervisory employees those forms required to be submitted pursuant to Subpart D of this part; and

(2) Distribute copies of these regulations to all prospective employees at the time an offer of employment with the DOE is made or prior to the making of such offer, if possible.

(e) The Deputy Secretary shall assume those responsibilities placed upon the Deputy Secretary by Subpart E of this part.

(f) The General Counsel of DOE shall:

(1) Serve as the Counselor for DOE employees other than employees performing functions within the jurisdiction of FERC;

(2) Serve as DOE's designee to the Civil Service Commission on matters covered by these regulations;

(3) Designate Deputy Counselors;

(4) Have available for review by employees copies of pertinent laws, Executive orders, DOE regulations, and Civil Service Commission regulations relating to ethical standards and other conduct;

(5) Bring the provisions of these regulations to the attention of all employees annually, and at such other times as circumstances warrant;

(6) Coordinate couseling services, and assure that counseling and interpretations on questions of conflicts of interest and other matters covered by these regulations are available to employees and reviewing officials;

(7) Be responsible for the review and referral of alleged violations of these regulations to the Department of Justice or the Inspector General of DOE, as appropriate; and

(8) Maintain liaison with the General Counsel of FERC to maximize consistency in application of these regulations.

(g) The General Counsel of FERC shall: (Applicable to FERC)

(1) Serve as Counselor for employees performing functions within the jurisdiction of FERC;

(2) Perform for FERC those duties described in paragraphs (f)(3) through (f)(7) of this section; and

(3) Maintain liaison with the General Counsel of DOE to maximize consistency in application of these regulations.

(h) The Inspector General shall investigate alleged violations of these regulations.

§ 1010.105 Counseling and interpretations.

(a) Each employee's reviewing official shall be available to discuss with employees any questions or requests under these regulations.

(b) The Counselor shall be available to render advice or interpretations of these regulations to reviewing officials or to individual employees.

Subpart B—Standards of Conduct

§ 1010.201 General.

(a) All employees shall conduct themselves on the job in such a manner that the work of DOE is efficiently accomplished and courtesy, consideration and promptness are observed in dealings with the public and other governmental agencies.

(b) All employees shall conduct themselves off the job in such a manner as not to reflect adversely upon DOE or the Federal service.

(c) In all circumstances, employees shall conduct themselves so as to exemplify the highest standards of integrity. An employee should avoid any action, whether or not specifically prohibited by these regulations, which might result in, or create the appearance or:

(1) Using public office for private gain;;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

§ 1010.202 Additional statutory provisions.

Attention of employees is directed to the following statutory provisions:

(a) The prohibitions contained in the following sections of the Atomic Energy Act of 1954, as amended: Sections 224, 225 and 226, relating to communication, receipt, and tampering with Restricted Data involving potential injury to the United States or portential advantage to a foreign nation; and section 227 relating to unauthorized disclosure of Restricted Data (42 U.S.C. 2274 through 2277).

(b) The prohibitions against the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783).

(c) The prohibitions against the disclosure of confidential information (18 U.S.C. 1905).

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

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

(f) The prohibition against acceptance or solicitation to obtain appointive public office (18 U.S.C. 211).

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

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

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

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

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

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

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

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

(o) The prohibition against embezzlement of Government money or property (18 U.S.C. 641).

(p) The prohibition against failing to account for public money (18 U.S.C. 643).

(q) The prohibition against an employee's private use of public money (18 U.S.C. 653).

(r) The prohibition against embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

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

(t) The prohibition against making false entries in official records with intent to defraud or making false reports concerning moneys and securities with such intent (18 U.S.C. 2073).

(u) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219). The criminal penalties of this section do not apply in any case in which the Secretary sends to the Attorney General a certification that the employment of the agent as a special Government employee is in the national interest.

(v) The prohibition relating to the denial of the right to petition Congress (5 U.S.C. 7102).

(w) The prohibition against a public official appointing or promoting a relative, or advocating such an appointment or promotion (5 U.S.C. 3110).

(x) The prohibition against the employment of an individual convicted of felonious rioting or related offenses (5 U.S.C. 7313).

(y) The prohibition against arbitrary and capricious withholding of agency records reguested under the Freedom of Information Act (5 U.S.C. 552).

(z) The prohibition against knowing disclosure of information the disclosure of which is prohibited; the prohibition against willfully maintaining a system of records without appropriate notice provisions; and the prohibition against knowingly and willfully requesting or obtaining any record concerning an individual under false pretenses (5 U.S.C. 552a).

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

(bb) Prohibition against acceptance of an honorarium of more than $2,000 or honoraria totalling more than $25,000 in any calendar year (2 U.S.C. 441i).

§ 1010.203 Salary of an employee payable only by the United States.

(a) No employee, other than a special Government employee or an employee serving without compensation, shall receive any salary, or any contribution to or supplementation of salary, as compensation for services as a Federal employee, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality (18 U.S.C. 209).

(b) Nothing in this section shall be deemed to prohibit an employee from continuing to participate in a bona fide pension, retirement, group life, health, of accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer, which does not cause a conflict of interest, appearance of conflict or potential conflict, nor from accepting contributions, awards, or other expenses under section 4111 ("Acceptance of contributions, awards and other payments") of Title 5, United States Code.

§ 1010.204 Outside employment and other outside activity.

(a) Employees shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of their Government employment. Incompatible activities include, but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest;

(2) Outside employment which tends to impair the employees' mental or physical capacity to perform assigned Government duties and responsibilities in an acceptable manner;

(3) Outside employment which conflicts or gives the substantial appearance with the employee's duties or the mission of the DOE; and

(4) Outside work or activity that takes the employees' time or attention during the employees' official work hours. Examples of the type of work or activity that often can require the employee's time or attention during the employee's official work hours, and which would be prohibited under such circumstances, include:

(i) Lawyers conducting private practice;

(ii) Auditors doing income tax forms for fellow employees or private persons;

(iii) Real estate agents handling home or land buying/selling activities.

(b) An employee who intends to engage in outside employment shall inform the employee's reviewing official and the Counselor in advance of undertaking such activity. In addition, supervisory employees shall obtain advance approval of the employee's reviewing official and the Counselor. A record of each approval under this paragraph shall be filed in the employee's official personnel folder. In addition, a record of each approval shall be retained in the Office of the General Counsel.

(c) Within the limitations imposed by this section, employees are encouraged to engage in teaching, lecturing, and writing. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of the employee's Government employment, except when that information has been made available to the general public or will be made available on rquest, or when the Secretary gives written authorization for the use of non-public information on the basis that the use is in the public interest. In addition, DOE employees, including Presidential appointees, shall not receive compensation or anything of monetary value (such as an honorarium) for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of DOE, or which draws substantially on official

data of ideas which have not become part of the body of public information, or where the sponsor is an interested party.

(d) Though not necessarily outside employment, an employee may accept a fee or other compensation for a private activity which is not prohibited by law or these regulations, after providing notice or receiving advance approval pursuant to paragraph (b) of this section. The amounts of honoraria are limited by 2 U.S.C. 441i.

(e) Except as allowed for training or to attend meetings under section 4111 ("Acceptance of contributions, awards and other payments") of Title 5, United States Code, and Executive Order 10800 ("Implementing the Government Employees Training Act"), no employee shall accept a fee from an outside source on account of a public appearance, a speech, or lecture, if the public appearance or the preparation or delivery of the speech or lecture was a part of the official duties of the employee; if the public appearance, speech, or lecture was made during official working hours; or if travel for the purpose of the public appearance, speech, or lecture was made at Government expense. In addition, no employee shall accept a fee for the preparation, publication, or review of an article, story, or book if it was prepared during official working hours and/or was a part of the official duties of the employee.

(f) An employee shall not engage in outside employment with a State or local government, except in accordance with applicable regulations of the Civil Service Commission.

(g) This section does not preclude an employee from:

(1) Participation in the activities of national or State political parties not proscribed by law or § 1010.206 of these regulations.

(2) Participation in the affairs of or acceptance of an award for meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational or recreational, public service, or civic organization.

(h) This section does not apply to special Government employees, who are subject to the provisions of Subpart F of this part.

§ 1010.205 Gifts, entertainment, and favors.

(a) Acceptance of gifts, entertainment, or favors, no matter how innocently tendered and received, from those who have or seek business with DOE may be a source of embarrassment to DOE and the employee involved, may affect the objective judgment of the recipient and may impair public confidence in the integrity of the business relations between DOE and industry. Therefore, except as provided in paragraph (b) of this section, DOE employees shall not solicit or accept any gift, entertainment, or favor (including complimentary meals and beverages), either directly or indirectly from any interested party. For the purpose of this section, gifts, entertainment, and favors include any tangible item, intangible benefits, discounts, tickets, passes, transportation, and accommodations or hospitality given or extended to or on behalf of the recipient. This prohibition, of course, does not preclude an employee from such actions as purchasing his or her own ticket to a function sponsored by an interested party, or sitting at the same table with a representative of an interested party so long as the employee pays for his or her own meal.

(b) The following are generally exceptions to the rule set forth in paragraph (a) of this section; however, employees are cautioned to avoid any situation (even if it might be viewed as one of the stated exceptions) which might raise questions of appearance of conflict of interest or reflect discredit upon the Department.

(1) Trophies, entertainment, prizes, or awards given for public service or achievement, or given in contests which are clearly open to the public generally or which are officially approved by the Secretary for DOE employee participation.

(2) Things available impersonally to the general public or classes of the general public, such as a free exhibition at a fair.

(3) Participation in civic and community activities by DOE employees when the relationship with the interested party can reasonably be characterized as remote; for example, participation in a little league or Combined Federal Campaign luncheon which is subsidized by an interested party.

(4) The acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans.

(5) Acceptance of gifts, entertainment, or favors where there is an obvious family or personal relationship between the employee and the other party, where the circumstances make it clear that it is that relationship rather than the business of the persons concerned which is the motivating factor for the gift, entertainment, or favor.

(6) Acceptance of food and refreshment of insubstantial value or acceptance of local transportation, while on official business when no provision for individual payment can be made and alternative arrangements are clearly impracticable. This exception would allow a DOE employee attending an informal business meeting at the place of business of an interested party to accept a lunch provided by the interested party where arrangements for the DOE employee to pay for the lunch are clearly impracticable. Also local transportation may be provided where alternative arrangements are impracticable, such as transportation to and from an offshore drilling rig on official business, or contractor-provided transportation from an airport to a remote site for business purposes.

(7) Exchange of food, refreshments, and social amenities with representatives of foreign governments or international organizations, where such exchanges are in accordance with diplomatic custom and are clearly incident to the conduct of official business.

(8) Acceptance of transportation, lodging, or subsistence from foreign governments or international organizations where the offer of such services is pursuant to the performance of functions under a treaty or United States Statute.

(9) Acceptance of transportation, lodging, or subsistence, in kind, from an entity providing training pursuant to a contract with a Federal Department or Agency, by a DOE employee serving as an instructor or lecturer at such training.

(10) Acceptance of gifts from foreign governments in accordance with 5 U.S.C. 7342, as amended by Pub. L. 95-105, § 515 (August 15, 1977). Any such gift or thing which cannot appropriately be refused will be brought to the attention of the Counselor for advice concerning appropriate disposition.

(11) Instances in which the interests of the government are served by participation of a DOE employee in widely attended luncheons, dinners, and similar gatherings sponsored by consumer, environmental, industrial, technical, trade, professional, or other associations for the discussion of matters of mutual interest. Participation in such events is permitted only when the host is the association and not a private company and only when approved by the employee's reviewing official as being a part of or related to his official duties. Acceptance of gratuities, food or refreshments from a private company in connection with such association's activities is forbidden.

(12) Situations not specifically covered by paragraphs (b)(1)-(11) of this section but in which, in the judgment of the individual concerned, the Government's interest will be served by participation by DOE employees in activities at the expense of an interested party and of which the Counselor has granted prior approval.

§ 1010.206 Political activity.

(a) All employees in the Executive Branch of the Federal Government are subject to basic political activity restrictions in subchapter III of Chapter 73 of Title 5, U.S.C. (commonly known as the Hatch Act) and Civil Service Rule IV (5 CFR Part 4). Employees are individually responsible for refraining from prohibited political activity. Ignorance of a prohibition does not excuse a violation. This section summarizes provisions of law and regulation concerning political activity of employees.

(b) Employees on leave, on leave without pay, or on furlough or terminal leave, even though the employee's resignations have been accepted, are subject to the restrictions. A separated employee who has received a lump-sum payment for annual leave, however, is not subject to the restriction during the period covered by the lump-sum payment or thereafter: *Provided*, That the employee does not return to Federal employment during that period. An employee is not permitted to take leave of absence to work with a political candidate, committee, or organization or become a candidate for office with the understanding that the employee will resign his position if nominated or elected.

(c) An employee is accountable for political activity by another person acting as the employee's agent or under the employee's direction or control if the employee is thus accomplishing indirectly what may not lawfully be done directly and openly.

(d) Section 7324 of title 5, U.S.C., provides that employees have the right to vote as they please and the right to express their opinions on political subjects and candidates. Generally, however, they are prohibited from taking an active part in political management or political campaigns or using official authority or influence to interfere with an election or affect its results. The following are exemptions from the restrictions of the statute:

(1) Employees may engage in political activity in connection with any question not specifically identified with any National or State political party. They also may engage in political activity in connection with an election if none of the candidates represent a party any of whose candidates for Presidential elector received votes at the last preceding election at which Presidential electors were selected.

(2) An exception relates to political campaigns in communities adjacent to the District of Columbia or in communities the majority of whose voters are employees of the Federal Government. Communities in which the exception applies are specifically designated by the Civil Service Commission. Information regarding the localities and the conditions under which the exceptions are granted may be obtained from the personnel office or the Counselor.

(3) Employees who work on an irregular or occasional basis are exempt on those days during which they are at no time in active duty status.

(4) The Secretary as well as other officials appointed by the President by and with the advice and consent of the Senate, who determine policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws are exempt from the prohibitions concerning active participation in political management and political campaigns.

(e) There are restrictions other than those imposed by subchapter III of chapter 73 of title 5, U.S.C. (the Hatch Act), and CSC Rule IV which relate to:

(1) Political contributions and assessments;
(2) Circulars of solicitation;
(3) Solicitation in Federal buildings;
(4) Solicitation by letter;
(5) Payment by one employee to another;
(6) Discrimination because of political contributions;
(7) Purchase and sale of public office;
(8) Political recommendations and discrimination; and
(9) Other criminal offenses set forth in 18 U.S.C., chapter 29.

Further information concerning these restrictions may be obtained from the Counselor.

§ 1010.207 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property including equipment, supplies, and other property entrusted or issued to the employee.

§ 1010.208 Nondiscrimination.

An employee shall not be discriminated against because of race, color, religion, national origin, sex, age, politics, marital status, or on the basis of a physical handicap with respect to any position the duties of which may be efficiently performed by a person with a physical handicap. This prohibition applies to both employment and utilization of DOE employees.

§ 1010.209 Misuse of information.

(a) For the purpose of furthering a private interest, an employee shall not, except as provided in paragraph (c) of § 1010.204, directly or indirectly use, or allow the use of, official information obtained through or in connection with the employee's Government employment which has not been made available to the general public.

(b) An employee of DOE shall not improperly divulge or disclose any trade secrets, processes, financial data, or other business information which is submitted to or filed with DOE on a confidential basis and which falls within the purview of 18 U.S.C. 1905.

(c) In addition to the prohibitions specified in paragraphs (a) and (b) of this section employees are subject to the prohibition imposed by section 68a of the Atomic Energy Act of 1954, 42 U.S.C. 2098(a), "Public and Acquired Lands":

> No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic energy program, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association by reason of having had such part in the development of the atomic energy program, acquired confidential official information as to the existence of deposits of uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made and subsequent to August 30, 1954, made such location, entry, or settlement, or caused the same to be made for his, or its, or their benefit.

§ 1010.210 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as a Federal, State, or local tax. For the purpose of this section, "in a proper and timely manner" means in a manner which DOE determines does not, under the circumstances, reflect adversely on the Government. Also, for the purpose of this section, a "just financial obligation" means one acknowledged by the employee, or reduced to judgment by a court, or one imposed by law such as Federal, State, or local taxes; any other debt contested in good faith by an employee is not subject to this section. In the event of dispute between an employee and an alleged creditor, this section does not require DOE to determine the validity or amount of the disputed debt.

§ 1010.211 Gambling, betting, and lotteries.

(a) An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

(b) This section does not preclude activities:

(1) Necessitated by an employee's law enforcement duties; or

(2) Under section 3 of Executive Order 10927 (on Conduct of Fund Raising Activities) and similar Department-approved activities.

§ 1010.212 Handling of funds entrusted by fellow employees.

No employee shall receive, retain, or disburse funds entrusted to the employee by fellow employees (e.g., credit union deposits or donations to charitable organizations) except with the utmost care in the safeguarding of such funds and the maintenance of full and complete records with regard to the receipt, custody, and disbursement of such funds. Such records shall be made available to appropriate authorities upon proper request.

§ 1010.213 Endorsements.

(a) Employees are prohibited from endorsing, or appearing to endorse, in an official capacity the proprietary products of processes of manufacturers or the services of commercial firms for advertising, publicity, or sales purposes. Use of materials, products, or services by the Department does not constitute official endorsement.

(b) Employees are prohibited from engaging in outside employment or other outside activity which identifies DOE or any employee in an official capacity with any organization commercializing products relating to work conducted by DOE or with any commercial advertising matter, or work performed under such circumstances as to give the impression that it is an official act of DOE or represents an official point of view.

§ 1010.214 Use of credentials.

Credentials and other Department of Energy identification devices are for use only in establishing identity or authority in connection with official business. Such credentials and identification devices or an employee's official position, status, or designation are not to be used by employees to exert influence or obtain—either directly or indirectly—privileges or rewards for themselves or others.

§ 1010.215 Assignees pursuant to the Intergovernmental Personnel Act and the President's Executive Interchange Program.

(a) (Applicable to FERC) The DOE may utilize individuals assigned under the Intergovernmental Personnel Act and the President's Executive Interchange Program. However, no individual will be invited by the DOE to participate in such programs if such individual would be a supervisory employee in the DOE and the business, government or institution by whom such individual is employed is an energy concern, unless the Secretary grants an appropriate waiver pursuant to § 1010.501.

(b) Individuals assigned pursuant to the Intergovernmental Personnel Act and the President's Executive Interchange Program shall be considered employees for the purposes of these regulations.

(c) Reviewing officials proposing to utilize an individual under the Intergovernmental Personnel Act or the President's Executive Interchange Program shall, prior to commencing negotiations with such individual, or the individual's current employer, submit to the Counselor, the individual's name, proposed position, salary, and current employer. The Counselor shall then determine whether it is appropriate to utilize such individual.

§ 1010.216 Guidelines for Economic Regulatory Administration employees in conduct of audits.

(a) When an employee of the Economic Regulatory Administration receives an assignment involving a person acting as either principal, or agent, with whom the employee has had a prior social or business association or any relationship which might impair or give the appearance of impairing the employee's impartiality or independence, the employee will discuss with his supervisor the possible need to have the assignment transferred to another employee.

(b) During the execution of the assignment, an employee should not enter into a social or business association with any person who is a principal or agent of the firm being audited, or into any relationship which might impair, or give the appearance of impairing his impartiality or independence. Should such a relationship develop, the employee will discuss with his supervisor the possible need to have the assignment transferred to another employee.

Subpart C—Restrictions on Financial, Employment and Similar Interests

§ 1010.301 General.

(a) The maintenance of public confidence in the Government clearly demands that a DOE employee take no action which would constitute the use of official position to advance personal or private interests.

(b) All employees must read carefully this subpart to ascertain those restrictions applicable only to certain classes of DOE employees. Any question concerning the class in which an individual belongs should be directed to the reviewing official concerned.

(c) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with the employee's Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through Government employment.

§ 1010.302 Restrictions concerning private financial interests.

(a) *All employees (18 U.S.C. 208).* Unless authorized to do so as provided hereafter in this section, no employee shall participate personally and substantially as a Government employee in a particular matter in which the employee knowingly has a financial interest.

(1) For purposes of this section—

(i) An employee "participates" in a particular matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise.

(ii) A "particular matter" is a judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other such matter.

(iii) A "financial interest" is the interest of the employee or the employee's spouse, minor child, partner, organization in which the employee is serving as officer, director, trustee, partner, or employee, or any person or organization with whom the employee is negotiating or has any arrangement concerning prospective employment. An employee shall be deemed to be negotiating for prospective employment upon an expression of interest in response to a solicitation for future employment by either the employee or the person or organization.

(2) Administrative waiver: The employee's reviewing official may waive the restrictions of paragraph (a) of this section in a particular matter for an individual if the employee's reviewing official determines in writing that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of the individual. See Subpart E, § 1010.501(b) for procedures applicable to this waiver. Where it appears that the conflict of interest would arise in other matters in which the employee would be involved in the performance of normal duties, remedial action shall be taken.

(3) Waiver by rule or regulation. The Secretary may by rule or regulation waive the restrictions of paragraph (a) of this section for classes of financial interest which the Secretary determines are too remote or too inconsequential to affect the integrity of an employee's services. (See § 1010.501.) The restrictions on the following financial interests are waived pursuant to this paragraph:

(i) Financial interests in mutual funds or regulated investment companies the portfolios of which are widely diversified, and similarly constituted entities.

(ii) [Reserved]

(b) *Supervisory employees (42 U.S.C. 7212).* (Applicable to FERC) In addition to the above restrictions, no supervisory employee shall knowingly receive compensation from, or hold any official relation with, any energy concern, or own stocks or bonds of any energy concern, or have any pecuniary interest therein.

(1) All supervisory employees shall comply with the provisions of paragraph (b) of this section prior to assuming their duties in the DOE.

(2) Waivers of the restrictions of paragraph (b) may be requested in accordance with § 1010.501.

(c) *Employees holding positions listed in Appendix IV (30 U.S.C. 1211(f)).* No employee holding a position listed in Appendix IV shall have a direct or indirect financial interest in underground or surface coal mining operations. Such covered employees shall comply with the provisions of this paragraph prior to assuming their duties in DOE.

(d) Notwithstanding the reporting requirements of Subpart D of this part, any employee who has a financial interest (other than a financial interest waived under paragraph (a)(3) of this section) in a particular matter which is within the scope of the employee's official duties shall make a full disclosure of that interest in writing to both the employee's reviewing official and the Counselor at such time as the employee acquires the financial interest or begins participating in the particular matter.

§ 1010.303 Postemployment restrictions.

(a) *All employees (18 U.S.C. 207).* After Government employment has ceased, no former employee may:

(1) Knowingly act as agent or attorney for anyone other than the United States in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or has an interest and in which the former employee participated personally and substantially for the Government through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise; and

(2) Appear personally before any Government court, department or agency as agent or attorney for anyone other than the United States in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or has an interest and which was within the boundaries of the former employee's official responsibilities during the last year of that employee's Government service, for a period of one year after termination of the employee's official responsibility for that matter.

(b) *Supervisory employees (42 U.S.C. 7215).* (Applicable to FERC) In addition to the above, for one year after employment with DOE ceases, except as provided in paragraph (b)(2) of this section, no supervisory employee shall knowingly make any appearance or attendance (see § 1010.103(c)) before the Department, or make any written or oral communication to, with the intent to influence the action of, the Department, if such appearance or communication relates to any particular matter which is pending before the DOE.

(1) The prohibition in paragraph (b) of this section prohibits most forms of contact with DOE of a business nature by a former supervisory employee, other than written or oral contact to request information, for one year after employment with DOE ceases. The prohibition does not prevent a former supervisory employee from responding to requests from DOE officials for information relating to the former employee's duties in the Department.

(2) The prohibition in paragraph (b) of this section shall not apply to:

(i) Any appearance, attendance or communication by a former supervisory employee who is employed by and acting on behalf of, the United States; or

(ii) Any appearance of communication by the individual where such appearance or communication is made in response to a subpoena, or concerns any matter of an exclusively personal and individual nature such as pension benefits.

(c) Scientific and technological waiver. (Applicable to FERC) The Secretary or the Commission may waive the provisions of this section for a former DOE employee in connection with a particular matter in a scientific or technological field, if the Secretary or the Commission, as appropriate, determines that the national interest would be served by such waiver because the former employee possesses outstanding scientific or technological qualifications. (See § 1010.501.)

(d) A limited exception from the restrictions contained in paragraph (a) of this section is available, pursuant to the Indian Self-Determination Act (25 U.S.C. 450i(f)), to former employees who are employed by Indian tribes.

§ 1010.304 Participation prohibitions.

(a) *All employees (18 U.S.C. 203 and 205).* No employee except in the proper discharge of official duties shall represent anyone before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another.

(1) A special Government employee is subject to this restriction only if it is a matter in which that employee participated personally and substantially for the Government.

(2) Notwithstanding paragraph (a)(1) of this section, no special Government employees who has served more than 60 days during the preceding 365 days may represent anyone else in a matter pending before DOE.

(3) Waivers from the prohibitions of this paragraph are permitted in accordance with § 1010.501.

(b) *Supervisory employees (42 U.S.C. 7216).* (Applicable to FERC.) No supervisory employee shall knowingly participate:

(1) For a period of one year after terminating any employment with any energy concern, in any Department proceeding in which the supervisory employee's former employer is substantially, directly, or materially involved, other than in a rulemaking proceeding which has a substantial effect on numerous energy concerns; or

(2) For a period of one year after commencing service in the DOE, in any Department proceeding for which, within the previous 5 years, the supervisory employee had direct responsibility, or in which the supervisory employee participated substantially or personally, while in the employment of any energy concern.

(c) (Applicable to FERC.) The Secretary may waive the restrictions of paragraph (b) of this section in accordance with § 1010.501.

(d) A limited exception from the restrictions contained in paragraph (a) of this section is available, pursuant to the Indian Self-Determination Act (25 U.S.C. 450i(f)), to employees who are assigned to Indian tribes.

§ 1010.305 Exceptions and waivers.

(a) Nothing in this subpart shall be deemed to prohibit employees, if it is not otherwise inconsistent with the faithful performance of their duties, from representing without compensation any person in a disciplinary, loyalty, or other Federal personnel administrative proceeding involving such person.

(b) Provided that an employee obtains prior approval, or provides advance notification in accordance with the provisions of § 1010.204 regarding outside employment, nothing in these

regulations shall be deemed to prohibit employees from representing, with or without compensation, their parents, spouse, child, or any person for whom, or for any estate for which, they are serving as guardian, executor, administrator, trustee, or other personal fiduciary, *except* in those matters in which they have participated personally and substantially as Government employees, or which are the subject of their official responsibilities.

(c) Nothing in these regulations shall be deemed to prohibit employees from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(d) (Applicable to FERC.) Nothing in this subpart shall prevent employees from requesting a waiver pursuant to Subpart E.

Subpart D—Reports

§ 1010.401 General (Applicable to FERC).

(a) The Director of Personnel shall provide appropriate forms to new employees prior to their assumption of duties in the Department, and to a DOE employee assigned new duties prior to the employee's assumption of such new duties. The Director of Administration shall provide Form DOE-459 to DOE employees annually prior to May 1.

(b) Forms DOE-459 and DOE-460 shall be filed no later than the times stated in §§ 1010.403, and 1010.405 with the employee's reviewing official who shall make a determination regarding financial interests therein revealed. The reviewing official shall complete this review and forward each form with the relevant determination to the Counselor within 15 days of receipt of the form.

(c) The Counselor shall review Form DOE-461 pursuant to § 1010.406 and other forms and determinations following receipt from the reviewing officials.

(1) The Counselor or the reviewing official in coordination with the Counselor may require divestiture of certain financial interests pursuant to § 1010.302. Any required divestiture action shall be taken within the time required by the Counselor or reviewing official and confirmed in writing.

(2) A required divestiture action may be appealed pursuant to § 1010.503, or a waiver may be requested pursuant to § 1010.501 within 30 days of receipt of such advice.

(d) An employee may request from the Counselor an extension(s) of time for filing Form DOE-459. The Counselor may grant such extensions for periods up to a total of 90 days.

(e) Persons aggrieved by application of this subpart may proceed in accordance with § 1010.503.

§ 1010.402 Availability of reports (Applicable to FERC).

(a) Reports under the provisions of §§ 1010.403(b), 1010.405(a)(1) and 1010.406(a)(1) will be made available to the public. Reports under the provisions of §§ 1010.403(c), 1010.405(a)(2) and 1010.406(a)(2) will be held in confidence.

(b) Reports required by law to be publicly available shall be made available at a location specified by the Counselor within 30 days after receipt of the reports by the reviewing official, or in the case of Form DOE-461, within 30 days after receipt by the Counselor.

(c) Written requests for copies of publicly available reports should be addressed to:

The General Counsel, Department of Energy, or Federal Energy Regulatory Commission (as appropriate), Washington, D.C. 20545 (20426 for FERC).

(1) Persons requesting copies of reports may be required to pay a reasonable fee which may be necessary to recover the cost of reproduction and mailing of such reports.

(d) Publicly available reports will be retained by the Counselor for six years.

(e) A file of the waivers granted pursuant to § 1010.501, shall be available from the Counselor for inspection and copying during regular working hours.

(f) A record of persons requesting access to any particular employee's reports shall be maintained by the Counselor and shall be available to that employee.

§ 1010.403 Statements of employment and financial interests and interests in energy concerns.

(a) The requirements of this section are applicable to all employees, except as specifically excluded in Appendix I.

(b) Form DOE-459, Part A. (Applicable to FERC) This report of interests in energy concerns:

(1) Shall be publicly available;

(2) Shall include information as requested in the sample form in Appendix III A;

(3) Shall be completed by employees within 30 days of commencement of service in the Department and on every May 15 thereafter. *Notwithstanding the allowable 30 day period, prospective supervisory employees and prospective special Government employees and their appointing officials are urged to assure the filing of such reports and their appropriate review by the Counselor to identify and avoid potential violations of section 602 of the DOE Organization Act (§ 1010.302(b) of these regulations) prior to commencement of the prospective employees; functions;* and

(4) Shall satisfy the requirements of section 522 of the Energy Policy and Conservation Act (EPCA), Pub. L. 94-163, section 601 *et seq.* of the DOE Organization Act, Pub. L. 95-91, and section 308 of Pub. L. 95-39.

(c) Form DOE-459, Part B. (Applicable to FERC) This confidential statement of employment and financial interests:

(1) Shall be held in confidence;

(2) Shall include that information requested on the sample form in Appendix III A; and

(3) Shall be filed by employees within 30 days of commencement of service in the DOE and on each May 15 thereafter. *Notwithstanding the allowable 30 day period, prospective supervisory employees and prospective special Government employees and their appointing officials are urged to assure the filing of such reports and their appropriate review by the Counselor to identify and avoid potential violations of 18 U.S.C. 208 (§ 1010.302(a) of these regulations) prior to commencement of the prospective employee's functions.*

(d) (Applicable to FERC) Employees required to file Form DOE-459 who cease to be DOE employees during any calendar year shall file the report within 30 days of the date of termination concerning that portion of such year beginning on January 1 and ending on the date employment terminates.

(e) Special Government employees shall keep the Form DOE-459 current throughout their employment with the Department by submission of supplementary statements, as needed, in addition to the annual report.

§ 1010.404 Interests in coal mining operations.

(a) All employees occupying positions listed in Appendix IV as involving functions under the Surface Mining Control and Reclamation Act (Pub. L. 95-87) must so indicate on Part C of Form DOE-459.

(b) Each employee occupying a position listed in Appendix IV must certify in Part C of Form DOE-459 that none of the listed financial interests represent a direct or indirect financial interest in an underground or surface coal mining operation except as specifically identified and described.

§ 1010.405 Prior employment report—supervisory employees—(Applicable to FERC).

(a) Each supervisory employee shall file Form DOE-460 identifying any entity which paid that employee compensation in excess of $2,500 in the calendar year in which he is reporting or in any of the five preceeding calendar years.

(1) Those entities which the supervisory employee believes to be energy concerns shall be listed in part A of the report.

(2) Other entities shall be listed in part B.

(b) Such report shall include information as requested on the sample form in Appendix III B.

(c) Such report need not include:

(1) Any information considered confidential as a result of a privileged relationship, recognized by law, between such supervisory employee and any person; or

(2) Any information with respect to any person for whom services were provided by any firm or association of which such supervisory employee was a member, partner, or employee unless such supervisory employee was directly involved in the provision of such services.

(d) Part A of the report listing energy concerns shall be available to the public.

(e) Such report shall be filed within 60 days of becoming a supervisory employee in the DOE. *Notwithstanding the allowable 60 day period, prospective supervisory employees and their appointing officials are urged to assure the filing of such reports and their appropriate review by the Counselor to identify and avoid potential violations of section 606 of the DOE Organization Act (§ 1010.304 of these regulations) prior to commencement of supervisory employee functions.*

§ 1010.406 Postemployment report—supervisory employees (Applicable to FERC).

(a) Each former supervisory employee shall file with the Counselor a report, Form DOE-461, describing any employment with any entity during the period to which such report relates, including any employment as a consultant, agent, attorney, or otherwise.

(1) Those entities which the former supervisory employee believes are energy concerns shall be listed in part A of the report.

(2) The other entities shall be listed in part B.

(b) Such report shall include that information requested on the sample form in Apendix III C.

(c) Part A of this report listing energy concerns shall be available to the public.

(d) This requirement shall not apply to an individual who, at the time employment with DOE ceases, has any contract, promise, or other agreement with respect to future employment with an energy concern: *Provided:*

(1) The individual describes such agreement in any publicly available report filed within 30 days after the individual ceases to be an employee of the DOE (including Form DOE-459); and

(2) The individual amends such report by May 15 of either of the next 2 years during which the individual has accepted any other employment.

(e) Reports under paragraph (a) of this section shall be filed in the first and second calendar years (no later than May 15 of each such year) following the first full year in which the reporting individual ceased to be an officer or employee of the DOE.

§ 1010.407 Filing of forms DOE-459, DOE-460, and DOE-461 (Applicable to FERC).

(a) Form DOE-459:

(1) Form DOE-459 shall be submitted by all employees whose positions are not listed in Appendix I.

(2) Form DOE-459 shall be submitted in accordance with § 1010.403.

(b)(1) Reviewing officials shall, as of April 15 of each year, review the positions under their jurisdiction and determine, in accordance with Appendix I, the positions which require the submission of reports from their incumbents. The affected employees shall be notified of that fact and shall be furnished with two copies of the report form by their reviewing officials. By copy of the notification (or a list of the names, grades and positions of employees required to file reports), the Counselor shall be informed by the reviewing officials of those employees required to submit forms. Each employee notified of the filing requirement shall submit the completed forms to his or her reviewing official by May 15.

(2) Whenever a new position is established, the reviewing official shall determine whether the position calls for the submission of a form in accordance with Appendix I. If it is determined that a report is a requirement, the individual to be assigned to that position shall be notified (with copy to the Counselor) of the requirement (see § 1010.403 for filing procedures).

(c) Notwithstanding the filing of the annual reports required by these regulations, each employee shall at all times avoid acquiring a financial interest that could result in a violation of the conflicts of interest provision of these regulations.

(d) Form DOE-460 (Report on prior employment).

(1) Form DOE-460 shall be submitted in accordance with § 1010.405.

(2) Form DOE-460 shall be submitted by all supervisory employees.

(e) Form DOE-461 (Postemployment report).

(1) Form DOE-461 shall be submitted in accordance with §1010.406.

(2) Form DOE-461 shall be submitted by all former supervisory employees.

(3) Form DOE-461 shall be filed with the Conuselor not later than May 15 of the first and second calendar years following the first full year such former employee ceased to be an employee of the DOE.

(f) Upon completion of processing, copies of reports shall be filed in the office of the Counselor.

(g) The reports required of employees by this subpart are in addition to, not in substitution for or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a report by an employee or the absence of any requirement that an employee submit such a report does not permit the employee or any other person to participate in a matter in which the employee's or the other person's participation is prohibited by law, order, or regulation.

(h) To whom reports are to be submitted. Submission of required reports shall be to the reviewing official as indicated below:

(1) To the Civil Service Commission Ethics Counselor (CSC Forms) and to the appropriate Counselor (Forms DOE-459, 460, and 461):

(i) The Secretary.

(ii) The Commissioners of FERC.

(2) To the Secretary:

(i) Members of the Secretary's immediate staff.

(ii) The Deputy Secretary.

(iii) The Under Secretary.

(iv) Special Government employees reporting directly to the Secretary.

(3) To the Deputy Secretary:

(i) Members of the Deputy Secretary's immediate staff.

(ii) Special Government employees reporting directly to the Deputy Secretary.

(iii) Heads of DOE organizational components who report directly to the Deputy Secretary.

(iv) Level 2 personnel (Assistant Secretary, Administrator EIA, Administrator ERA, Inspector General, Director ER, Director AD, Controller, General Counsel, Director PR, or equivalent) except those who report directly to the Under Secretary.

(4) To the Under Secretary:

(i) Members of the Under Secretary's immediate staff.

(ii) Special Government employees reporting directly to the Under Secretary.

(iii) Heads of DOE organizational components who report directly to the Under Secretary.

(5) To the Chairman of the Commission:

(i) Members of the Chairman's immediate staff.

(ii) Special Government employees reporting directly to the Chairman.

(iii) Heads of FERC organizational components who report directly to the Commission.

(6) To appropriate level 2 supervisor (Assistant Secretary, Administrator EIA, Administrator ERA, Inspector General, Director ER, Director AD, Controller, General Counsel, Director PR, or equivalent):

(i) Members of the level 2 supervisor's immediate staff.

(ii) Special Government employees reporting directly to the level 2 supervisor.

(iii) Level 3 personnel (Office Directors or equivalent) under the jurisdiction of such level 2 supervisor.

(7) To appropriate level 3 supervisor (Office Director or equivalent):

(i) Members of the level 3 supervisor's immediate staff.

(ii) Special Government employees reporting directly to the level 3 supervisor.

(iii) Level 4 personnel (Division Director or equivalent) under the jurisdiction of such level 3 supervisor.

(8) To appropriate level 4 supervisor (Division Director or equivalent):

All other employees or special Government employees required by these regulations to submit a report.

(9) In special situations, the Counselor may arrange for submission of reports to other than the employee's reviewing official.

Subpart E—Procedures and Sanctions.

§ 1010.501 Waivers.

(a) (Paragraphs (a)(1), (a)(2) and (a)(4) are Applicable to FERC.) Waivers may be granted of the requirements and restrictions in:

(1) § 1010.302(b) (prohibited interests for supervisory employees) if the Secretary finds that application of the restrictions would work an exceptional hardship on the supervisory employee or that the prohibited interest is a pension, insurance, or other similarly vested interest;

(2) Section 1010.304(b) (participation prohibitions for supervisory employees) if the Secretary finds that application of the restrictions would work an exceptional hardship on the supervisory employee or would be contrary to the national interest;

(3) Section 1010.302(a) (participation restrictions in particular matters for all employees) if the Secretary by rule or regulation finds that a particular interest is too remote or too inconsequential to be one which can be expected to cause a conflict of interest for any employee who may hold that interest; (see also § 1010.501(b))

(4) Section 1010.303 (a) and (b) (post- employment restrictions for all former employees and former supervisory employees, respectively) if the Secretary or the Commission, as the case may be, finds that the national interest would be served if a former employee with outstanding scientific or technological qualifications were permitted to appear, attend, or communicate with the DOE, in connection with a particular matter in a scientific or technological field; and

(5) Section 1010.304(a) (1) and (2) (participation prohibitions for special Government employees) if the Secretary finds that the national interest would be served if a special Government employee were permitted to represent another person in the performance of work under a grant, or a contract with or for the benefit of, the United States.

(b) The employee's reviewing official in consultation with the Counselor may waive the provisions of § 1010.302(a) if he finds that the individual employee's financial interest is not so substantial as to be likely to affect the integrity of the services which the Government may expect of that employee.

(c) (Applicable to FERC.) An employee requesting a waiver under paragraph (a) or (b) of this section shall submit a written request for waiver to the employee's reviewing official. The request shall explain the employee's duties, the nature of the conflict of interest, potential conflict of interest, or appearance of conflict of interest, the effect on the employee of the restriction or prohibition for which the employee seeks the waiver, and the reasons why the waiver should be granted.

(1) In the case of requests under paragraph (a) of this section, the reviewing official shall review the request and forward the request with the reviewing official's recommended action to the Counselor. The Counselor will review the request and the reviewing official's recommendation and, where appropriate, forward a waiver statement to the Secretary or Commission, as appropriate, for approval and signature.

(2) In the case of requests under paragraph (b) of this section, the employee's reviewing official, in consultation with the Counselor, shall review and determine in writing whether to grant the request.

(d) (Applicable to FERC.) Waivers under paragraphs (a)(1), (a)(3), or (a)(4) of this section shall be published in the FEDERAL REGISTER.

(e) (Applicable to FERC.) Waivers under paragraph (a)(2) of this section shall be filed with any record of the Department proceeding as to which the waiver, for purposes of participation, is granted.

(f) Waivers under paragraphs (a)(5) of (b) of this section shall be filed in the employee's conflicts of interest file maintained by the Counselor.

§ 1010.502 Sanctions.

(a) General criminal sanctions.

(1) Violations of 18 U.S.C. 203, 205, or 208 (§§ 1010.302 or 1010.304 of these regulations) may result in a fine of $10,000 or imprisonment for 2 years, or both.

(2) Violations of 18 U.S.C. 207 or 209 (§§ 1010.203, or 1010.303 of these regulations) may result in a fine of $5,000 or imprisonment for 1 year, or both.

(b) (Applicable to FERC.) Criminal and civil sanctions under the DOE Organization Act.

(1) Any individual who is subject to, and knowingly violates, section 603 of the DOE Organization Act (§1010.403(b) of these regulations) shall be fined not more than $2,500 or imprisoned not more than one year, or both.

(2) Any individual who violates any of sections 602 through 606 of the DOE Organization Act (§§ 1010.302(b), 1010.303(b), 1010.304(b), 1010.403, 1010.405, or § 1010.406 of these regulations) shall be subject to a civil penalty, assessed by the Secretary in accordance with applicable law or by any district court of the United States, not to exceed $10,000 for each violation.

(3) Notwithstanding any penalty imposed under paragraph (b)(1) of this section, any violation of section 605(a) of the DOE Organization Act (§ 1010.303(b) of these regulations) shall be taken into consideration in deciding the outcome of any Department proceeding in connection with which the prohibited appearance, attendance, communication, or submission was made.

(c) (Applicable to FERC.) All alleged violations of these regulations shall be referred to the Counselor and the Inspector General. The Counselor shall review the allegations and determine whether the matter should be referred to the Department of Justice for investigation, or is appropriate for investigation by the Inspector General.

(d) (Applicable to FERC.) General administrative sanctions.

(1) The Secretary or the Commission may impose administrative sanctions for violations of these regulations to the fullest extent provided by law and DOE regulations.

(2) Such administrative sanctions may be imposed for violations which include, but are not limited to:

(i) Late submission by employees of required reports, and

(ii) Failure by reviewing officials to perform counseling or review functions.

(e) (Applicable to FERC)

(1) An individual shall be deemed to have known of or knowingly committed a described act or to have known of or knowingly held a described status or position if the employee knew or should have known of such act, interest, status, or position.

(2) An employee shall be deemed to have known of or knowingly held an interest in an energy concern if such interest is sold or otherwise transferred to the employee's spouse or dependent while such employee is, or within 6 months prior to the date on which such employee becomes, an employee of DOE.

(3) Placing of an interest under a trust by an individual shall not satisfy the requirement of § 1010.302(b) of these regulations unless none of the interests placed under such trust by such individual consists of known financial interests in any energy concern. Further information concerning blind trusts may be obtained from the Counselor.

§ 1010.503 Appeals and grievances (Applicable to FERC).

(a) An employee may request review by the Counselor of an action or decision by a reviewing official, under these regulations, which adversely affects that employee. Any action or decision by the Counselor pursuant to these regulations may be appealed in writing to the Deputy Secretary, or the Chairman of FERC or his delegate, as appropriate.

(b) The DOE grievance procedure shall be available for review of the following actions and decisions:

(1) Failure to include an employee's position on the list of employees exempt from reporting requirements (Appendix I);

(2) Inclusion of an employee on the list of employees identified as supervisory employees (Appendix II);

(3) Inclusion of employees on the list of employees covered under the Surface Mining Control and Reclamation Act of 1977 (Appendix IV); and

(4) Inclusion of a person or organization on the list of energy concerns.

§ 1010.504 Cancellation of contracts.

The Secretary reserves the right to declare void, in accordance with law, any Department award, contract, decision or other Department action or proceeding in connection with which provisions of statutes or DOE regulations are violated.

Subpart F—Special Government Employees

§ 1010.601 Use of Government employment.

Special Government employees shall not use Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for themselves or other persons, particularly those with whom they have family, business, or financial ties.

§ 1010.602 Use of inside information.

(a) Special Government employees shall not use inside information obtained as a result of Government employment for private gain for themselves or other persons either by direct action on their part or by counsel, recommendation or suggestion to other persons, particularly ones with whom they have family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(b) A special Government employee may teach, lecture, or write in a manner not inconsistent with § 1010.204(c).

§ 1010.603 Coercion.

Special Government employees shall not use their Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to themselves or other persons; particularly those with whom they have family, business or financial ties.

§ 1010.604 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, special Government employees, while so employed or in connection with their employment, shall not receive or solicit from a person having business with the DOE anything of value as a gift, gratuity, loan, entertainment, or favor for themselves or other persons, particularly one with whom they have family, business, or financial ties.

(b) The exception listed in § 1010.205(b) shall be applicable to special Government employees.

§ 1010.605 Other provisions.

(a) In addition to the reqirements of this subpart, special Government employees shall be responsible for knowing the restrictions contained in Subparts B, C, and D of this part.

(b) (Applicable to FERC) Any special Government employee who is compensated at an annual rate equal to or greater than a GS-16 of the General Schedule, and who serves for more than 90 days in a calendar year, is considered to be a supervisory employee under these regulations and is subject to the restrictions contained in §§ 1010.302(b), 1010.303(b), and 1010.304(b).

APPENDIX III A

CAUTION

PRIVACY ACT DOCUMENT

REPORT OF FINANCIAL INTERESTS; PRIVACY ACT INFORMATION STATEMENT

(A) This request for information is authorized by Executive Order 11222, "Prescribing Standards of Ethical Conduct for Government Officers and Employees;" Civil Service Regulations, 5 CFR Part 735 (See also Federal Personnel Manual, Chapter 735); Pub. L. 95-91, 42 U.S.C. 7213, and DOE Regulations, 10 CFR Part 1010. The submission of information is required for all DOE employees other than those occupying positions exempted under 10 CFR 1010.403(a).

(B) The information is intended to help identify financial and employment interests of the employee or the employee's spouse, minor child, or dependent(s) which create conflicts of interest or the appearance thereof in the context of the employee's duties and responsibilities.

(C) The uses which may be made of the requested information consist of review by the employee's reviewing official and the Counselor to assist in determining whether the employment and financial interests conflict or appear to conflict with the performance of official duties; counseling the employee in avoiding conflicts; and assignment of duties. The information may also be used by authorized representatives of the Department of Justice, Civil Service Commission, and the Comptroller General in the course of the performance of their law enforcement and administrative responsibilities. Part A of this form shall be available to the public in accordance with section 607 of Pub. L. 95-91, 42 U.S.C. 7217 and 10 CFR 1010.402. Part B is not subject to public disclosure (but see paragraph 8 of General Instructions below).

(D) Failure to provide all of the requested information may result in disciplinary action or denial of employment. (10 CFR 1010.502)

GENERAL INSTRUCTIONS

1. This form consists of Parts A, B, C, and D. All DOE employees except those occupying positions listed in Appendix I of 10 CFR Part 1010 shall complete Parts A, B, and C of this form and submit it to their respective reviewing officials. If additional pages are necessary, attach them hereto and identify them by reference to the appropriate Part(s) of the statement. The employee's name should be indicated on each page of this form, including any additional pages attached. Reviewing officials shall complete paragraph 1. of Part D of the form and forward the form to the Counselor.

2. This report is made on a calendar year basis and is to include interests held at any time during the reporting period even if no longer held at the time the report is made. New employees shall report for the current year through the date of the report; all others shall report for the immediately previous calendar year ending December 31.

3. The interest, if any, of a spouse, minor child or dependent (as dependent is defined by section 152 of the Internal Revenue Code of 1954) shall be reported in this statement and marked with an "X" to the left of the block where that interest is reported.

4. It is your responsibility to provide all requested information. In the event you are not permitted access to any of the required

information, such as holdings placed in certain forms of trust, but that information is known to another person, you should request that other person to submit the information on your behalf and should report such request in your statement. The information submitted on your behalf should be submitted to your reviewing official. Also report in your statement requests made to other persons to furnish required information directly to you when responses to the requests have not been received.

5. "Energy concern" means:

(1) Any person listed on the energy Concern List published by DOE, or

(2) any other person

(i) holding an interest in property from which coal, natural gas, crude oil, nuclear material or a renewable resource is commercially produced or obtained;

(ii) significantly engaged in the business of:

(A) Developing, extracting, producing, refining, transporting by pipeline, converting into synthetic fuel, distributing, or selling minerals for use as an energy source, or in the generation of transmission of energy from such minerals or from wastes of renewable resources;

(B) Producing, generating, transmitting, distributing, or selling electric power;

(C) Development, production, processing, sale, or distribution of nuclear materials, facilities, or technology; or;

(D) Conducting research, development, or demonstration related to an activity described in paragraphs (2)(i), (2)(ii)(A), (2)(ii)(B) or (2)(ii)(C); or

(iii) significantly engaged, whether or not for profit, in conducting such research, development, or demonstration related to an activity described in paragraphs (2)(i), (2)(ii)(A), (2)(ii)(B) or (2)(ii)(C) with financial assistance under any Act the functions of which are vested in or delegated or transferred to the Secretary of the Department.

(3) For the purposes of reports required by Pub. L. 94-163 and Pub. L. 95-39, "energy concern" includes "energy businesses" and "energy properties" as those terms are used in those Acts.

(4) "Energy Concern" does not include religious organizations; mutual funds or regulated investment companies the portfolios of which are widely diversified, or similarly constituted entities; or utility cooperatives in which ownership is required for services.

6. Notwithstanding the filing of this report, each employee shall at all times avoid acquiring a financial interest that could result, of taking an action that would result, in a violation of the conflicts of interest provisions of 10 C.F.R. Part 1010.

7. Energy concern clients of a firm or association for which a new supervisory employee was directly involved in the provision of services (as a member, partner or employee of the firm or association) need not be disclosed in this report so long as such disclosure is made on Form DOE-460.

8. Part A of this report is subject to public disclosure pursuant to section 607 of Pub. L. 95-91 (42 U.S.C. 7217) and is designed for use by employees to disclose interests in "energy concerns" required by section 603 of Pub. L. 95-91 (42 U.S.C. 7213). Part B is not subject to public disclosure; it is designed to implement the disclosure requirements of Executive Order 11222 ands Civil Service Commission implementing regulations (5 C.F.R. Part 735). In addition, it is designed for the purpose of assuring against inadvertent failure to disclose interests in a person or entity which, pursuant to Pub. L. 95-91, is determined by the Secretary to be an energy concern. Employees may be asked to supply additional information regarding interests reported in Part B when the Counselor believes such interests may be interests in energy concerns. Such additional information will remain confidential unless and until the entity in which the interest is held is determined by the Secretary to be an energy concern.

Form DOE-459

DEPARTMENT OF ENERGY

PART A -- STATEMENT OF INTERESTS IN ENERGY CONCERNS
(See Attached Sheet for General Instructions)

NAME (Last, first, initial)

I. EMPLOYMENT AND FINANCIAL INTERESTS

(1) List the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations and educational institutions, or other entities that are or you believe to be energy concerns --

(a) with which you, your spouse, minor child, or dependent(s) are connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant; or

(b) in which you, your spouse, minor child, or dependent(s) have any continuing financial interest, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional associations; or

(c) in which you, your spouse, minor child or dependent(s) have any financial interest through ownership of stocks, stock options, bonds, securities, or other arrangements, including trusts.

(2) If none, write NONE.

(3) Do not abbreviate names of organizations.

	NAME, KIND OF ORGANIZATION (e.g., corporation, partnership, nonprofit organization, etc.) AND NATURE OF ITS ACTIVITY	ADDRESS (or the exchange in which the securities are traded)	(1) NATURE OF FINANCIAL INTERESTS, e.g., stock, prior business income, etc. and (2) total value of and compensation from interest	POSITION IN ORGANIZATION (e.g., employee, officer, owner, etc.)

(PUBLIC)

NAME

PART A - Cont.

II. CREDITORS

List the names of your creditors that are, or you believe to be, energy concerns other than those to whom you may be indebted by reason of a mortgage on property which you occupy as a personal residence or to whom you may be indebted for current and ordinary household and living expenses such as household furnishings, automobile, education, vacation, and similar expenses. If none, write NONE.

	NAME AND ADDRESS OF CREDITOR	CHARACTER OF INDEBTEDNESS (e.g., Personal Loan, Note, Security)

III. INTERESTS IN REAL PROPERTY

List your interest in real property or rights in lands from which coal, natural gas, crude oil, nuclear material or a renewable resource is commercially produced or obtained. If none, write NONE.

	NATURE OF INTEREST e.g., ownership, mortgage, lien, investment trust, etc.	TYPE OF PROPERTY, e.g., residence hotel, apartment, farm, undeveloped land, oil and gas rights, other mineral interests, etc.	ADDRESS (if rural, give RFD, or county & state

(PUBLIC)

NAME

PART B -- STATEMENT OF FINANCIAL INTERESTS
(Information reported in Part A need not be repeated)

I. EMPLOYMENT AND FINANCIAL INTERESTS

(1) List the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations and educational or other institutions --

(a) with which you, your spouse, minor child or dependent are connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant or with which you are negotiating or have any arrangement concerning prospective employment; or

(b) in which you, your spouse, minor child, or dependent have any continuing financial interest, through a pension or retirement plan, shared income, or otherwise, as a result of any current or prior employment or business or professional associations; or

(c) in which you, your spouse, minor child or dependent have any financial interest through ownership of stocks, stock options, bonds, securities, or other arrangements, including trusts.

(2) The information to be listed does not include any information relating to your, your spouse's, your minor child's, or your dependent's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed to be "business enterprises" for the purposes of this report and should be included.

(3) The information to be listed in this part does not require a showing of the amount of financial interest, indebtedness, or the value of real property.

(4) If none, write NONE.

(5) Do not abbreviate names of organizations.

NAME

PART B -- I. EMPLOYMENT AND FINANCIAL INTERESTS -- Continued

	NAME, KIND OF ORGANIZATION (e.g., corporation partnership, non-profit organization etc.) AND NATURE OF ACTIVITY	ADDRESS (or the exchange in which the securities are traded)	NATURE OF FINANCIAL INTEREST (e.g., stock, prior business income, etc.)	POSITION IN ORGANIZATION (e.g., employee, officer, owner, etc.)

(NOT AVAILABLE FOR PUBLIC REVIEW)

NAME

PART B - Cont.

II. CREDITORS

List the names of your creditors other than those to whom you may be indebted by reason of a mortgage on property which you occupy as a personal residence or to whom you may be indebted for current and ordinary household and living expenses such as household furnishings, automobile, education, vacation, and similar expenses. If none, write NONE.

	NAME AND ADDRESS OF CREDITOR	CHARACTER OF INDEBTEDNESS (e.g., Personal Loan, Note, Security)

III. INTERESTS IN REAL PROPERTY

List your interest in real property or rights in lands, other than property which you occupy as a personal residence. If none, write NONE.

	NATURE OF INTEREST, (e.g., ownership mortgage, lien, investment trust, etc.)	TYPE OF PROPERTY, (e.g., residence hotel, apartment, farm, undeveloped land, oil and gas rights, other mineral interests, etc.)	ADDRESS (if rural, give RFD, or county & state)

(NOT AVAILABLE FOR PUBLIC REVIEW)

DEPARTMENT OF ENERGY

PART C

1. NAME (Last, First, Initial)

2. HOME ADDRESS (Street, City, State, Zip Code)

3. TELEPHONE

   Home:

   Business:

4. TITLE OF POSITION (or prospective position in DOE):

5. DATE OF APPOINTMENT IN PRESENT POSITION (or expected date of appointment):

6. OFFICE AND/OR DIVISION (or prospective office and/or division):

7. PLEASE INDICATE ONE OF THE FOLLOWING:

   ( ) Regular Employee
   ( ) EES
   ( ) Special Government Employee
   ( ) IGPA (Intergovernmental Personnel Act)
   ( ) PTA (Professional Term Appointment)
   ( ) President's Executive Interchange Program
   ( ) Other (Specify)

8. PRESENT GRADE OR LEVEL OF PAY (or expected Grade or level of pay):

9. DESCRIPTION OF SERVICES YOU ARE OR WILL BE PERFORMING:

10. Are you performing functions under the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87, and is your position listed in Appendix IV of 10 C.F.R. Part 1010?

    ( ) Yes

    ( ) No

11. If the answer to question #10 is yes, please identify which, if any, of the listed financial interests represents an interest in an underground or surface coal mining operation: (If none, write NONE)

(NOT AVAILABLE FOR PUBLIC REVIEW)

NAME

PART C - Cont.

12. INFORMATION REQUESTED OF OTHER PERSONS

If any information is to be supplied by other persons, e.g., trustee, attorney, accountant, relative, etc., please indicate the name and address of such persons, the date upon which you requested that the information be supplied, and the nature of subject matter involved. If none, write NONE.

NAME AND ADDRESS	DATE OF REQUEST	NATURE OF SUBJECT MATTER

I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief. I understand falsification of statements on this form is punishable in accordance with law (18 U.S.C. 1001).

_____ Signature

_____ Date

(NOT AVAILABLE FOR PUBLIC REVIEW)

NAME

FOR USE BY DOE

PART D -- DETERMINATIONS:

Instructions to reviewing official:

CAUTION: Administrative sanctions may be imposed against you for failure to perform review functions properly. (See 10 C.F.R. 1010.502(d).) Your review functions may not be redelegated. (See 10 C.F.R. 1010.103(q).) DO NOT REPRODUCE OR RETAIN COPIES OF THIS FORM. Upon completion of your review, forward this form to the Counselor in a sealed envelope marked "TO BE OPENED BY ADDRESSEE ONLY - CONFIDENTIAL STATEMENT OF FINANCIAL INTERESTS".

Under applicable law and DOE regulations:

- No employee is to participate in any particular matter of any type the outcome of which could have a direct and predictable effect upon a business entity, including nonprofit organization or educational institution, by which he is employed or with which he is negotiating for or has any arrangement concerning prospective employment, or to which he renders consultant services, or in which he has a financial interest not exempted under 10 C.F.R. 1010.302.

1. Reviewing official: I have reviewed this report in the context of the applicable law stated above and in relation to the employee's duties and responsibilities, and I find:

( ) no conflict or apparent conflict of interest.
( ) the following interests pose potential conflict of interest situations:

The following steps have been taken to effect resolution of the potential conflict situations referred to above:

(NOT AVAILABLE FOR PUBLIC REVIEW)

NAME

PART D - Cont.

( ) the following questions require resolution:

Signature _____ Date _____

2. Counselor (or deputy counselor): I have reviewed the statement of the employee and the reviewing official's findings above and find:

( ) no evidence of conflict or apparent conflict of interest.
( ) the following interests pose potential conflict of interest:

The following steps have been taken to effect resolution of the potential conflict situations referred to above:

( ) the following questions require resolution:

Signature _____ Date _____

(NOT AVAILABLE FOR PUBLIC REVIEW)

Form DOE-460
Revised 8/78

APPENDIX III B

C A U T I O N

PRIVACY ACT DOCUMENT

REPORT ON PRIOR EMPLOYMENT

PRIVACY ACT INFORMATION STATEMENT

(A) This request for information from DOE "supervisory employees" is authorized by Pub. L. 95-91, section 604 (42 U.S.C. 7214).

(B) The information will be used to help identify prior employment interests of the employee which create conflicts of interest or the appearance thereof in the context of the employee's duties and responsibilities.

(C) The uses which may be made of the requested information consist of review by the cognizant reviewing official and the Counselor to assist in determining whether the individual's prior employment interests conflict or appear to conflict with the performance of official duties; counseling those individuals in avoiding conflicts; and assignment of duties. The information may also be used by authorized representatives of the Department of Justice, Civil Service Commission, and the Comptroller General in the course of the performance of their law enforcement and administrative responsibilities. Part A of this form shall be available to the public in accordance with section 607 of Pub. L. 95-91, 42 U.S.C. 7217, and 10 C.F.R. 1010.402. Part B is not subject to public disclosure (but see paragraph 4 of General Instructions below).

(D) Failure to provide the information requested on Part A may result in assessment of a civil penalty of up to $10,000 (section 608, Pub. L. 95-91, 42 U.S.C. 7218).

GENERAL INSTRUCTIONS

1. This form consists of Parts A, B, C, and D. All "supervisory employees" (as defined in section 601(a), Pub. L. 95-91, 42 U.S.C. 7211(a)) shall complete Parts A, B, and C of this form and submit the form to their respective reviewing officials. If additional pages are necessary, they should be attached hereto and identified by reference to the appropriate Part(s) of the statement. Reviewing officials shall complete paragraph 1 of Part D of the form and forward the form to the Counselor.

2. This one-time report is required to be submitted by all supervisory employees within 60 days of becoming a supervisory employee in the DOE. Each entity which paid the employee compensation in excess of $2,500 in the year in which the employee is reporting or in any of the five preceeding calendar years shall be disclosed.

3. "Energy concern" means:

(1) Any person listed on the Energy Concern List published by DOE, or

(2) Any person:

(i) holding an interest in property from which coal, natural gas, crude oil, nuclear material or a renewable resource is commercially produced or obtained;

(ii) significantly engaged in the business of:

(A) Developing, extracting, producing, refining, transporting by pipeline, converting into synthetic fuel, distributing, or selling minerals for use as an energy source, or in the generation or transmission of energy from such minerals or from wastes or renewable resources;

(B) Producing, generating, transmitting, distributing, or selling electric power;

(C) Development, production, processing, sale, or distribution of nuclear materials, facilities, or technology; or

(D) Conducting research, development, or demonstration related to an activity described in paragraphs (2)(ii), (2)(ii)(A), (2)(ii)(B) or (2)(ii)(C); or

(iii) significantly engaged, whether or not for profit, in conducting such research, development, or demonstration related to an activity described in paragraphs (b) or (b)(i), (b)(ii), or (b)(iii) with financial assistance under any Act the functions of which are vested in or delegated or transferred to the Secretary or the Department.

(3) "Energy Concern" does not include religious organizations; mutual funds or regulated investment companies the portfolios of which are widely diversified, or similarly constituted entities; or utility cooperatives in which ownership is required for services.

4. Part A of this report is subject to public disclosure pursuant to section 607 of Pub. L. 95-91 (42 U.S.C. 7217) and is designed for use by "supervisory employees" required to disclose certain prior employment information by section 604 of Pub. L. 95-91 (42 U.S.C. 7214). Part B is not subject to public disclosure; it is designed solely for the purpose of assuring against inadvertent failure to disclose prior employment with a person or entity which, pursuant to the Act, is determined by the Secretary to be an energy concern. Employees may be asked to supply additional information regarding employment listed in Part B when the Counselor believes such employment may be energy concern employment. Such additional information will remain confidential unless and until the employer is determined by the Secretary to be an energy concern.

REPORT ON PRIOR EMPLOYMENT

1. NAME (last, first, initial)

PART A

1. Identify all energy concerns from which you received compensation in excess of $2,500 in this calendar year or in any of the five preceeding calendar years. If none, write NONE. You need not include any information which is considered confidential as a result of a privileged relationship, recognized by law, between you and any person; nor need you report any information with respect to any person for whom services were provided by any firm or association of which you were a member, partner, or employee unless you were directly involved in the provision of such services.

NAME OF ENERGY CONCERN AND NATURE OF ITS BUSINESS OR ACTIVITY	ADDRESS	PERIOD OF TIME COMPENSATION RECEIVED	POSITION HELD OR OTHER RELATIONSHIP WITH ORGANIZATION	DUTIES PERFORMED OR SERVICES RENDERED

(PUBLIC)

NAME

PART B

Identify all sources (other than those listed in Part A) from which you received compensation in excess of $2,500 in this calendar year or in any of the five preceeding calendar years. If none, write NONE. You need not include any information which is considered confidential as a result of a privileged relationship, recognized by law, between you and any person; you need not report any information with respect to any person for whom services were provided by any firm or association of which you were a member, partner, or employee unless you were directly involved in the provision of such services.

NAME OF PERSON OR OTHER ENTITY	ADDRESS	NATURE OF BUSINESS OR ACTIVITY OF ENTITY AND DATE OF ASSOCIATION

(NOT AVAILABLE FOR PUBLIC REVIEW)

PART C

1. NAME (last, First, Initial)

2. HOME ADDRESS (Street, City, State, Zip Code)

3. TELEPHONE

   Home:

   Business:

4. TITLE OF POSITION (or prospective position in DOE):

5. DATE OF APPOINTMENT IN PRESENT POSITION (or expected date of appointment):

6. OFFICE AND/OR DIVISION (or prospective office and/or division):

7. PLEASE INDICATE ONE OF THE FOLLOWING:

   ( ) Regular Employee
   ( ) EES
   ( ) Special Government Employee
   ( ) IGPA (Intergovernmental Personnel Act)
   ( ) PTA (Professional Term Appointment)
   ( ) President's Executive Interchange Program
   ( ) Other (Specify)

8. PRESENT GRADE OR LEVEL OF PAY (or expected grade or level of pay):

9. DESCRIPTION OF SERVICES YOU ARE OR WILL BE PERFORMING:

I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief. I understand falsification of statements on this form is punishable in accordance with law (18 U.S.C. 1001).

Signature _____ Date _____

(NOT AVAILABLE FOR PUBLIC REVIEW)

NAME

FOR USE BY DOE

PART D -- DETERMINATIONS:

Instructions to reviewing official:

CAUTION: Administrative sanctions may be imposed against you for failure to perform review functions properly. (See 10 C.F.R. 1010.502(d).) Your review functions may not be redelegated. (See 10 C.F.R. 1010.103(q).) You are required to review Part A of this form and indicate the results of your review below. DO NOT REPRODUCE OR RETAIN COPIES OF PART B OF THIS FORM. Following completion of your review, forward this form to the Counselor in a sealed envelope marked "TO BE OPENED BY ADDRESSEE ONLY."

Under applicable law and DOE regulations:

- For a period of one year after terminating any employment with any energy concern, no supervisory employee shall knowingly participate in any Department proceeding in which his former employer is substantially, directly, or materially involved, other than in a rulemaking proceeding which has a substantial effect on numerous energy concerns.

- For a period of one year after commencing service in the Department, no supervisory employee shall knowingly participate in any Department proceeding for which, within the previous five years, he had direct responsibility or in which he participated substantially or personally while in the employment of any energy concern. (Section 606, Pub. L. 95-91, 42 U.S.C. 7216).

1. Reviewing official: I have reviewed Part A of this form in relation to the employee's duties and responsibilities and find:

( ) no conflict or apparent conflict of interest.
( ) the following pose potential conflict of interest situations:

The following steps have been taken to effect resolution of the potential conflict situations referred to above:

(NOT AVAILABLE FOR PUBLIC REVIEW)

NAME

PART D - Cont.

( ) The following questions require resolution:

Signature _____ Date _____

2. Counselor (or deputy counselor); I have reviewed the statement of the employee and the reviewing official's findings above and find:

( ) no evidence of conflict of interest.
( ) the following pose potential conflict of interest situations.

The following steps have been taken to effect resolution of the potential conflict situations referred to above:

( ) The following questions require resolution:

Signature _____ Date _____

(NOT AVAILABLE FOR PUBLIC REVIEW)

APPENDIX III C
CAUTION

PRIVACY ACT DOCUMENT

REPORT OF EMPLOYMENT - FORMER SUPERVISORY EMPLOYEES

PRIVACY ACT INFORMATION STATEMENT

(A) This request for information from former DOE "supervisory employees" is authorized by Pub. L. 95-91, section 605, 42 U.S.C. 7215; and DOE Regulations, 10 C.F.R. Part 1010.

(B) The information is intended to notify the DOE of positions with energy concerns held by former supervisory employees.

(C) The uses which may be made of the requested information consist of review by the Counselor to assist in determining whether the individual's employment interests conflict or appear to conflict with former duties; and for counseling those individuals in avoiding conflict of interest violations. The information may also be used by authorized representatives of the Department of Justice, Civil Service Commission, and the Comptroller General in the course of the performance of their law enforcement and administrative responsibilities. Part A of this form shall be made available to the public in accordance with section 607 of Pub. L. 95-91, 42 U.S.C. 7217 and 10 C.F.R. 1010.402. Part B is not subject to public disclosure (but see paragraph 3 of General Instructions below).

(D) Failure to provide all of the requested information may result in assessment of a civil penalty of up to $10,000 (section 608, Pub. L. 95-91, 42 U.S.C. 7218).

GENERAL INSTRUCTIONS

1. All former supervisory employees (see 10 C.F.R. Part 1010, Appendix II) shall complete this form. Submit this report to the Counselor. If additional pages are necessary, attach them hereto and identify them by reference to the appropriate Part(s) of the statement.

2. "Energy concern" means:

(1) Any person listed on the Energy Concern List published by DOE; or

(2) Any other person:

(i) holding an interest in property from which coal, natural gas, crude oil, nuclear material or a renewable resource is commercially produced or obtained;

(ii) significantly engaged in the business of:

(A) Developing, extracting, producing, refining, transporting by pipeline, converting into synthetic fuel, distributing, or selling minerals for use as an energy source, or in the generation or transmission of energy from such minerals or from wastes or renewable resources;

(B) Producing, generating, transmitting, distributing, or selling electric power;

(C) Development, production, processing, sale, or distribution of nuclear materials, facilities, or technology; or

(D) Conducting research, development, or demonstration related to an activity described in paragraphs (2)(i), (2)(ii)(A), (2)(ii)(B) or (2)(ii)(C); or

(iii) Any person or entity significantly engaged, whether or not for profit, in conducting such research, development, or demonstration relating to an activity described in paragraphs (2)(i), (2)(ii)(A), (2)(ii)(B) or (2)(ii)(C) with financial assistance under any Act the functions of which are vested in or delegated or transferred to the Secretary or the Department.

(3) "Energy Concern" does not include religious organizations; mutual funds or regulated investment companies the portfolios of which are widely diversified, or similarly constituted entities; or utility cooperatives in which ownership is required for services.

3. Part A of this report is subject to public disclosure pursuant to section 607 of Pub. L. 95-91 (42 U.S.C. 7217) and is designed for use by former "supervisory employees" of the Department of Energy required to disclose certain employment information by section 605 of Pub. L. 95-91 (42 U.S.C. 7215). Part B is not subject to public disclosure; it is designed solely for the purpose of assuring against inadvertent failure to disclose employment with a person or entity which, pursuant to the Act, is determined by the Secretary to be an energy concern. This report must be filed with the Counselor not later than May 15 of the first and second calendar years following the first full year in which the supervisory employee ceased to be an officer or employee of the Department. This report requirement does not apply to any former supervisory employee who, at the time such employment with the Department ceases, has any contract, promise, or other agreement with respect to future employment with any energy concern if (A) the former supervisory employee describes such agreement in any report filed within thirty days after the individual ceases to be an employee of the Department, and (B) the former supervisory employee amends the report by May 15 of either of the next two years during which he has accepted employment with another energy concern.

1. NAME (last, first, initial)

2. TITLE OR FORMER POSITION

3. DATE DOE EMPLOYMENT CEASED

4. ADDRESS

5. DATE OF REPORT:

PART A

I. Describe any employment with any energy concern since your DOE employment ceased, including any employment as a consultant, agent, attorney, or otherwise.

NAME OF ENERGY CONCERN	ADDRESS	POSITION HELD	DATES OF EMPLOYMENT	BRIEF DESCRIPTION OF DUTIES PERFORMED OR SERVICES RENDERED

(PUBLIC)

NAME

PART B

I. Describe any employment not reported in Part A since your DOE employment ceased, including any employment as a consultant, agent, attorney, or otherwise.

NAME OF EMPLOYER	ADDRESS	POSITION HELD	DATES OF EMPLOYMENT	BRIEF DESCRIPTION OF DUTIES PERFORMED OR SERVICES RENDERED

I certify that the statements I have made in Part A and Part B of this report are true, complete, and correct to the best of my knowledge and belief. I understand that falsification of statements on this form is punishable in accordance with law and that failure to provide all information requested may result in assessment of a civil penalty of up to $10,000 (18 U.S.C. 1001).

Signature _____ Date _____

(NOT AVAILABLE FOR PUBLIC REVIEW)

[FR Doc. 78-29265 Filed 10-18-78; 8:45 am]

federal register

THURSDAY, OCTOBER 19, 1978
PART IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

■

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Requirements for Self-Dialysis Units and Self-Dialysis Services

[4110-35-M]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Conditions for Coverage—Suppliers of ESRD Services; Requirements for Self-Dialysis Units and Self-Dialysis Services

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule with comment period.

SUMMARY: These amendments change the existing requirements for end-stage renal disease (ESRD) facilities by adding requirements that specifically apply to self-dialysis units and self-dialysis services. The changes are being made to implement the Medicare End-Stage Renal Disease Program Amendments of 1978 (Pub. L. 95-292 of June 13, 1978). Other minor changes are for internal consistency and to delete outdated content. The intent of these amendments is to encourage and facilitate greater use of self-dialysis.

DATES: These regulations are effective on October 1, 1978. However, consideration will be given to written comments or suggestions received by December 18, 1978, with a view to revision of the regulations, if necessary.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, P.O. Box 2382, Washington, D.C. 20013. In commenting, please refer to HSQ-58-RC. Comments will be available for public inspection beginning approximately 2 weeks after publication, in room 5229 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m., telephone 202-245-0950.

FOR FURTHER INFORMATION CONTACT:

Janet Harryman, Director, Division of Hospital Services, Office of Standards and Certification, Health Care Financing Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-9712.

SUPPLEMENTARY INFORMATION: The ESRD program was created by section 2991 of the Social Security Amendments of 1972 (Pub. L. 92-603) and became effective July 1, 1973. In order to be approved to receive reimbursement under the program, facilities furnishing renal dialysis and transplantation were required to meet criteria set out in interim regulations. (38 FR 17210; June 29, 1973.) The interim regulations were replaced on September 1, 1976, by the Conditions for Coverage of Suppliers of End-Stage Renal Disease Services (41 FR 22507; June 3, 1976), subpart U of medicare regulations (42 CFR Part 405). These conditions, which ESRD facilities must meet to be certified to receive medicare reimbursement, assure that the facilities are appropriately utilized, meet health, safety, and quality standards, and participate in renal disease networks.

On June 13, 1978, the Medicare End-Stage Renal Disease program Amendments of 1978 (Pub. L. 95-292) were enacted. The amendments were intended to encourage the use of lower cost treatment modalities, specifically self-dialysis and transplantation, for the maximum number of patients who are medically, socially, and psychologically suitable for such treatment. Recognizing that many patients are unable to dialyze at home, Congress included a provision to encourage the use of self-dialysis stations in dialysis facilities. Under the new law, the Secretary is authorized to define what constitutes self-dialysis outside the home setting and to identify the institutional settings in which it can appropriately be performed.

Subpart U is being amended to implement Pub. L. 95-292. The amendments define "self-dialysis services" and "self-dialysis unit" and include conditions which facilities must meet to be certified as self-dialysis units. These amendments are the second of a series of regulations to be promulgated to implement the ESRD Amendments of 1978. The first regulation dealt with individuals' entitlement to ESRD benefits; subsequent regulations will cover reimbursement and ESRD network organizations.

Summary of Changes

The following discussion is numbered to correspond to the numbered amendments to the regulation.

1. Subpart U became effective on September 1, 1976, and replaced interim regulations (38 FR 17210; June 29, 1973) which had been in effect since July 1, 1973. To facilitate the orderly transition, subpart U provided for the interim regulations to remain in effect until September 1, 1977. Provisions referring to this transition period (§ 405.2100 (c) and (d)) are now obsolete and are being deleted.

2. Section 405.2101 is being revised to reflect the congressionally stated purposes of Pub. L. 95-292. These include encouraging, to the maximum feasible extent, medically appropriate use of self-dialysis and transplantation. In developing and implementing regulations for the ESRD program, we will stress the goal of maximizing use of self-dialysis and transplantation.

3. These regulations define self-dialysis unit, staff-assisted dialysis, and self-dialysis, and revise the definition of self-dialysis training.

Readers should note that the definition of a self-dialysis unit specifies that it must be a part of an approved renal transplantation center, renal dialysis center, or renal dialysis facility that also performs transplantation or furnishes a dialysis service other than self-dialysis or home dialysis. Thus, we will not approve facilities furnishing only self-dialysis. At this time, we think there are some important policy issues to be resolved concerning a facility furnishing only self-dialysis. If such a facility were required to meet all the health and safety requirements of subpart U, we doubt that it would be an efficient way of furnishing self-dialysis. If the unit were not required to meet such requirements, questions might be raised about the health and safety of patients. For these reasons, we believe the issue warranted an opportunity for public comment, which we have not been able to provide because of the statutory mandate to implement Pub. L. 95-292, by October 1. We specifically ask for comments on this issue and, based on such comments, will decide whether to certify facilities that furnish only self-dialysis.

Editorial changes have also been made in several of the existing definitions.

4. Provisions in the existing regulations dealing with minimal utilization rates are being reorganized and revised for clarity. Minimal utilization rates are now discussed in separate sections under the headings of types and duration of classification, reporting requirements, method of calculating rates, and the specific standards. (§§ 405.2122, 405.2123, 405.2124, and 405.2130.)

5. The requirements for reporting utilization rates have been clarified and expanded. Section 405.2123 now requires each dialysis facility to report on how each station is used and to report the number of dialyses performed on each station. For dialyses performed after October 1, 1978, the report must separately identify each type of service: Staff-assisted dialysis, self-dialysis, and self-dialysis and home dialysis training. Separate identification is necessary for determining that the facility meets the MUR and other certification requirements, for establishing costs and for analyzing

the cost-effectiveness of the self-dialysis unit.

6. Section 226(g) of the Act previously required that all ESRD facilities be subject to the minimum utilization requirements (MUR). The purpose is to prevent proliferation of unnecessary facilities and contribute to the statutory goal of providing all needed ESRD services in as efficient and economical a manner as possible. The ESRD Amendments of 1978 extend MUR to self-dialysis units and self-dialysis training programs. See section 1881(b) of the Act.

The present regulations establish MUR's for renal transplantation and for different classes of dialysis facilities (see 42 CFR 405.2130). These MUR's were derived from data obtained from existing dialysis facilities. However, utilization data on existing self-dialysis units is limited because there are so few units at the present time. Therefore, at this time, we are not establishing separate MUR's for self-dialysis units.

Dialysis facilities and centers will remain subject to existing MUR's and may add the utilization of self-dialysis to the utilization of staff-assisted dialysis for purposes of determining whether they have met MUR requirements.

Self-dialysis training programs will be considered to have achieved minimum utilization if they successfully train six self-dialysis patients per station per year. We have retained the provision, formerly in § 405.2123, that dialysis stations used for self-dialysis training at this level need not be included in calculating a facility's utilization rate. However, if a facility does not achieve this minimum utilization of training stations, it must include the stations and the dialyses performed on them in calculating the facility MUR.

We solicit comments and suggestions on establishing separate MUR's for self-dialysis units. In addition, we will review the results achieved under this regulation and will seek the information specified in § 405.2121 with a view toward establishing MUR's for self-dialysis units. Section 405.2121 lists information from ESRD Network Councils and other sources regarding utilization rates, the geographic distribution of patients and facilities, quality of care, and efficiency. Any change in this regulation will be published as a notice of proposed rulemaking (NPRM).

7. Pub. L. 95-292 specifies that network organizations shall establish network goals with respect to the placement of patients in self-dialysis settings and undergoing or preparing for transplantation. Section 405.2134 of the current regulation provides the specific requirements of the membership agreement between each facility in the network and the Network Coordinating Councils. This amendment requires an ESRD facility to fulfill its roles in meeting the network goals. In addition, some obsolete material in § 405.2134 has been deleted.

8. The requirements on admission criteria of an ESRD facility are being amended to make access to a self-dialysis unit available only to patients for whom the facility maintains a patient care plan.

This provision will not permit a transient patient who is a self-dialysis patient to dialyze himself at some other self-dialysis unit. We believe this provision is necessary to protect the health and safety of the transient patient who may be unfamiliar with the type of machines in use at other facilities or with differing emergency procedures. Transient patients may, of course, be dialyzed at any staff-assisted dialysis facility which undertakes to furnish them dialysis.

9. Each dialysis facility or center is presently required to maintain a patient care plan for each patient undergoing dialysis and to review these plans at least monthly (see § 405.2137.)

These amendments provide for a monthly review of the patient care plan only for patients whose medical condition has not become stabilized. For patients whose medical condition is stabilized, review is required only every 6 months. In our view, requiring monthly review for patients who have stabilized is an unnecessary and costly burden.

In addition this amendment requires that a facility or center which supervises home dialysis patients maintain a patient care plan for each of the home dialysis patients.

10. We are changing the medical records requirement (§ 405.2139) to assure that self-dialysis patients, whether dialyzing in a self-dialysis unit or at home, have a medical record maintained in a central place where all medical information about the patient is consolidated. The medical record must be kept current even if the entries in the record are completed by the patient in the absence of professional staff.

11. We are amending § 405.2140(c) to require that written patient care policies specify the procedures for prevention of contamination which are carried out by facility personnel and those which are carried out by self-dialysis patients.

Under the new requirements in § 405.2140(d)(5), both patients and facility personnel must be trained to handle medical and nonmedical emergencies.

12. Present requirements for self-dialysis and home dialysis training provide that teaching materials be available to patients during training. We have amended § 405.2161 to require that teaching materials are available to all trainees. This change is consistent with the definition of self-dialysis and home dialysis training, which includes the training of other individuals to assist patients.

We are also amending the list of responsibilities borne by the director of a facility to include periodic assessment of each home care patient's performance of dialysis.

13. Pub. L. 95-292 requires that there be patient/staff ratios which are appropriate to self-dialysis. Section 405.2162(b) has been revised to require that the patient/staff ratio be appropriate to the level of dialysis being given and meet the needs of the patients. We have not set a specific ratio at this time, because there appears to be no consensus on what is the proper ratio for self-dialysis. However, we welcome comments and will review facilities in order to identify those factors which determine appropriate patient/staff ratios for different levels of dialysis care. In addition, § 405.2162(b) has been revised to require at least one currently licensed health professional on duty whenever patients are undergoing dialysis.

14. The minimal service requirements for a dialysis facility or center have been revised to include requirements for the provision of staff-assisted dialysis service and self-dialysis service, if it is offered.

Waiver of Proposed Rulemaking

Pub. L. 95-292 provides that medicare payments for the renal disease services specified in that statute shall be available beginning on October 1, 1978. Because of the short period between the enactment (June 13, 1978) and the effective date of the statute, we have not been able to go through the normal process for NPRM and public participation. We have attempted, however, in the limited time available to consult as widely as possible with persons and agencies whom we knew would be interested in this regulation.

Moreover, we have made only those amendments that are essential if benefits are to be made available promptly. We plan to publish a more comprehensive NPRM in the future, which will review the present regulations and cover policy issues that did not have to be resolved under the time constraints for this regulation. We welcome comments on this regulation and suggestions for subsequent amendments.

42 CFR Part 405 is amended as set forth below:

1. Section 405.2100 is amended by deleting paragraphs (c) and (d).

§ 405.2100 Scope of subpart.

* * * * *

2. Section 405.2101 is amended by adding a new paragraph (d).

§ 405.2101 Objectives of the end-stage renal disease (ESRD) program.

The objectives of the end-stage renal disease program are:

(a) To assist beneficiaries who have been diagnosed as having end-stage renal disease (ESRD) to receive the care they need:

(b) To encourage proper distribution and effective utlization of ESRD treatment resources while maintaining or improving the quality of care;

(c) To provide the flexibility necessary for the efficient delivery of appropriate care by physicians and facilities; and

(d) To encourage self-dialysis or transplantation for the maximum practical number of patients who are medically, socially, and psychologically suitable candidates for such treatment.

3. Section 405.2102 is revised to read as follows:

§ 405.2102 Definitions.

As used in this subpart, the following definitions apply:

(a) *Agreement.* A written document executed between an ESRD facility and another facility in which the other facility agrees to assume responsibility for furnishing specified services to patients and for obtaining reimbursement for those services.

(b) *Arrangement.* A written document executed between an ESRD facility and another facility in which the other facility agrees to furnish specified services to patients but the ESRD facility retains responsibility for those services and for obtaining reimbursement for them.

(c) *Dialysis.* A process by which dissolved substances are removed from a patient's body by diffusion from one fluid compartment to another across a semipermeable membrane. The two types of dialysis that are currently in common use are hemodialysis and peritoneal dialysis.

(d) *End-Stage Renal Disease (ESRD).* That stage of renal impairment that appears irreversible and permanent, and requires a regular course of dialysis or kidney transplantation to maintain life.

(e) *ESRD facility.* A facility which is approved to furnish at least one specific ESRD service (see § 405.2102(f)). Such facilities are:

(1) *Renal Transplantation Center.* A hospital unit which is approved to furnish directly transplantation and other medical and surgical specialty services required for the care of the ESRD transplant patients, including inpatient dialysis furnished directly or under arrangement. A Renal Transplantation Center may also be a Renal Dialysis Center.

(2) *Renal dialysis center.* A hospital unit which is approved to furnish the full spectrum of diagnostic, therapeutic, and rehabilitative services required for the care of ESRD dialysis patients (including inpatient dialysis furnished directly or under arrangement). A hospital need not provide renal transplantation to qualify as a renal dialysis center.

(3) *Renal dialysis facility.* A unit which is approved to furnish dialysis service(s) directly to ESRD patients.

(4) *Self-dialysis unit.* A unit that is part of an approved renal transplantation center, renal dialysis center, or renal dialysis facility, and furnishes self-dialysis services.

(f) *ESRD service.* The type of care or services furnished to an ESRD patient. Such types of care are:

(1) *Transplantation service.* A process by which (a) a kidney is excised from a live or cadaveric donor, (b) that kidney is implanted in an ESRD patient, and (c) supportive care is furnished to the living donor and to the recipient following implantation.

(2) *Dialysis service:*

(i) *Inpatient dialysis.* Dialysis which, because of medical necessity, is furnished to an ESRD patient on a temporary inpatient basis in a hospital;

(ii) *Outpatient dialysis.* Dialysis furnished on an outpatient basis at a renal dialysis center or facility. Outpatient dialysis includes:

(A) *Staff-assisted dialysis.* Dialysis performed by the staff of the center or facility.

(B) *Self-dialysis.* Dialysis performed, with little or no professional assistance, by an ESRD patient who has completed an appropriate course of training.

(iii) *Home dialysis.* Dialysis performed by an appropriately trained patient at home.

(3) *Self-dialysis and home dialysis training.* A program that trains ESRD patients to perform self-dialysis or home dialysis with little or no professional assistance, and trains other individuals to assist patients in performing self-dialysis or home dialysis.

* * * * *

(r) *Qualified personnel.* Personnel that meet the requirements specified in this paragraph. (1) Chief executive officer. A person who:

(i) Holds at least a baccalaureate degree or its equivalent and has at least 1 year of experience in an ESRD unit; or

(ii) Is a registered nurse or physician director as defined in this paragraph (r); or

(iii) As of September 1, 1976, has demonstrated capability by acting for at least 2 years as a chief executive officer in a dialysis unit or transplantation program.

(2) *Dietitian.* A person who: (i) Is eligible for registration by the American Dietetic Association under its requirements in effect on June 3, 1976, and has at least 1 year of experience in clinical nutrition; or

(ii) Has a baccalaureate or advanced degree with major studies in food and nutrition or dietetics, and has at least 1 year of experience in clinical nutrition.

(3) *Medical record practitioner.* A person who:

(i) Has graduated from a program for Medical Record Administrators accredited by the Council on Medical Education of the American Medical Association and the American Medical Record Association, and is eligible for certification as a Registered Record Administrator (RRA) by the American Medical Record Association under its requirements in effect on June 3, 1976.

(ii) Has graduated from a program for Medical Record Technicians approved jointly by the Council on Medical Education of the American Medical Association and the American Medical Record Association, and is eligible for certification as an Accredited Record Technician (ART) by the American Medical Record Association under its requirements in effect June 3, 1976, or

(iii) Has successfully completed and received a satisfactory grade in the American Medical Record Association's Correspondence Course for Medical Record Personnel approved by the Accrediting Commission of the National Home Study Council, and is eligible for certification as an Accredited Record Technician by the American Medical Record Association under its requirements in effect June 3, 1976.

(4) *Nurse responsible for nursing service.* A person who is licensed as a registered nurse by the State in which practicing, and (i) has at least 12 months of experience in clinical nursing, and an additional 6 months of experience in nursing care of the patient with permanent kidney failure or undergoing kidney transplantation, including training in and experience with the dialysis process; or

(ii) Has 18 months of experience in nursing care of the patient on maintenance dialysis, or in nursing care of the patient with a kidney transplant, including training in and experience with the dialysis process.

(iii) If the nurse responsible for nursing service is in charge of self-care dialysis training, at least 3 months of the total required ESRD experience is in training patients in self-care.

(5) *Physician-director.* A physician who:

(i) Is board eligible or board certified in internal medicine or pediatrics by a professional board, and has had at least 12 months of experience or training in the care of patients at ESRD facilities; or

(ii) During the 5-year period prior to September 1, 1976, served for at least 12 months as director of a dialysis or transplantation program.

(iii) In those areas where a physician who meets the definition in subdivision (i) or (ii) of this subparagraph is not available to direct a participating dialysis facility, another physician may direct the facility, subject to the approval of the Secretary.

(6) *Social worker.* A person who is licensed, if applicable, by the State in which practicing, and

(i) Has completed a course of study with specialization in clinical practice at, and holds a masters degree from, a graduate school of social work accredited by the Council on Social Work Education; or

(ii) Has served for at least 2 years as a social worker, 1 year of which was in a dialysis unit or transplantation program prior to September 1, 1976, and has established a consultative relationship with a social worker who qualifies under subparagraph (6)(i) of this paragraph.

(7) *Transplantation surgeon.* A person who:

(i) Is board eligible or board certified in general surgery or urology by a professional board; and

(ii) Has at least 12 months training or experience in the performance of renal transplantation and the care of patients with renal transplants.

4. Section 405.2122 is amended to read as follows:

§ 405.2122 Types and duration of classification according to utilization rates.

An ESRD facility that meets all the other conditions for coverage of ESRD services will be classified according to its utilization rate(s) as follows: unconditional status, conditional status, exception status, or not eligible for reimbursement for that ESRD service. Such classification will be based on previously reported utilization data (see § 405.2124, except as specified in paragraph (a) of this section), and will be effective until notification of subsequent classification occurs. (See § 405.2123 for reporting requirements; § 405.2124, for method of calculating rates; § 405.2130 for specific standards.)

(a) *Initial classification.* (1) An ESRD facility that has not previously participated in the ESRD program will be granted conditional status if it submits a written plan, detailing how it will achieve the utilization rates for conditional status by the end of the first calendar year of its operation under the ESRD program, and the rates required for unconditional status during its third calendar year of operation.

(2) The ESRD facility's performance will be evaluated at the end of the first calendar year to ascertain whether it is properly implementing the plan.

(b) *Exception status.* (1) A renal dialysis center or a renal dialysis facility that does not meet the minimal utilization rate for unconditional or conditional status may be approved by the Secretary for a time limited exception status if:

(i) It meets all other conditions for coverage under this subpart;

(ii) It is unable to meet the minimal utilization rate because it lacks a sufficient number of patients and is located in an area without a sufficient population base to support a center or facility which would meet the rate; and

(iii) Its absence would adversely affect the achievement of ESRD program objectives.

(2) A hospital that furnishes renal transplantation services primarily to pediatric patients and is approved as a renal dialysis center under this subpart, but does not meet the utilization standards prescribed in § 405.2130(a), may be approved by the Secretary for a time limited exception status if:

(i) It meets all other conditions for coverage as a renal transplantation center;

(ii) The surgery is performed under the direct supervision of a qualified transplantation surgeon (§ 405.2102 (r)(7)) who is also performing renal transplantation surgery at an approved renal transplantation center that is primarily oriented to adult nephrology;

(iii) It has an agreement, with the other hospital serviced by the surgeon, for sharing limited resources that are needed for kidney transplantation; and

(iv) There are pediatric patients who need the surgery and who cannot obtain it from any other hospital located within a reasonable distance.

5. Section 405.2123 is revised to read as follows:

§ 405.2123 Reporting of utilization rates for classification.

Each facility must submit to HCFA an annual report on its utilization rates.

(a) Each hospital furnishing renal transplantation service must report both the number of transplants performed during the most recent year of operation and the number performed during each of the preceding 2 calendar years.

(b) Each hospital or nonhospital facility furnishing dialysis service must report the number of dialysis stations it had operating and the total number of dialyses performed during both the most recent year of operation and each of the preceding 2 calendar years. For dialyses performed on or after October 1, 1978, the report must separately identify, by type of ESRD service, the total number of dialyses performed at each station.

6. Section 405.2130 is amended by adding paragraph (d).

§ 405.2130 Condition: Minimal utilization rates.

The ESRD facility meets the applicable minimal utilization rate(s) indicated below for unconditional or conditional status, unless granted exception status in accordance with § 405.2122(b).

* * * * *

(d) Self-dialysis training stations which were utilized to successfully train at least six self-dialysis patients per station per calendar year and the dialyses performed on these stations may be excluded from the calculation of utilization rates.

7. Section 405.2134 is revised to read as follows:

§ 405.2134 Condition: Membership in a network.

The ESRD facility has a membership agreement with the network coordinating council and is providing acceptable representation on the council.

(a) *Standard: Membership agreement.* The membership agreement is signed by an authorized individual on behalf of the facility, and:

(1) Provides that the facility will participate in council activities and medical evaluation studies;

(2) Commits the facility to pursue network goals, including the placement of patients in self-dialysis and the encouragement of renal transplantation; and

(3) Includes the facility's plans for attaining the network goals.

(b) *Standard: Representation.* The facility appoints at least one representative to the Council and more than one representative, when necessary, for proper administration of the network's general program functions (see § 405.2111).

(c) *Standard: Goals and plans.* The facility fulfills its role for attaining the network goals and carrying out the network plans.

8. Section 405.2136 is amended by revising paragraph (b)(3), by revising paragraphs (f)(1) (ii) and (xi), and by revising paragraph (f)(2) as follows:

§ 405.2136 Condition: Governing body and management.

* * * * *

(b) *Standard: Operational objectives.* * * *

(3) Admission criteria that insure equitable access to services are adopted by the facility and are readily available to the public. Access to the self-dialysis unit is available only to patients for whom the facility maintains patient care plans (see § 405.2137).

* * * * *

(f) *Standard: Patient care policies.* * * *

(1) The patient care policies cover the following:

* * * * *

(ii) Admission and discharge policies (in relation to both in-facility care and home care).

* * * * *

(xi) The provision of home dialysis support services, if offered (see § 405.2163(e)).

(2) The physician-director of the facility is designated in writing to be responsible for the execution of patient care policies. If the responsibility for day-to-day execution of patient care policies has been delegated by a physican director to (or, in the case of a self-dialysis unit, to another licensed health practitioner) a registered nurse, the physican-director provides medical guidance in such matters.

9. Section 405.2137 is amended by revising paragraphs (b), (b)(4), (b)(5) and adding a new paragraph (b)(6) to read as follows:

§ 405.2137 Condition: Patient long-term program and patient care plan.

* * * * *

(b) *Standard: Patient care plan.* There is a written patient care plan for each patient of an ESRD facility (including home dialysis patients under the supervision of the ESRD facility; see § 405.2163(e)) based upon the nature of the patient's illness, the treatment prescribed, and an assessment of the patient's needs.

(1) The patient care plan is personalized for the individual, reflects the psychological, social, and functional needs of the patient, and indicates the ESRD and other care required as well as the individualized modifications in approach necessary to achieve the long-term and short-term goals.

(2) The plan is developed by a professional team consisting of at least the physician responsible for the patient's ESRD care, a qualified nurse responsible for nursing services, a qualified social worker, and a qualified dietitian.

(3) The patient, parent, or legal guardian, as appropriate, is invoved in the development of the care plan, and due consideration is given to his preferences.

(4) The care plan for patients whose medical condition has not become stabilized is reviewed at least monthly by the professional patient care team described in paragraph (b)(2) of this section. For patients whose condition has become stabilized, the care plan is reviewed every 6 months. The care plan is revised as necessary to insure that it provides for the patients ongoing needs.

(5) If the patient is transferred to another facility, the care plan is sent with the patient or within 1 working day.

(6) For a home-dialysis patient whose care is under the supervision of the ESRD facility, the care plan provides for periodic monitoring of the patient's home adaptation, including provisions for visits to the home by qualified facility personnel to the extent appropriate. (See § 405.2163(e).)

10. Sections 405.2139 and 405.2139(d) are revised to read as follows:

§ 405.2139 Condition: medical records.

The ESRD facility maintains complete medical records on all patients (including self-dialysis patients within the self-dialysis unit and home dialysis patients whose care is under the supervision of the facility) in accordance with accepted professional standards and practices. A member of the facility's staff is designated to serve as supervisor of medical records services, and insures that all records are properly documented, completed, and preserved. The medical records are completely and accurately documented, readily available, and systematically organized to facilitate the compilation and retrieval of information.

* * * * *

(d) *Standard: Completion of medical records and centralization of clinical information.* Current medical records and those of discharged patients are completed promptly. All clinical information pertaining to a patient is kept in the patient's medical record. Provision is made for collecting and including in the medical record medical information generated by self-dialysis patients. Entries concerning the daily dialysis process may either be completed by staff, or be completed by trained self-dialysis patients, trained home dialysis patients or trained assistants and countersigned by staff.

11. Section 405.2140 is amended by revising paragraphs (b)(2) and (b)(3), by revising paragraph (c), and by adding a new paragraph (d)(5) as follows:

§ 405.2140 Condition: Physical environment.

* * * * *

(b) *Standard: Favorable environment for patients.* * * *

(2) Treatment areas are designed and equipped to provide adequate and safe dialysis therapy, as well as privacy and comfort for patients. The space for treating each patient is sufficient to accommodate medically needed emergency equipment and staff and to insure that such equipment and staff can reach the patient in an emergency. There is sufficient space in units for safe storage of self-dialysis supplies.

(3) There is a nursing/monitoring station from which adequate surveillance of patients receiving dialysis services can be made.

* * * * *

(c) *Standard: Contamination prevention.* The facility employs appropriate techniques to prevent cross-contamination between the unit and adjacent hospital or public areas including, but not limited to, food service areas, laundry, disposal of solid waste and blood-contaminated equipment, and disposal of contaminants into sewage systems. Waste storage and disposal are carried out in accordance with applicable local laws and accepted public health procedures. The written patient care policies (see § 405.2136(f)(1)) specify the functions that are carried out by facility personnel and by self-dialysis patients with respect to contamination prevention.

(d) *Standard: Emergency preparedness.* * * *

(5) Patients are trained to handle medical and nonmedical emergencies. Patients must be fully informed regarding what to do, where to go, and whom to contact if a medical or nonmedical emergency occurs.

12. Section 405.2161(b) is amended by revising paragraphs (3) and (5) as follows:

§ 405.2161 Condition—Director of a renal dialysis facility or renal dialysis center.

* * * * *

(b) *Standard: Responsibilities.* * * *

(3) Assuring adequate monitoring of the patient and the dialysis process, including, for self-dialysis patients, assuring periodic assessment of patient performance of dialysis tasks.

* * * * *

(5) When self-dialysis training or home dialysis training is offered, assuring that patient teaching materials are available for the use of all trainees

during training and at times other than during the dialysis procedure.

13. Section 405.2162 is amended by revising paragraph (b) as follows:

§ 405.2162 Condition: Staff of a renal dialysis facility or renal dialysis center.

* * * * *

(b) *Standard: Onduty personnel.* Whenever patients are undergoing dialysis: (1) One currently licensed health professional (e.g., physician, registered nurse, or licensed practical nurse) experienced in rendering ESRD care is on duty to oversee ESRD patient care; (2) an adequate number of personnel are present so that the patient/staff ratio is appropriate to the level of dialysis care being given and meets the needs of patients; and (3) an adequate number of personnel are readily available to meet medical and nonmedical needs.

14. Section 405.2163 is amended by redesignating paragraphs (a) through (e) to be (b) through (f), by adding a new paragraph (a), and by revising paragraph (e) as follows:

§ 405.2163 Condition: Minimal service requirements for a renal dialysis facility or renal dialysis center.

The facility must provide dialysis services, as well as adequate laboratory, social, and dietetic services to meet the needs of the ESRD patient.

(a) Standard: *Outpatient dialysis services.*—(1) *Staff-assisted dialysis services.* The facility must provide all necessary institutional dialysis services and staff required in performing the dialysis.

(2) *Self-dialysis services.* If the facility offers self-dialysis services, it must provide all medically necessary supplies and equipment and any other service specified in the facility's patient care policies.

(b) *Standard: Laboratory services.* The dialysis facility makes available laboratory services (other than the specialty of tissue pathology and histocompatibility testing), to meet the needs of the ESRD patient. Laboratory services are performed either by a medicare-approved hospital or by a qualified medicare-approved independent laboratory, except that hematocrit and clotting time, which the facility uses to monitor its patients' fluids incident to each dialysis treatment, may be performed by the dialysis facility's staff, who are qualified by education and experience to perform such duties, under the direction of a physician.

(c) *Standard: Social services.* Social services are provided to patients and their families and are directed at supporting and maximizing the social functioning and adjustment of the patient. Social services are furnished by a qualified social worker (§ 405.2102(r)(6)) who has an employment or contractual relationship with the facility. The qualified social worker is responsible for conducting psychosocial evaluations, participating in team review of patient progress and recommending changes in treatment based on the patient's current psychosocial needs, providing casework and groupwork services to patients and their families in dealing with the special problems associated with ESRD, and identifying community social agencies and other resources and assisting patients and families to utilize them.

(d) *Standard: Dietetic services.* Each patient is evaluated as to his nutritional needs by the attending physician and by a qualified dietitian. (§ 405.2102(r)(2)) who has an employment or contractual relationship with the facility. The dietitian, in consultation with the attending physician, is responsible for assessing the nutritional and dietetic needs of each patient, recommending therapeutic diets, counseling patients and their families on prescribed diets, and monitoring adherence and response to diets.

(e) *Standard: Self-dialysis support services.* The renal dialysis facility or center furnishing self-dialysis training upon completion of the patient's training, furnishes (either directly, under agreement or under arrangement with another ESRD facility) the following services:

(1) Surveillance of the patient's home adaptation, including provisions for visits to the home or the facility;

(2) Consultation for the patient with a qualified social worker and a qualified dietitian;

(3) A recordkeeping system which assures continuity of care;

(4) Installation and maintenance of equipment;

(5) Testing and appropriate treatment of the water; and

(6) Ordering of supplies on an ongoing basis.

(f) *Standard: Participation in recipient registry.* The dialysis facility or center participates in a patient registry program for patients who are awaiting cadaveric donor transplantation.

(Secs. 226, 1102, 1871, 1881 of the Social Security Act (42 U.S.C. 426, 1302, 1395hh, 1395rr).)

(Catalog of Federal Domestic Assistance Programs No. 13.773, Medicare—Hospital Insurance; No. 13.774, Medicare—Supplementary Medical Insurance.)

Dated: September 21, 1978.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

Approved: October 11, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-29438 Filed 10-18-78; 8:45 am]

federal register

THURSDAY, OCTOBER 19, 1978
PART V

FEDERAL HOME LOAN BANK BOARD

■

CONVERSIONS OF FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION INSURED INSTITUTIONS FROM MUTUAL TO STOCK FORM

Proposed Rules

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563b]

[No. 78-541]

INSURANCE OF ACCOUNTS

Conversion from Mutual to Stock Form

OCTOBER 11, 1978.

AGENCY: Federal Home Loan Bank Board and Federal Savings and Loan Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Savings and Loan Insurance Corporation's present regulations governing conversions of FSLIC insured institutions from mutual to stock form of ownership provide for the sale of conversion stock by means of a subscription offering to eligible account holders, other association members, and officers, directors and employees. All unsubscribed-for shares may be sold in a public offering, if such offering is practicable, otherwise in a private distribution. The proposed amendments would continue to provide for the sale of conversion stock by means of a subscription offering but would generally increase the rights of eligible account holders and other association members and limit purchases by officers and directors. In addition, the proposed amendments would provide for the sale of all unsubscribed-for shares in a public offering either in a direct offering through an underwriter or in a direct community marketing by the association. The purpose of these proposed changes is to promote wider participation by account holders and the public at large and to prescribe the degree of concentration of stock held by officers and directors.

DATES: Comments must be received by November 20, 1978.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT:

Douglas P. Faucette, Associate General Counsel, Federal Home Loan Bank Board, 202-377-6410, at the above address.

SUPPLEMENTAL INFORMATION: The Federal Home Loan Bank Board by Resolution No. 74-144, dated February 28, 1974, (39 FR 9142), adopted the present conversion regulations, which became effective April 8, 1974. Amendments to the regulations authorized the Bank Board to issue Federal stock charters, eliminated discounts on the sales price of stock and the preliminary and final Bank Board approval concept, revised the allocation of stock subscription rights, and added § 563b.9 which prohibits certain offers to acquire securities both prior to and 3 years subsequent to a conversion.

The Bank Board staff has analyzed over 102 conversion applications; 35 have been approved of which 31 conversions have been completed.

In several conversions some small institutions which were unable to sell stock through a public underwriter because of their size, also experienced poor account holder participation. Since the current regulations require that all conversion stock be sold, management, in these instances, was required to purchase all unsold shares.

The Bank Board believes this is an unacceptable result, not only because of the burden this requirement places on management, but because of the degree of concentration of ownership which sometimes results.

In order to broaden participation by accountholders and reduce the degree of concentration by officers and directors the Bank Board proposes to amend § 563b.3(c) to require plans of conversion to contain:

(1) A provision giving each supplemental eligible account holder, immediately following subscriptions by eligible account holders, a right to purchase the greater of 200 shares, one-tenth of 1 percent of the total offering of stock, or 15 times the product obtained by multiplying the total number of shares to be sold by the fraction which his qualifying deposits represents when compared to all qualifying deposits on the supplemental eligiblity record date.

(2) A provision increasing the subscription rights distribution to eligible account holders to the greater of 200 shares, one-tenth of 1 percent of the total offering, or 15 times the account holders' pro rata share of the offering.

(3) A provision giving a right to purchase 200 shares to account holders and borrowers entitled to vote at the meeting called to consider the conversion, but who are not eligible or supplemental eligible account holders.

(4) A provision limiting purchases by a person and his associates to 5 percent of the total offering of shares.

(5) A provision limiting purchases by officers and directors of the institution and their associates to 25 percent of the total offering.

In addition, the following optional provisions have been added or amended:

(1) A provision requiring any shares not sold in the subscription offering to be sold in a public offering through an underwriter or directly by the institution in a direct community marketing.

(2) A provision permitting eligible account holders, supplemental eligible account holders and members to receive additional rights to purchase up to 1 percent of the total offering.

In order to improve the trading market in a converted institutions' stock after a conversion and to further insure arms length transactions by management, the Bank Board proposes to amend § 563b.3(c) to require that plans of conversion contain:

(1) A provision requiring a converted institution to, (a) register the stock pursuant to the Securities Exchange Act of 1934; (b) use its best efforts to encourage and assist a market maker to establish and maintain a market for the stock issued in the conversion; and (c) use its best efforts to list the shares issued in connection with the conversion on a national or regional exchange or the NASDAQ quotation system.

(2) A provision restricting resale of stock purchased by officers and directors for a period of 3 years.

(3) A provision requiring, for a period of 3 years, officers and directors to purchase stock in the institution only from a broker or dealer registered with the Securities and Exchange Commission. The only exception to this would be a negotiated transaction for more than 1 percent of the outstanding stock.

The Bank Board also proposes to amend § 563b.3 (c) and (d) by adding two requirements to plans of conversion, one being that the expenses involved in a conversion be reasonable and the other, that the number of shares reserved for a stock option plan that is adopted at the meeting called to consider the conversion cannot exceed 10 percent of the stock sold pursuant to the conversion. These two requirements have been Bank Board policy in all applications for conversion considered to date.

In addition, the Bank Board proposes to revise the current 10-year restriction on the payment of cash dividend of two-thirds of current income to one-half of current income.

Current § 563b.9(d) prohibits, without Corporation approval, an announcement of an offer to acquire more than 10 percent of any equity security of a converted institution. The Bank Board proposes to amend this paragraph to prohibit, without Corporation approval, acquisition of beneficial ownership of more than 10 percent of any classs of equity security of a converted institution for 3 years, whether or not an offer is made.

Section 563b.2 *Definitions* would be revised by deleting the unneeded definition of "intitlement shares", by amending the definition of the term "subscription offering", and by adding definitions of the terms, "Broker", "Market Maker", "Supplemental eligi-

bility record date", and "Supplemental eligible accountholder".

The Bank Board proposes to amend Form AC by requiring the disclosure of officers' and directors' account balances on the eligibility record date and the 2 years preceding such date if the balance is at least $5,000 on the eligibility record date and has increased by at least 25 percent during the 2-year period preceding that date.

Form PS would be revised by requiring a detailed analysis by management of the financial statements contained in the proxy statement.

In addition, conforming changes are made to the forms (AC, PS and OC) used in connection with Part 563b. Accordingly, the Bank Board proposes to amend 12 CFR Part 563b and accompanying forms to read as follows:

PART 563b—CONVERSIONS FROM MUTUAL TO STOCK FORM

Sec.
563b.1 Scope of part.
563b.2 Definitions.
563b.3 General principles for conversions.
563b.4 Notice of filing; public statements; confidentiality.
563b.5 Solicitation of proxies; proxy statement.
563b.6 Vote by members.
563b.7 Pricing and sale of securities.
563b.8 Procedural requirements.
563b.9 Acquisitions of securities of converted associations.

AUTHORITY: Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730; 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., p. 1071.

§ 563b.1 Scope of part.

(a) *General.* Except as the Corporation may otherwise determine, the provisions of this part shall exclusively govern the conversion of mutual insured institutions to capital stock insured institutions. No such mutual insured institution shall convert to the capital stock form of organization without the prior written approval of the Corporation pursuant to the provisions of this part, except as the Corporation may otherwise provide in supervisory cases.

(b) *Provisions of prescribed forms.* Any provision in a form prescribed under this part and covering the same subject matter as any provision of this part shall have the same force and effect as if it were a provision of this part except as it relates to information not deemed material.

(c) *Conflicts with State law.* (1) In the event an applicant finds that compliance with any provision of this part would be in conflict with applicable State law, the applicant may file with the Corporation a written request for waiver of compliance with such provision. Such request may be incorporated in the application for conversion; otherwise, the applicant shall file four copies of such request.

(2) In making any such request, the applicant shall:

(i) Specify the provision or provisions of this part with respect to which the applicant desires waiver;

(ii) Furnish an opinion of counsel demonstrating that applicable State law is in conflict with the specified provision or provisions of this part; and

(iii) Demonstrate that the requested waiver would not result in any effects that would be inequitable or detrimental to the applicant, its account holders or other insured institutions or be contrary to the public interest.

§ 563b.2 Definitions.

(a) As used in this part and in the forms under this part, the following definitions apply, unless the context otherwise requires:

(1) *Affiliate.* An "affiliate" of, or a person "affiliated" with, a specified person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(2) *Amount.* The term "amount," when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

(3) *Applicant.* An "applicant" is an insured institution which has applied to convert pursuant to this part.

(4) *Associate.* The term "associate," when used to indicate a relationship with any person, means (i) any corporation or organization (other than the applicant or a majority-owned subsidiary of the applicant) of which such person is an officer or partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities, (ii) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (iii) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the applicant or any of its parents or subsidiaries.

(5) *Association members.* The term "association members" refers to persons who, pursuant to the charter or bylaws of the applicant, are eligible to vote at the applicant's meeting at which conversion will be voted upon.

(6) *Board.* The term "Board" refers to the Federal Home Loan Bank Board.

(7) *Broker.* The term "broker" means any person engaged in the business of effecting transactions in securities for the account of others.

(8) *Capital stock.* The term "capital stock" includes permanent stock, guaranty stock, permanent reserve stock, or any similar certificate evidencing nonwithdrawable capital.

(9) *Charter.* The term "charter" includes articles of incorporation, articles of association, or any similar instrument, as amended, effecting (either with or without filing with any governmental agency) the organization or creation of an incorporated or unincorporated person.

(10) *Control.* The term "control" (including the terms "controlling," "controlled by," and "under common with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

(11) *Corporation.* The term "Corporation" refers to the Federal Savings and Loan Insurance Corporation.

(12) *Dealer.* The term "dealer" means any person who engages either for all or part of his time, directly or indirectly, as agent, broker, or principal, in the business of offering, buying, selling, or otherwise dealing or trading in securities issued by another person.

(13) *Director.* The term "director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

(14) *Eligibility record date.* The term "eligibility record date" means the record date for determining eligible account holders of a converting institution.

(15) *Eligible account holder.* The term "eligible account holder" means any person holding a qualifying deposit as determined in accordance with § 563b.3(e).

(16) *Employee.* The term "employee" does not include a director or officer.

(17) *Equity security.* The term "equity security" means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such security; or any such warrant or right.

(18) *Insured institution.* The term "insured institution" has the same meaning as in section 561.1 of this subchapter.

(19) *Market maker.* The term "market maker" means a dealer who, with respect to a particular security, (i) regularly publishes a bona fide, competitive bid and offer quotations in a recognized interdealer quotation system; or (ii) furnishes bona fide competitive bid and offer quotations on re-

quest; and (iii) is ready, willing, and able to effect transactions in reasonable quantities at his quoted prices with other brokers or dealers.

(20) *Material.* The term "material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before purchasing an equity security of the applicant, or matters as to which an average prudent association member ought reasonably to be informed in voting upon the plan of conversion of the applicant.

(21) *Member.* The term "member" means any person qualifying as a member of an insured institution pursuant to its charter or bylaws.

(22) *Offer.* The term "offer", "offer to sell", or "offer of sale" shall include every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security, for value. These terms shall not include preliminary negotiations or agreements between an applicant and any underwriter or among underwriters who are or are to be in privity of contract with an applicant.

(23) *Officer.* The term "officer" means the chairman of the board, president, vice president, secretary, treasurer or principal financial officer, comptroller or principal accounting officer, and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

(24) *Person.* The term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust, any unincorporated organization, or a government or political subdivision thereof.

(25) *Proxy.* The term "proxy" includes every form of authorization by which a person is, or may be deemed to be, designated to act for an association member in the exercise of his voting rights in the affairs of an insured institution. Such an authorization may take the form of failure to dissent or object.

(26) *Purchase.* The terms "purchase" and "buy" include every contract to purchase, buy, or otherwise acquire a security or interest in a security for value.

(27) *Sale.* The terms "sale" and "sell" include every contract to sell or otherwise dispose of a security or interest in a security for value; but such terms do not include an exchange of securities in connection with a merger or acquisition approved by the Board or the Corporation.

(28) *Savings account.* The term "savings account" has the same meaning as in section 561.11 of this subchapter and includes certificates of deposit.

(29) *Security.* The term "security" includes any note, stock, treasury stock, bond, debenture, transferable share, investment contract, voting-trust certificate, or in general, any instrument commonly known as a "security"; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, or warrant or right to subscribe to or purchase, any of the foregoing.

(30) *Solicitation; solicit.* The terms "solicitation" and "solicit" refer to (i) any request for a proxy whether or not accompanied by or included in a form of proxy; (ii) any request to execute, not execute, or revoke a proxy; of (iii) the furnishing of a form of proxy or other communication to association members under circumstances reasonably calculated to result in the procurement, withholding, or revocation of a proxy. The terms do not apply, however, to the furnishing of a form of proxy to an association member upon the unsolicited request of such association member, the performance of acts required by § 563b.5(f), or to the performance by any person of ministerial acts on behalf of a person soliciting a proxy.

(31) *Subscription offering.* The term "subscription offering" refers to the offering of shares of capital stock, through nontransferable subscription rights issued to: (i) Eligible account holders as required by § 563b.3(c)(2); (ii) supplemental eligible account holders as required by § 563b.3(c)(4); (iii) members entitled to vote at the meeting called to consider the conversion as required by § 563b.3(c)(5); (iv) directors, officers, and employees, as permitted by § 563b.3(d)(1); and (v) eligible account holders, supplemental eligible account holders, and voting members as permitted by § 563b.3-(d)(2).

(32) *Subsidiary.* A "subsidiary" of a specified person is an affiliate controlled by such person, directly or indirectly, through one or more intermediaries.

(33) *Supervisory agent.* The term "supervisory agent" means (i) the president of the bank of the Federal home loan bank district in which the applicant has its principal office, or (ii) any other person who is specifically designated as an agent by the Corporation to act in its behalf in the administration of this part.

(34) *Supplemental eligibility record date.* The term "supplemental eligibility record date" means the supplemental record date for determining supplemental eligible account holders of a converting institution required by § 563b.3(c)(3). The date shall be the last day of the calendar quarter preceding Board approval of the application for conversion.

(35) *Supplemental eligible account holder.* The term "supplemental eligible account holder" means any person holding a qualifying deposit, except officers, directors, and their associates, as of the supplemental eligibility record date.

(36) *Underwriter.* The term "underwriter" means any person who has purchased from an applicant with a view to, or offers or sells for an applicant in connection with, the distribution of any security, or participates or has a direct or indirect participation in the direct or indirect underwriting of any such undertaking; but such term shall not include a person whose interest is limited to a commission from an underwriter or dealer not in excess of the usual and customary distributors' or sellers' commission. The term "principal underwriter" means an underwriter in privity of contract with the applicant or other issuer of securities as to which he is the underwriter.

(b) Terms defined in other parts of this subchapter, when used in this part, shall have the meanings given in such definitions, to the extent such definitions are not inconsistent with the definitions contained in this part, unless the context otherwise requires.

§ 563b.3 General principles for conversions.

(a) *Findings of Federal Home Loan Bank Board.* (1) The regulations contained in this part are promulgated to provide rules by which mutual insured institutions may convert to the stock form of organization on an equitable basis. In determining the equity of conversion standards and procedures, the Board, both directly and as operating head of the Corporation, finds that it is necessary to consider the effects of various standards and procedures that might be adopted, not only on an individual applicant but also on the entire system of insured institutions. Indeed, the Board believes that it has a public responsibility also to consider the effects on financial institutions which are not thrift institutions and on thrift institutions which are not subject to the Board's regulatory jurisdiction. If a particular method of conversion would unacceptably threaten the financial stability of such institutions, or a substantial portion of them, the Board cannot consider such method of conversion to be on an equitable basis. Further, if a particular method of conversion would tend to force individual mutual insured institutions to convert to the stock form irrespective of whether such institutions or the communities they serve would be benefited thereby, the Board cannot consider such a method of conversion to be on an equitable basis.

(2) The Board has determined that a method of conversion which provides a so-called "windfall" distribution to the account holders of a converting mutual insured institution would create strong incentives for significant shifts of savings funds among insured institutions and other financial institutions and that such shifts of savings funds would unacceptably threaten the financial stability of such institutions. The Board has also determined that a method of conversion which provides a so-called "windfall" distribution would tend to force individual mutual insured institutions to convert to the stock form irrespective of whether such institutions or the communities they serve would be benefited thereby. The Board therefore finds that no method of conversion can be considered equitable unless such "windfall" distribution is virtually eliminated. The Board further finds that such "windfall" distribution is not virtually eliminated by methods of conversion under which the control of such distribution is intended to be effected by systems of averaging or weighting deposits, by restricting transferability of the capital stock of converted insured institutions, by placing such stock in escrow or trust, by delayed distribution of such stock or its equivalent in cash by placing such stock in escrow or trust, by delayed distribution of such stock or its equivalent in cash, or by segregating the net worth accounts of converted insured institutions and proportionally allocating the future income of such institutions to such accounts, or by any of the foregoing methods taken in combination. The Board also finds that, in order for conversion regulations to be effective against the undesirable results of such "windfall" distributions, the basic provisions of such regulations must operate with substantial uniformity with respect to mutual insured institutions on a national scale.

(3) The regulations contained in this part, while providing the account holder with rights to a share in the equity of the converting mutual insured institution in the event of a subsequent complete liquidation, are designed virtually to eliminate the "windfall" aspect of conversion and the resulting disruptive effect on the economy. Accordingly, the Board finds that these regulations provide a means by which mutual insured institutions may convert to stock form on an equitable basis.

(b) *General requirements.* No application for conversion shall be approved by the Corporation if:

(1) The plan of conversion adopted by the applicant's board of directors is not in accordance with the provisions of this part;

(2) The conversion would result in any reduction of the Federal insurance reserve or would cause the applicant to fail to meet any net worth requirement of § 563.13 of this subchapter;

(3) The conversion may result in a taxable reorganization of the applicant under the Internal Revenue Code of 1954, as amended; or

(4) The converted institution would not have its accounts insured by the Corporation.

(c) *Required provisions in plan of conversion.* The plan of conversion shall:

(1) Provide that the converting insured institution shall issue and sell its capital stock at a total price equal to the estimated pro forma market value of such stock in the converted insured institution, based on an independent valuation, as provided in § 563b.7.

(2) Provide that each eligible account holder shall receive without payment, nontransferable subscription rights to purchase capital stock in an amount equal to the greater of 200 shares, one-tenth of 1 percent of the total offering of shares or 15 times the product (rounded down to the next whole number) obtained by multiplying the total number of shares of capital stock to be issued by a fraction of which the numerator is the amount of the qualifying deposit of the eligible account holder and the denominator is the total amount of qualifying deposits of all eligible account holders in the converting insured institution. If the allotment made in this paragraph (c)(2) results in an oversubscription, shares shall be allocated among subscribing eligible account holders so as to permit each such account holder, to the extent possible, to purchase a number of shares sufficient to make his total allocation equal to 100 shares. Any shares not so allocated shall be allocated among the subscribing eligible account holders on such equitable basis, related to the amounts of their respective qualifying deposits as may be provided in the plan of conversion.

(3) Nontransferable subscription rights to purchase capital stock received by officers and directors and their associates of the converting insured institution based on their increased deposits in the converting association in the 1-year period preceding the eligibility record date shall be subordinated to all other subscriptions involving the exercise of nontransferable subscription rights to purchase shares pursuant to paragraph (c)(2) of this section.

(4) Provide that, in plans involving an eligibility record date that is more than 15 months prior to the date of the latest amendment to the application for conversion filed prior to Board approval, a supplemental eligibility record date be determined whereby each supplemental eligible account holder of the converting insured institution, shall receive without payment, nontransferable subscription rights to purchase supplemental shares in an amount equal to the greater of 200 shares, one-tenth of 1 percent of the total offering of shares or 15 times the product (rounded down to the next whole number) obtained by multiplying the total number of shares of capital stock to be issued by a fraction of which the numerator is the amount of the qualifying deposit of the supplemental eligible account holder and the denominator is the total amount of the qualifying deposits of all supplemental eligible account holder in the converting insured institution on the supplemental eligibility record date.

(i) Subscription rights received pursuant to this paragraph (c)(4) shall be subordinated to all rights received by eligible account holders to purchase shares pursuant to paragraph (c)(2).

(ii) Any nontransferable subscription rights to purchase shares received by an eligible account holder in accordance with paragraph (c)(2) of this section shall be applied in partial satisfaction of the subscription rights to be destributed pursuant to this paragraph (c)(4).

(iii) In the event of an oversubscription for supplemental shares pursuant to this paragraph (c)(4), shares shall be allocated among the subscribing supplemental eligible account holders as follows:

(A) Shares shall be allocated among subscribing supplemental eligible account holders so as to permit each such supplemental account holder, to the extent possible, to purchase a number of shares sufficient to make his total allocation (including the number of shares, if any, allocated in accordance with paragraph (c)(2) of this section) equal to 100 shares.

(B) Any shares not allocated in accordance with paragraph (c)(4)(iii)(A) of this section shall be allocated among the subscribing supplemental eligible account holders on such equitable basis, related to the amounts of their respective qualifying deposits as may be provided in the plan of conversion.

(5) Provide that association voting members who are not either eligible account holders or supplemental eligible account holders shall receive, without payment, nontransferable subscription rights to purchase 200 shares of capital stock, to the extent that shares are available after satisfying the subscriptions of eligible account holders and supplemental eligible account holders provided for under paragraphs (c) (2) and (4) of this section. In the event of an oversubscription for

shares under the provisions of this paragraph (c)(5), the shares available shall be allocated among the subscribing voting members on such equitable basis as may be provided in the plan of conversion.

(6) Provide that the number of shares which any person together with any associate or group of persons acting in concert may subscribe for or purchase in the conversion shall not exceed 5 percent of the total offering of shares. For purposes of this paragraph (c)(6) the members of the converting insured institution's board of directors shall not be deemed to be associates or a group acting in concert solely as a result of their board membership.

(7) Provide that the number of shares which officers and directors of the converting insured institution and their associates may purchase in the conversion shall not exceed 25 percent of the total offering of shares.

(8) Provide that no officer, or director or their associates, shall purchase without the prior written approval of the Corporation the capital stock of the converted insured institution except from a broker or dealer registered with the Securities and Exchange Commission for a period of 3 years following the conversion. This provision shall not apply to negotiated transactions as defined by § 563.8-1(d)(3)(i) involving more than 1 percent of the outstanding capital stock of the converted insured institution.

(9) Provide that the sales price of the shares of capital stock to be sold in the conversion shall be a uniform price determining in accordance with § 563b.7; and specify the underwriting and/or other marketing arrangements to be made to assure the sale of all shares not sold in the subscription offering.

(10) Provide that each savings account holder of the converting insured institution shall receive, without payment, a withdrawable savings account or accounts in the converted insured institution equal in withdrawable amount to the withdrawal value of such account holder's savings account or accounts in the converting insured institution.

(11) Provide for the establishment and maintenance of a liquidation account for the benefit of eligible account holders and supplemental eligible account holders in the event of a subsequent complete liquidation of the converted insured institution, in accordance with the provisions of paragraph (f) of this section.

(12) Provide for an eligibility record date, which shall be not less than 90 days prior to the date of adoption of the plan by the converting insured institution's board of directors.

(13) Provide that the holders of the capital stock of the converted insured institution shall have exclusive voting rights, unless in the case of a State-chartered converted insured institution State law requires savings account holders and/or borrowers of the converted insured institution to have voting rights, in which case the charter of the converted insured institution shall (i) limit such voting rights to the minimum required by State law, and (ii) provide for the management of the converted insured institution to solicit proxies from such savings account holders and/or borrowers in the same manner as it solicits proxies from its shareholders.

(14) Provide that the plan of conversion adopted by the applicant's board of directors may be substantively amended by such board of directors as a result of comments from regulatory authorities or otherwise prior to the solicitation of proxies from members to vote on the plan and at any time thereafter with the concurrence of the Corporation; and that the conversion may be terminated by such board of directors at any time prior to the meeting of members called to consider the plan of conversion and at any time thereafter with the concurrence of the Corporation.

(15) Provide that all shares of capital stock purchased by directors and officers on original issue in the conversion either directly from the insured institution (by subscription or otherwise) or from an underwriter of such shares, shall be subject to the restriction that such shares shall not be sold for a period of not less than 3 years following the date of purchase, except in the event of death of the director or officer.

(16) Provide that, in connection with shares of capital stock subject to restriction on sale for a period of time:

(i) Each certificate for such stock shall bear a legend giving appropriate notice of such restriction;

(ii) Appropriate instructions shall be issued to the transfer agent for the converted insured institution's capital stock with respect to applicable restrictions on transfer of any such restricted stock; and

(iii) Any shares issued as a stock dividend, stock split, or otherwise with respect to any such restricted stock shall be subject to the same restriction as may apply to such restricted stock.

(17) Provide that the converting insured institution shall:

(i) Promptly following the conversion register the securities issued in connection therewith pursuant to the Securities Exchange Act of 1934 and undertake not to deregister such securities for a period of 3 years thereafter;

(ii) Use its best efforts to encourage and assist a market maker to establish and maintain a market for the securities issued in connection with the conversion; and

(iii) Use its best efforts to list those shares issued in connection with the conversion on a national or regional securities exchange or on the NASDAQ quotation system.

(18) Provide that the expenses incurred in the conversion shall be reasonable.

(19) Contain no provision which the Corporation shall determine to be inequitable or detrimental to the applicant, its savings account holders or other insured institutions or to be contrary to the public interest.

(d) *Optional provisions in plan of conversion.* The plan of conversion may provide any or all of the following:

(1) That directors, officers, and employees of the converting insured institution, as part of the subscription offering, shall be entitled to purchase shares of capital stock, to the extent that shares are available after satisfying the subscriptions of eligible account holders, supplemental eligible account holders and members provided for under paragraphs (c) (2), (4), and (5) of this section, subject to the following conditions:

(i) The total number of shares which may be purchased under this subdivision (i) shall not exceed 25 percent of the total number of shares to be issued in the case of a converting insured institution with total assets of less than $50 million or 15 percent in the case of a converting insured institution with total assets of $500 million or more; in the case of a converting insured institution with total assets of $50 million or more but less than $500 million, the percentage shall be no more than a correspondingly appropriate number of shares based on total asset size (for example, 20 percent in the case of a converting insured institution with total assets of approximately $275 million); and

(ii) The shares shall be allocated among directors, officers, and employees on an equitable basis such as by giving weight to period of service, compensation and position, subject to a reasonable limitation on the amount of shares which may be purchased by any person associate thereof, or group of affiliated persons or group of persons otherwise acting in concert.

(2) That each eligible account holder, supplemental subscription offering, shall also receive, without payment, nontransferable subscription rights to purchase up to 1 percent of the total offering of shares of capital stock, to the extent that such shares are available after satisfying the subscriptions provided for under para-

graphs (c) (2), (4), and (5) of this section, subject to such conditions as may be provided in the plan of conversion. In the event of an oversubscription for such additional shares, the shares available shall be allocated among the subscribing eligible account holders, supplemental eligible account holders and voting members on such equitable basis, related to the amounts of their respective subscriptions, as may be provided in the plan of conversion. Where possible such subscriptions shall be allocated in such a manner that total purchases by eligible account holders, supplemental eligible account holders, and voting members shall be rounded to the nearest 100 shares.

(3) That any shares of the converting insured institution not sold in the subscription offering shall either be sold in a public offering through an underwriter or directly by the converting insured institution in a direct community marketing, subject to the applicant demonstrating to the Corporation the feasibility of the method of sale and to such conditions as may be provided in the plan of conversion. Such conditions shall include, but not be limited to:

(i) A condition limiting purchases by each officer and director or their associates in this phase of the offering to one tenth of one percent of the total offering of shares;

(ii) A condition limiting purchases by persons and their associates in this phase of the offering to 2 percent of the share to be sold in the total offering or any lesser percent included in the plan of conversion pursuant to paragraph (d)(5) of this section; and

(iii) A condition that any direct community offering by the converting institution shall give a preference to natural persons residing in the counties in which the institution has an office.

(4) That any significant residue of shares of the converting insured institution not sold in the subscription offering or in a public offering referred to in paragraph (d)(3) may be sold in such other manner as provided in the plan with Board approval.

(5) That the number of shares which an eligible account holder or supplemental eligible account holder may subscribe for under paragraph (c)(4) of this section may be made subject to a limit of not less than one percent of the total offering of shares for each eligible account holder or supplemental eligible account holder, or eligible account holder and supplemental eligible account holder having the same taxpayer identification number, or group of eligible account holder and supplemental eligible account holder affiliated with each other of otherwise acting in concert.

(6) That any person exercising subscription rights to purchase capital stock shall be required to purchase a minimum of up to 25 shares to the extent such shares are available (but the aggregate price for any minimum share purchase shall not exceed $500).

(7) That a stock option plan may be adopted at the meeting at which the plan of conversion is voted upon by the members of the converting insured institution. The number of shares reserved for such stock option plans should be limited to 10 percent of the number of shares sold in the conversion.

(8) That the converted insured institution shall issue and sell, in lieu of shares of its capital stock, units of securities consisting of capital stock and long-term warrants or other equity securities, in which event any reference in the provisions of this part to capital stock shall apply to such units of equity securities unless the context otherwise requires.

(9) that the Corporation may approve such other equitable provisions as are necessary to avert imminent injury to the converting insured institution.

(e) *Determination of amount of qualifying deposit; predecessor and successor accounts.* (1) Unless otherwise provided in the plan of conversion, for the purposes of this section, the amount of the qualifying deposit of an eligible account holder or supplemental eligible account holder shall be the total of the deposit balances in the eligible account holder's or supplemental eligible account holder's savings accounts in the converting insured institution as of the close of business on the eligibility record data or supplemental eligibility record date. However, the plan of conversion may provide that any savings accounts with total deposit balanced of less than $50 (or any lesser amount) shall not constitute a qualifying deposit.

(2) As used in this section, the term "savings account" includes a predecessor or successor account of a given savings account which is held only in the same right and capacity and on the same terms and conditions as the given savings account. However, the plan of conversion may provide for lesser requirements for consideration as a predecessor or successor account.

(f) *Liquidation account.* (1) Each converted insured institution shall, at the time of conversion, establish a liquidation account in an amount equal to the amount of net worth of the converting insured institution as of the latest practicable date prior to conversion. For the purposes of this paragraph, the insured institution shall use the net worth figure no later than that set forth in its latest statement of financial condition contained in the final offering circular. The function of the liquidation account is to establish a priority on liquidation and, except as provided in paragraph (g)(2) of this section, the existence of the liquidation account shall not operate to restrict the use or application of any of the net worth accounts of the converted insured institution.

(2) The liquidation account shall be maintained by the converted insured institution for the benefit of eligible account holders and supplemental eligible account holders who maintain their savings accounts in such institution. Each such eligible account holder and supplemental eligible account holder shall, with respect to each savings account held, have a related inchoate interest in a portion of the liquidation account balance ("subaccount").

(3) In the event of a complete liquidation of the converted insured institution (and only in such event), each eligible account holder and supplemental eligible account holder shall be entitled to receive a liquidation distribution from the liquidation account, in the amount of the then current adjusted subaccount balances for savings accounts then held, before any liquidation distribution may be made with respect to capital stock. No merger, consolidation, purchase or bulk assets with assumption of savings accounts and other liabilities, or similar transaction, in which the converted institution is not the surviving institution, is considered to be a complete liquidation for this purpose. In such transactions, the liquidation account shall be assumed by the surviving insured institution.

(4) The initial subaccount balance for a savings account held by an eligible account holder and/or supplemental eligible account holder shall be determined by multiplying the opening balance in the liquidation account by a fraction of which the numerator is the amount of qualifying deposits of such account holder on the eligibility record date and/or the supplemental eligibility record date and the denominator is the total amount of qualifying deposits of all eligible account holders and supplemental eligible account holders in the converting insured institution on such dates. Such initial subaccount balance shall not be increased, and it shall be subject to downward adjustment as provided in paragraph (f)(5) of this section.

(5) If the deposit balance in any savings account of an eligible account holder at the close of business on any annual closing date subsequent to the eligibility record date is less than the lesser of (i) the deposit balance in such savings account at the close of business on any other annual closing date subsequent to the eligibility record

date or (ii) the amount of the qualifying deposit in such savings account, the subaccount balance for such savings account shall be adjusted by reducing such subaccount balance in an amount proportionate to the reduction in such deposit balance. In the event of such a downward adjustment, the subaccount balance shall not be subsequently increased, notwithstanding any increase in the deposit balance of the related savings account. If any such savings account is closed, the related subaccount balance shall be reduced to zero.

(g) *Restrictions on repurchase of stock and payment of dividends.* Any approval of a conversion by the corporation under this part shall be subject to the following conditions:

(1) No converted insured institution shall for a period of 10 years repurchase any of its capital stock from any person except in the case of a repurchase, on a pro rata basis pursuant to an offer, approved by the corporation, made to all shareholders of such institution and except for the repurchase of qualifying shares of a director.

(2) No converted insured institution shall declare or pay a cash dividend on, or repurchase any of, its capital stock if the effect thereof would cause the net worth of the converted insured institution to be reduced below (i) the amount required for the liquidation account or (ii) the net worth requirements contained in § 563.13(b) of this subchapter.

(3) Without the prior approval of the Corporation, no converted insured institution shall, for a period of 10 years after the date of its conversion, declare or pay a cash dividend on, or repurchase any of, its capital stock in an amount in excess of one half of the greater of:

(i) The institution's net income (as defined in § 563c.12 of this subchapter) for the current fiscal year; or

(ii) The average of the institution's net income (as so defined) for the current fiscal year and not more than two of the immediately preceding fiscal years.

(h) *Manipulative and deceptive devices.* In the offer, sale or purchase of securities issued incident to its conversion, no insured institution, or any director, officer, attorney agent or employee thereof, shall (1) employ any device, scheme, or artifice to defraud, or (2) obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or (3) engage in any act, transaction, practice, or course of business which operates or would operate as a fraud or deceit upon a purchaser or seller.

(i) *Acquisition of converted insured institutions*—(1) *General.* The Board finds that the new capital to be received by converted insured institutions upon the sale of capital stock will cause such insured institutions, during an initial period following conversion, to be specially vulnerable to attempts by other companies to acquire control of such insured institutions. The Board further finds that acquisition of control of such insured institutions by companies significantly engaged in unrelated business activities is inconsistent with the provision of economical home financing by such insured institutions. Accordingly, the provisions of this paragraph are designed to prevent such acquisitions of newly converted insured institutions for a limited period of time following conversion sufficient to reduce or eliminate their special vulnerability and the adverse impact on the provision of economical home financing.

(2) *Required agreement.* No conversion shall be approved by the Corporation unless the plan of conversion provides that the converted insured institution shall enter into an agreement with the Corporation, in form satisfactory to the Corporation, which shall provide that for a period of 3 years following the conversion any company significantly engaged in an unrelated business activity, either directly or through an affiliate thereof, shall not be permitted, regardless of the form of the transaction, to acquire control of the converted insured institution.

(3) *Optional charter provision.* To the extent permitted by applicable Federal or State law, a plan of conversion may provide for a provision in the charter of the converted insured institution containing, in substance, the restriction set forth in paragraph (i)(2) of this section. There may also be included a restriction providing that such charter provision may be amended only by a vote of up to 75 percent of the votes eligible to be cast at a regular or special meeting of shareholders of the converted insured institution. If the converted insured institution elects to adopt the foregoing optional charter provision, the Corporation will impose, as a condition to its approval of the conversion, a requirement that the converted institution fully enfore such charter provision.

(4) *Definitions.* As used in this paragraph:

(i) The term "affiliate" means any person or company which controls, is controlled by, or is under common control with, a specified company.

(ii) The term "control" shall have the meaning given to it by section 408(a)(2) of the National Housing Act, as amended.

(iii) A company shall be deemed to be "significantly engaged" in an unrelated business activity if its unrelated business activities would represent, on either an actual or a pro forma basis, more than 15 percent of its consolidated net worth at the close of its preceding fiscal year or of its consolidated net earnings for such fiscal year.

(iv) The term "unrelated business activity" means any business activity not authorized for a multiple savings and loan holding company under section 408(c)(2) of the National Housing Act, as amended, or under regulations adopted pursuant thereto.

§ 563b.4 Notice of filing; public statements; confidentiality.

(a) *Information prior to approval of plan of conversion.* (1) An insured institution which is considering converting pursuant to this part and its directors, officers and employees shall keep such consideration in the strictest confidence and shall only discuss the potential conversion as would be consistent with the need to prepare information for filing an application for conversion. Should this confidence be breached the Corporation may require remedial measures including:

(i) A public statement by the institution that its board of directors is currently considering converting pursuant to this part;

(ii) Providing for an eligibility record date which shall be as of such a date prior to the adoption of the plan by the converting insured institution's board of directors as to assure the equitability of the conversion;

(iii) Limitation of the subscription rights of any person violating or aiding the violation of this section to an amount deemed appropriate by the Corporation; and

(iv) Any other actions the Corporation may deem appropriate and necessary to assure the fairness and equitability of the conversion.

(2) If it should become essential as a result of rumors prior to the adoption of a plan of conversion by the applicant's board of directors, a public statement limited to that purpose may be made by the applicant.

(3) Promptly after the adoption of a plan of conversion by not less than two-third of its board of directors, the insured institution shall:

(i) Notify its members of such action by publishing a statement in a newspaper having general circulation in each community in which an office of the insured institution is located and/or by mailing a letter to each of its members; and

(ii) Have copies of the adopted plan of conversion available for inspection by its members at each office of the insured institution. The insured institution may also issue a press release with respect to such action. Copies of the proposed statement, letter and

press release are not required to be filed with the Corporation, but may be submitted for comment to the Office of General Counsel. Copies of the definitive statement, letter and press release shall be filed with the Corporation as part of the application for conversion.

(4) The statement, letter and press release, unless otherwise authorized by the Corporation shall contain only (but need not contain all of) the following:

(i) A statement that the board of directors has adopted a proposed plan to convert the insured institution from a Federal (or State, as the case may be) mutual institution to a Federal (or State, as the case may be) capital stock insured institution;

(ii) A statement that the proposed plan of conversion must be approved by at least a majority of the votes eligible to be cast either in person or by proxy by association members at a meeting at which the plan will be submitted for their approval;

(iii) A statement that existing proxies held with respect to voting rights in the insured institution will not be voted regarding the conversion, and that new proxies will be solicited for voting on the proposed plan of conversion;

(iv) A statement that a proxy statement setting forth more detailed information with respet to the proposed plan of conversion will be sent to association members prior to the meeting of members;

(v) A statement that the proposed plan of conversion is subject to approval by the Federal Home Loan Bank Board and by the appropriate State regulatory authority or authorities (naming such an authority or authorities) before such plan can become effective and that members of the applicant will have an opportunity to file written comments including objections and materials supporting such objections to the Board.

(vi) A statement that the proposed plan of conversion is contingent upon obtaining favorable tax rulings from the Internal Revenue Service or an appropriate tax opinion;

(vii) A statement that there is no assurance that the approval of the Federal Home Loan Bank Board or the approval of any appropriate State authority or authorities will be obtained, and also no assurance that the favorable tax rulings or tax opinion will be received;

(viii) The proposed record date for determining the eligible account holders entitled to receive nontransferable subscription rights to purchase capital stock of the applicant;

(ix) A brief statement describing the circumstances that would require supplemental eligible account holders to receive nontransferable subscription rights to purchase capital stock of the applicant;

(x) A brief statement as to the extent to which voting members will participate in the conversion;

(xi) A brief description of the proposed plan of conversion;

(xii) A par value (if any) and approximate number of shares of capital stock to be issued and sold under the proposed plan of conversion;

(xiii) A brief statement as to the extent to which directors, officers and employees will participate in the conversion;

(xiv) A statement that savings account holders will continue to hold accounts in the converted insured institution indentical as to dollar amount, rate of return and general terms, and that their accounts will continue to be insured by the Federal Savings and Loan Insurance Corporation;

(xv) A statement that the insured institution will continue to be a member of the Federal Home Loan Bank System;

(xvi) A statement that borrowers' loans will be unaffected by conversion, and that the amount, rate, maturity, security and other conditions will remain contractually fixed as they existed prior to conversion;

(xvii) A statement that the normal business of the insured institution in accepting savings and making loans will continue without interruption; that the converted insured institution will continue after conversion to conduct its present services to savings account holders and borrowers under current policies to be carried on in existing offices and by the present management and staff;

(xviii) A statement that the proposed plan of conversion may be substantively amended by the board of directors as a result of comments from the regulatory authorities or otherwise prior to the meeting, and that the proposed plan may also be terminated by the board of directors; and

(xix) A statement that questions of members will be answered in the proxy material to be sent after the regulatory approvals of the proposed plan of conversion have been obtained and that any questions at this time may be answered by telephoning or writing to the insured institution.

(4) Such statement, letter and press release shall not in any manner solicit proxies, include financial statements, or describe the benefits of conversion or the value of the capital stock of the insured institution upon conversion. In replying to inquiries, the insured institution should limit its answers to the matters listed in paragraph (a)(3) of this section.

(b) *Notice of filing.* (1) Upon determination that an application for conversion is properly executed and is not materially incomplete, the Corporation will advise the applicant, in writing, to publish notices of the filing of such application. Promptly after receipt of such advice, the applicant shall furnish a written notice of such filing to each eligible account holder and member and also publish a notice of such filing in a newspaper printed in the English language and having general circulation in each community in which an office of the applicant is located, as follows:

NOTICE OF FILING OF AN APPLICATION FOR CONVERSION TO CONVERT TO A STOCK SAVINGS & LOAN ASSOCIATION

Notice is hereby given that, pursuant to part 563b of the rules and regulations for Insurance of Accounts

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(Fill in name of applicant) has filed an application with the Federal Savings and Loan Insurance Corporation for approval to convert to the (State chartered or Federally-chartered) ———— stock form of organization. Copies of the application have been delivered to the Securities Division, Office of General Counsel of said Corporation, 1700 G Street NW., Washington, D.C. 20552, and to the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of —— (Street address) ————, (City) ————, (State) ——, (Zip Code) ——.

Written comments, including objections to the plan of conversion and materials supporting such objections, from any member of the applicant will be considered by the Corporation if filed within 20 business days after the date of this publication. Three copies of such comments should be sent to the aforementioned Office of the Secretary with one copy to said Office of the Supervisory Agent. The proposed plan of conversion and any comments thereon will be available for inspection by any member of the applicant at said Office of the Secretary and at said Office of the Supervisory Agent. A copy of the plan may also be inspected at each office of the applicant.

If a significant number of the applicant's members speak a language other than English and a newspaper in that language is published in the area served by the applicant, an appropriate translation of such notice shall also be published in such newspaper.

(2) Promptly after publication of the notices prescribed in paragraph (b)(1) of this section, the applicant shall file four copies thereof with the Corporation. The applicant shall also file four copies of an affidavit of publication from each newspaper publisher.

(c) *Confidential information.* Should the applicant desire to submit any information it deems to be of a confidential nature regarding the answer to any item or a part of any exhibit included in any application under this part, such information pertaining to such item or exhibit shall be separately bound and labeled "confidential", and a statement shall be sub-

mitted therewith briefly setting forth the grounds on which such information should be treated as confidential. Only general reference thereto need be made in that portion of the application which the applicant deems not to be confidential. Applications under this part shall be made available for inspection by the public, except for portions which are bound and labeled "confidential" and which the Corporation determines to withhold from public availability under 5 U.S.C. 552 and part 505 of this chapter. The Corporation will withhold the public availability of preliminary copies of proxy soliciting materials without the necessity of their being bound and labeled as "confidential". The applicant will be advised of any decision by the Corporation to make public information designated as "confidential" by the applicant. Even though sections of the application are considered "confidential" as far as public inspection thereof is concerned, to the extent it deems necessary the Corporation may comment on such confidential submissions in any public statement in connection with its decision on the application without prior notice to the applicant.

§ 563b.5 Solicitation of proxies; proxy statement.

(a) *Solicitations to which rules apply.* This section applies to every solicitation of a proxy from an association member of an insured institution for the meeting at which a conversion plan will be voted upon, except the following:

(1) Any solicitation made otherwise than on behalf of the management of the insured institution where the total number of persons solicited is not more than 50;

(2) Any solicitation through the medium of a newspaper advertisement which informs association members, following approval of the plan of conversion, of a source from which they may obtain copies of a proxy statement, form of proxy, or any other soliciting material and does no more than (i) name the insured institution, (ii) state the reason for the advertisement, (iii) identify the proposal or proposals to be acted upon by association members, and (iv) urge the member to vote at the meeting.

(b) *Use of proxy soliciting material to be authorized.* No proxy soliciting material required to be filed with the Corporation prior to use shall be furnished to association members or otherwise released for distribution until the use of such material has been authorized in writing by the Corporation.

(c) *Information to be furnished association members.* No solicitation subject to this section shall be made unless each person solicited is concurrently furnished, or has previously been furnished, a written proxy statement the use of which has been authorized by the Corporation.

(d) *Requirements as to proxy.* (1) The form of proxy (i) shall indicate in bold face type whether the proxy is solicited on behalf of the management, (ii) shall provide specifically designated blank spaces for dating and signing the proxy, (iii) shall identify clearly and impartially each matter or group of related matters intended to be acted upon, (iv) shall be clearly labeled "Revocable Proxy" in bold face type (at least as large as 18 point), (v) shall describe any charter or State law requirement restricting or conditioning voting by proxy, (vi) shall contain an acknowledgement by the person giving the proxy that he has received a proxy statement prior to signing the form of proxy, (vii) shall contain the date, time and place of meeting, if practicable, and (viii) shall provide by a box or otherwise, a means whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter referred to therein as intended to be acted upon, and (ix) shall indicate in bold face type how the proxy shall be voted on each such matter to which no choice is so specified.

(2) No proxy subject to this section shall confer authority to vote at any meeting other than the meeting (or any adjournment thereof) to vote on conversion. A proxy may be deemed to confer authority to vote with respect to matters incident to the conduct of such meeting. If the plan of conversion is considered at an annual meeting, existing proxies may be voted with respect to matters not related to the plan of conversion.

(3) The proxy statement or form of proxy shall provide that the votes represented by the proxy will be voted; that, where the person solicited specified by means of a ballot provided pursuant to paragraph (d)(1)(viii) of this section a choice with respect to any matter to be acted upon, the votes will be voted in accordance with the specifications so made; and that if no choice is so specified, the votes will be cast as indicated in bold face type on the form of proxy.

(e) *Material required to be filed.* (1) Applicants shall file 10 preliminary copies of such proxy materials, as are required by the form for applying for approval to convert under this part.

(2) Ten preliminary copies of any additional soliciting material subject to this section including soliciting material in the form of press releases, and radio or television scripts, to be used or furnished to association members subsequent to furnishing the proxy statement, shall be filed with the Corporation at least 5 business days prior to the date on which the Corporation is requested to authorize the use of such material. Speeches may, but need not be, filed with the Corporation prior to use.

(3) Twenty-five copies of the proxy statement and 10 copies of the form of proxy and all other soliciting material, in the form in which such material is funished to association members, shall be filed with or mailed for filing to the Corporation not later than the date such material is first sent or given to association members. All materials filed pursuant to this subparagraph (3) shall be accompanied by a statement of the date on which copies of such materials are to be released to association members.

(4) If the solicitation is to be made in whole or in part by personal solicitation, 10 preliminary copies of all written instructions or other material which discusses or reviews, or comments upon the merits of, any matter to be acted upon and which is to be furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation shall be filed with the Corporation at least 5 business days prior to the date on which the Corporation is requested to authorize the use of such material.

(5) All preliminary copies of material filed pursuant to paragraph (e) (1), (2), and (4) of this section shall be clearly marked on the cover page "preliminary Copy." Such preliminary copies shall be for the information of the Corporation only and shall not be deemed available for public inspection except that such material may be disclosed to any department or agency of the U.S. Government or appropriate State government and the Corporation may make such inquiries or investigation in regard to the material as may be necessary for an adequate review thereof by the Corporation.

(6) Unless requested by the Corporation, copies of replies to inquiries from members of the insured institution and copies of communications which do no more than request that forms of proxy theretofore solicited be signed and returned need not be filed pursuant to this paragraph (e).

(7) Where any proxy statement, form of proxy, or other material filed pursuant to this paragraph (e) is amended or revised, four of the required copies of such amended or revised material filed with the Corporation shall be marked to indicate clearly and precisely the changes effected therein subsequent to the last prior filing.

(f) *Mailing communications for association members.* If the management of the applicant has adopted a

plan of conversion, the applicant shall perform such of the following acts as may be duly requested in writing with respect to a matter to be considered at the meeting to vote on the plan of conversion by any association member who will defray the reasonable expenses to be incurred by the applicant in the performance of the act or acts requested.

(1) The applicant shall mail or otherwise furnish to such association member the following information as promptly as practicable after the receipt of such request:

(i) A statement of the approximate number of associationm members who have been or are to be solicited on behalf of the management, or any group of such holders which the association member shall designate.

(ii) An estimate of the cost of mailing a specified proxy statement, form of proxy, or other communication to such association members.

(2) Copies of any proxy statement, form of proxy, or other communication furnished by the association member and as approved by the Corporation shall be mailed by the applicant to such of the association members specified in paragraph (f)(1)(i) of this section as the association member shall designate.

(3) Any such material which is furnished by the association member shall be mailed with reasonable promtness by the applicant after receipt of the material to be mailed, envelopes or other containers therefor and postage or payment for postage.

(4) Neither the management nor the applicant shall be responsible for such proxy statement, form of proxy, or other communication.

(g) *False or misleading statements.* (1) No solicitation of a proxy by the applicant, its management, or any other person for the meeting to vote on conversion shall be made by means of any proxy statement, form of proxy, notice of meeting, or other communication, written or oral, containing any statement which, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or which omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for such meeting which has become false or misleading.

(2) The fact that a proxy statement, form of proxy, or other soliciting material has been filed with or examined by the Corporation and authorized for use shall not be deemed a finding by the Corporation that such material is accurate or complete or not false or misleading, or that the Corporation has passed upon the merits of or approved any proposal contained therein. No representation contrary to the foregoing shall be made by any person.

(3) If a solicitation by management violates any provision of this section, the Corporation may require remedial measures including:

(i) Correction of any such violation by means of a retraction and new solicitation;

(ii) Rescheduling of the meeting for a vote on the conversion; and

(iii) Any other actions the Corporation may deem appropriate in the circumstances in order to insure a fair vote.

(h) *Prohibition of certain solicitations.* No person soliciting a proxy from an association member for the meeting to vote on conversion shall solicit:

(1) Any undated or postdated proxy; or

(2) Any proxy which provides that it shall be deemed to be dated as of any date subsequent to the date on which it is signed by the association members; or

(3) Any proxy which is not revocable at will by the association member giving it; or

(4) Any proxy which is part of any other document or instrument (such as an account card).

§ 563b.6 Vote by members.

(a) *Vote at special meeting.* Following Corporation approval of an application for conversion, the plan of conversion shall be submitted to a special meeting of members, unless in the case of a State-chartered converting insured institution State law requires that the plan be considered at an annual meeting of members.

(b) *Determining members eligible to vote.* The record date for determining those members eligible to vote at the meeting called to consider a plan of conversion shall be not more than 50 nor less than 20 days prior to the date of such meeting, unless State law requires a different voting record date.

(c) *Notice to members.* Notice of the meeting to consider a plan of conversion shall be given by means of the proxy statement authorized for use by the Corporation which notice shall be given not more than 45 nor less than 20 days prior to the date of the meeting to each association member, each eligible account holder and supplemental eligible account holder, postage prepaid, at his last address as shown on the books of the applicant unless State law requires a different notice period.

(d) *Required vote.* The plan shall be approved by a vote of at least a majority of the total outstanding votes of the association members, unless State law requires a higher percentage for a State-charted converting insured institution, in which case the higher percentage shall be used. Voting may be in person or by proxy.

563b.7 Pricing and sale of securities.

(a) *General.* No offer to sell securities of an applicant pursuant to a plan of conversion may be made prior to approval by the Corporation of the application for conversion and until the proxy statement has been authorized for use by the Corporation. No sale of such securities in the subscription offering may be made except by means of the final offering circular for the subscription offering. No sale of unsubscribed securities may be made except by means of the offering circular for the public offering or direct community marketing. The offering of shares in the direct community marketing may commence during the subscription offering upon the declaration of effectiveness of the offering circular proposed for such community offering. The provisions of this paragraph shall not apply to preliminary negotiations or agreements between an applicant and any underwriter or among underwriters who are to be in privity of contract with the applicant.

(b) *Distribution of offering materials.* Any preliminary offering circular for the subscription offering or direct community marketing which has been filed with the Corporation, may be distributed to eligible accountholders or supplemental eligible accountholders not entitled to vote on the plan of conversion and to others in connection with the subscription offering at the same time as or after the proxy statement is mailed to association members pursuant to § 563b.6(c). Any preliminary offering circular for the public offering or direct community marketing of unsubscribed securities, which has been filed with the Corporation, may also be distributed in connection with such offering at the same time as or after such proxy statement is mailed to association members pursuant to § 563b.6(c). No final offering circular shall be distributed until such offering circular has been declared effective by the Corporation.

(c) *Estimated price information in proxy statements and prelimary offering circulars.* With respect to the capital stock of the applicant to be sold under the plan of conversion, the proxy statement and any preliminary offering circular for the subscription offering shall set forth the estimated subscription price range. The maximum of such price range should normally be no more than 15 percent above the average of the minimum and maximum of such price range and the minimum should normally be no more than 15 percent below such aver-

age. The maximum price used in the price range should normally be no more than $50 per share and the minimum no less than $5 per share.

(d) *Prohibited representations.* The Corporation will review the price information required under paragraph (c) of this section in determining whether to give approval to the applications for conversion. No representations may be made in any manner that such price information has been approved by the Corporation or that the shares of capital stock sold pursuant to the plan of conversion have been approved or disapproved by the Federal Home Loan Bank Board or the Corporation or that the Board or the Corporation has passed upon the accuracy or adequacy of any offering circular covering such shares.

(e) *Underwriting expenses.* Underwriting commissions shall not exceed an amount or percentage per share acceptable to the Corporation. No underwriting commissions shall be allowed or paid with respect to shares of capital stock sold in the subscription offering; however, an underwriter may be reimbursed for accountable expenses in connection with the subscription offering where the public offering is so small that reasonable underwriting commissions thereon would not be sufficient to cover total accountable expenses. The term "underwriting commissions" includes underwriting discounts.

(f) *Pricing materials.* (1) In considering the pricing information required under paragraph (c) of this section, the Corporation will apply the following guidelines:

(i) The materials shall be prepared by persons independent of the applicant, experienced and expert in the area of corporate appraisal, and acceptable to the Corporation;

(ii) The materials shall contain data which are sufficient to support the conclusions reached therein;

(iii) The materials shall contain a complete and detailed description of the appraisal methodology employed; and

(iv) To the extent that the appraisal is based on a capitalization of the pro forma income of the converted insured institution, the materials must indicate the basis for determination of the income to be derived from the proceeds of the sale of stock and demonstrate the appropriateness of the earnings multiple used, including assumptions made as to future earnings growth. To the extent that the appraisal is based on comparison of the capital stock of the applicant with outstanding capital stock of existing stock associations, the materials must demonstrate the appropriate comparability of the form and substance of such outstanding capital stock and the appropriate comparability of such existing stock associations in terms of such factors as size, market area, competitive conditions, profit history, and expected future earnings.

(2) In addition to the information required in subparagraph (1) of this paragraph, the applicant shall submit information demonstrating to the satisfaction of the Corporation the independence and expertise of any person preparing materials under this paragraph. However, a person will not be considered as lacking independence for the reason that such person will participate in effecting a sale of capital stock under the plan of conversion or will receive a fee from the applicant for services rendered in connection with such appraisal.

(g) *Order forms for purchase of capital stock.* (1) Promptly after the Corporation has declared the offering circular for the subscription offering effective, the applicant shall distribute order forms for the purchase of shares of capital stock in the subscription offering to all eligible account holders, supplemental eligible account holders (if applicable), voting members and others persons who may subscribe for such shares under the plan of conversion.

(2) Each order form shall be accompanied or preceded by the final offering circular for the subscription offering and a set of detailed instructions explaining how to properly complete such order forms.

(3) The maximum subscription price stated on each order form shall be the amount to be paid when the order form is returned. The maximum subscription price and the actual subscription price shall be within the subscription price range stated in the Board's approval and the offering circular. If either the maximum subscription price or the actual subscription price is not within such subscription price range, the applicant must obtain an amendment to the Board's approval. If appropriate, the Board will condition its amended approval by requiring a resolicitation of proxies and/or order forms. If the actual public offering price is less than the maximum subscription price stated on the order form, the actual subscription price shall be correspondingly reduced and the difference shall be refunded to those who have paid the maximum subcription price.

(4) Each order form shall be prepared so as to indicate to the person receiving it, in as simple, clear, and intelligible a manner as possible, the actions which are required or available to him with respect to the form and the capital stock offered for purchase thereby. Specifically, each order form shall:

(i) Indicate the maximum number of shares that may be purchased pursuant to the subscription offering.

(ii) Indicate the period of time within which the subscription rights must be exercised, which period of time shall not be less than 20 days following the date of the mailing of the order form;

(iii) State the maximum subscription price share of capital stock;

(iv) Indicate any requirements as to the minimum number of shares of capital stock which may be purchased;

(v) Provide a specifically designated blank space or spaces for indicating the number of shares of capital stock which the eligible account holder or other person wishes to purchase;

(vi) Indicate that payment may be made by cash if delivered in person or by check or by withdrawal from an account holder's passbook savings account or certificate of deposit without penalty. If payment is to be made by such withdrawal, a box to check should be provided;

(vii) Provide specifically designated blank spaces for dating signing the order form;

(viii) Contain an acknowledgment by the account holder or other person signing the order form that he has received the final offering circular for the subscription offering prior to so signing; and

(ix) Indicate the consequences of failing to properly complete and return the order form, including a statement that the subscription rights are nontransferable and will become void at the end of the subscription period. The order form may, and the set of instructions shall, indicate the place or places to which the order forms are to be returned and when the applicant will consider order forms received, such as by date and time of actual receipt in the applicant's offices or by date and time of postmark.

(5) The order form may provide that it may not be modified without the applicant's consent after its receipt by the applicant. If payment is to be made by withdrawal from a passbook savings account or certificate of deposit, the applicant may, but need not, cause such withdrawal to be made upon receipt of the order form. If such withdrawal is made at any time prior to the closing date of the public offering, the applicant shall pay interest to the account holder on the account withdrawn as if such amount had remained in the account from which it was withdrawn until such closing date.

(h) *Withdrawal from certificate accounts.* Notwithstanding any regulatory provision regarding penalties for early withdrawal from certificate accounts and minimum qualifying balances for such accounts, the applicant may allow payment for capital stock

during the subscription period by withdrawal from a certificate account without the assessment of such penalties or causing the rate of return on the remaining balance in such account to be paid at less than the rate applicable to such account prior to such withdrawal, except that such certificate account may not be renewed at a certificate rate unless a minimum qualifying balance is restored at the time of such renewal.

(f) *Period for completion of sale.* The sale of all shares of capital stock of the converting insured institution to be made under the plan of conversion, including any sale in a public offering or direct community marketing, shall be completed as promptly as possible and within 45 calendar days after the last day of the subscription period, unless extended by the Corporation.

§ 563b.8 Procedural requirements.

(a) *Filing an application for conversion.* An applicant that desires to convert in accordance with this part shall file 10 copies of an application for approval in the form prescribed by the Corporation.

(b) *Return of improperly executed or materially incomplete filings.* Any application for approval that is improperly executed, or that does not contain copies of (1) a plan of conversion, (2) a preliminary proxy statement with signed financial statements, and (3) a preliminary form of proxy, shall not be accepted for filing and shall be retured to the applicant. Any application for approval containing a materially incomplete plan of conversion, proxy statement, or form of proxy may be returned by the Corporation to the applicant.

(c) *Addition filing requirements.* An applicant whose plan of conversion has been approved by the Corporation shall fulfill the following requirements.

(1) The applicant shall file with the Corporation promptly after the meeting of association members called to consider the plan of conversion a certified copy of each resolution adopted at such meeting relating to the plan of conversion, together with the following information:

(i) The total number of votes elegible to be cast;

(ii) The total number of votes represented in person or by proxy at the meeting;

(iii) The total number of votes cast in favor of and against each such matter; and

(iv) The percentage of votes necessary to approve each such matter.

The compilation of the votes cast at the meeting may the prepared for the insured institution, by an independent public accountant or by an independent transfer agent.

(2) The applicant shall file with the Corporation promptly after the meeting of association members called to consider the plan of conversion an opinion of counsel to the effect that (i) the meeting of members was duly held in accordance with all requirements of applicable State and Federal law regulation; and (ii) all requirements of State law applicable to the conversion have been complied with.

(3) The offering circulars for the subscription offering and for the public offering or direct community marketing shall be prepared in compliance with this part and form OC. The applicant shall file with the Corporation 10 copies of each preliminary offering circular and 25 copies of each final offering circular.

(d) *Termination or amendment of charter.* (1) Upon approval of a plan of conversion by the members of a State-chartered insured institution or a Federal association which is converting to a State-chartered stock insured institution, the charter of such insured institution shall terminate effective upon the issuance to it of a stock charter under the laws of the State in which the home office of the applicant is located. If such converting insured institution is a Federal association, its Federal charter shall promptly be surrendered to the Board for cancellation. An insured institution converting to a State-chartered stock insued institution shall promptly file with the Corporation a copy of the stock charter issued to it. The certificate of insurance of such insured institution shall promptly be surrendered to the Corporation for amendment or cancellation, and the Corporation shall promptly issue an amended or new certificate of insurance to the converted insured institution.

(2) A Federal association converting to a Federal stock association shall apply to amend its charter and bylaws to read in the form of a charter and bylaws for a charter S association. The effective date of such amendment shall be stated in the Board's resolution approving the conversion.

(3) The corporate existence of a Federal mutual association converting to a Federal stock association shall not terminate but the converted association shall be deemed to be a continuation of the entity of the association so converted. In the case of a Federal or a State-chartered mutual institution converting to a State-chartered stock insured institution, unless State law otherwise prescribes, the corporate existence of the converting insured institution shall similarly not terminate and the converted insured institution shall be deemed to be a continuation of the entity of the insured institution so converted.

(e) *Number of copies; place of filing; binding; signatures.* (1) Whenever a requirement is made under this part for the filing of four copies of any document with the Corporation, one copy shall be filed with the supervisory agent and the remaining copies with the Securities Division, Office of the General Counsel of the Board. Whenever a requirement is made under this part for the filing of 10 or more copies of any document with the Corporation, three copies shall be filed with the supervisory agent and the remaining copies with the Securities Division, Office of the General Counsel of the Board. Whenever a requirement is made under this part that a document to be filed be manually signed, one manually signed copy shall be filed with the supervisory agent and another with such Securities Division, Office of the General Counsel. Other copies shall be conformed. Each of the copies filed under this part shall be bound, in one or more parts, without stiff covers. The binding shall be made on the side or stitching margin in such manner as to leave the reading matter legible.

(2) At least two copies of every application and every amendment thereto filed shall be manually signed by (i) a duly authorized representative of the applicant on its behalf, (ii) its principal executive officer, (iii) its principal financial officer, (iv) its principal accounting officer, and (v) at least two-thirds of its directors.

(3) If any name is signed to an application or any amendment thereto pursuant to a power of attorney, four copies of such power of attorney, including two manually signed, shall be filed with the application.

(4) (i) Except as provided in paragraph (e)(4)(ii) of this section, the filing of any application or amendment thereto under this part shall constitute a representation of the applicant by its duly authorized representative, the applicant's principal executive officer, the applicant's principal financial officer, and the applicant's principal accounting officer, and each member of the applicant's board of directors (whether or not such director has signed the application or any amendment thereto) severally that (A) he has read such application or amendment, (B) in the opinion of each such person, he has made such examination and investigation as is necessary to enable him to express an informed opinion that such application or amendment complies to the best of his knowledge and belief with the applicable requirements of this part and forms prescribed hereunder, and (C) each such person holds such informed opinion.

(ii) The representations specified in paragraph (e)(4)(i) of this section shall

not be deemed to have been made by any director of the applicant who did not sign the application or any amendment thereto, if, and only to the extent that, such director files with the Corporation within 10 business days after the filing of such application or amendment a statement describing those portions of such filing as to which he does not so represent.

(f) *Requirements as to paper and printing.* (1) Applications shall be filed on good quality, unglazed, white paper approximately 8½ by 13 or 8½ by 11 inches in size, insofar as practicable. However, tables, charts, maps, and financial statements may be on larger paper if folded to such sizes, and the plan of conversion, proxy statement, and offering circular may be on smaller paper if the applicant so desires.

(2) Applications and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed, or typewritten. However, applications or any portion thereof may be prepared by any similar process which, in the opinion of the Corporation, produces copies suitable for a permanent record. Irrespective of the process used, all copies of any such material shall be clear, easily readable, and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(g) *Method of preparation.* Every application shall furnish information in item-and-answer form in response to the items of the appropriate form, and shall include the captions of the form, but omit the text of all items and instructions. Every proxy statement and offering circular shall present information as provided in paragraph (n) of this section in response to the items of the appropriate form in lieu of furnishing the information in item-and-answer form, and shall omit the captions and text of all items and instructions. Every application shall include a cross-reference sheet showing the location in the proxy statement and offering circular of the response to the items of the appropriate form. If any such item is inapplicable, or the answer thereto is in the negative and is omitted, a statement to that effect shall be made in the cross reference sheet.

(h) *Interpretation of requirements.* (1) Unless the context indicates otherwise, the forms require information only as to the applicant.

(2) Whenever words relate to the future, they have reference solely to present intention.

(3) Any words indicating the holder of a position or office include persons, by whatever titles designated, whose duties are those ordinarily performed by holders of such positions or offices.

(i) *Additional information.* In addition to the information expressly required to be included in any application under this part, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(j) *Information unknown or not reasonably available.* Information required need be given only insofar as it is known or reasonably available to the applicant. If any required information is unknown and not reasonably available to the applicant, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the applicant, the information may be omitted, subject to the following conditions:

(1) The applicant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof.

(2) The applicant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

(k) *Incorporation of certain information by reference.* (1) Where an item in an application calls for information not required to be included in the proxy statement or offering circular, matter contained in any part of the application, including exhibits, may be incorporated by reference in answer, or partial answer, to such item. No information may be incorporated by reference in a proxy statement or offering circular, unless the document containing such information is attached thereto or is summarized or outlined as provided in paragraph (l) of this section. However, an offering circular may incorporate by reference the information contained in a proxy statement previously delivered, without need of summary or outline.

(2) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the application where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

(l) *Summaries or outlines of documents.* Where a summary or outline of the provisions of any document is required, only a brief statement shall be made, in succinct and condensed form, as to the most important provisions of the document. In addition to such statement, the summary or outline may incorporate by reference particular items, sections or paragraphs of any exhibit and may be qualified in its entirety by such reference.

(m) *Legibility of materials.* The body of all printed plans of conversion, proxy statements, and offering circulars, including all notes to financial statements and other tabular data included therein, shall be in roman type at least as large and as legible as 10-point modern type. However, to the extent necessary for convenient presentation, financial statements and other tabular data, including tabular data in notes, may be in roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

(n) *Presentation of information.* (1) The information required in a proxy statement or offering circular need not follow the order of the items or other requirements in the appropriate form. Such information shall not, however, be set forth in such fashion as to obscure any of the required information or any information necessary to keep the required information from being incomplete or misleading. Where an item requires information to be given in tabular form it shall be given in substantially the tabular form specified in the item.

(2) All information contained in a plan of conversion, proxy statement or offering circular shall be set forth under appropriate captions or headings reasonably indicative of the principal subject matter set forth thereunder. Except as to financial statements and other tabular data, all information set forth in any form under this part shall be divided into reasonably short paragraphs or sections.

(3) Every proxy statement and offering circular shall include in the forepart thereof a reasonably detailed table of contents showing the subject matter of its various sections or subdivisions and the page number on which each such section or subdivision begins.

(4) All information required to be included in a proxy statement or offering circular shall be clearly understandable without the necessity of referring to the particular form or to the regulations under this part. Except as to financial statements and information required in tabular form, the information set forth in a proxy statement or offering circular may be expressed in condensed or summarized form.

(5) Financial statements are to be set forth in comparative form, and shall include the notes thereto and the

accountants' certificate or certificates. Section 563c.1 of this subchapter governs the certification, form and content of such financial statements, including the basis of consolidation.

(o) *Application of amendments to regulations and forms.* (1) The form and contents of any filing made under the provisions of this part need conform only to the applicable regulations and forms then in effect, and contain the information, including financial statements specified therein, required at the time the filing is made, not withstanding subsequent amendments to such regulations, except as otherwise provided in any such amendment or in paragraph (o)(2) of this section.

(2) Whenever the Corporation prohibits by order or otherwise the use of any filing under this part, the form and contents of any filing used thereafter shall conform to the requirements of such order and the applicable regulations and forms in efffect at the time such prohibition ceases to be effective.

(3) Applications for conversion filed pursuant to this part shall conform to the regulations and forms of this part as revised by the Corporation effective June 9, 1975.

(p) *Consents of experts.* (1) If any accountant, attorney, investment banker, appraiser, or other persons whose professions give authority to a statement made in any application under this part is named as having prepared, reviewed, passed upon, or certified any part thereof, or any report or valuation for use in connection therewith, the written consent of such person shall be filed with the application. If any portion of a report of an expert is quoted or summarized as such in any filing under this part, the written consent of the expert shall expressly state that the expert consents to such quotation or summarization.

(2) All written consents filed pursuant to this paragraph (p) shall be dated and signed manually. A list of such consents shall be filed with the application. Where the consent of the expert is contained in his report, a reference shall be made in the list to the report containing such consent.

(q) *Consents of persons about to become directors.* If any person who has not signed an application is named in the proxy statement or offering circular as about to become a director, the written consent of such person shall be filed with the appropriate form.

(r) *Date of filing.* The date on which any documents are actually received by the Office of the Secretary of the Board shall be the date of filing thereof.

(s) *Amendments.* All amendments to any application under this part shall be filed under cover of an appropriate facing sheet, shall be numbered consecutively in the order in which filed, and shall conform to all pertinent regulations applicable to the type of application which they amend.

(t) *Prefiling conferences with applicants.* (1) The staff of the Board and the supervisory agent will be available for conference with prospective applicants or their representatives in advance of filing an application to convert. These conferences may be held for the purpose of discussing generally the problems confronting an applicant in effecting conversion or to resolve specific problems of an unusual nature.

(2) Prefiling review of an application may be refused by the staff of the Board and the supervisory agent if such review would delay the examination and processing of material which has already been filed or would favor certain applicants at the expense of others. In any conference under this paragraph (t), the staff of the Board and the supervisory agent will not undertake to prepare material for filing but will limit itself to indicating the kind of information required, leaving the actual drafting to the applicant and its representatives.

(u) *Review of Board action.* Any person aggrieved by a final action of the Board or the Corporation which approves, with or without conditions, or disapproves a plan of conversion pursuant to this part may obtain review of such action by filing in the court of appeals of the United States for the circuit in which the principal office of residence of such person is located, or in the U.S. Court of Appeals for the District of Columbia Circuit, a written petition praying that the final action of the Board or Corporation be modified, terminated, or set aside. Such petition must be filed within 30 days after publication of notice of such final action in the FEDERAL REGISTER, or 30 days after the mailing by the applicant of the notice to members as provided for in § 563b.6(c), whichever is later. The further procedure for review is as follows: A copy of the petition is forthwith transmitted to the Board or the Corporation by the clerk of the court and thereupon the Board or the Corporation files in the court the record in the proceeding, as provided in section 2112 of Title 28 of the United States Code. Upon the filing of the petition, the court has jurisdiction, which upon the filing of the record is exclusive, to affirm, modify, terminate, or set aside in whole or in part, the final action of the Board or the Corporation. Review of such proceedings is had as provided in chapter 7 of title 5 of the United States Code. The judgment and decree of the court is final, except that they are subject to review by the Supreme Court upon certiorari as provided in section 1254 of title 28 of the United States Code.

(v) *Postconversion reports.* The applicant shall file such postconversion reports concerning its conversion as the Corporation may require.

§ 563b.9 Acquisitions of securities of converted associations.

(a) *Definitions.* (1) For the purpose of this section, the term "offer" includes every offer to buy or acquire, solicitation of an offer to sell, tender offer for, or request or invitation for tenders of, a security or interest in a security for value.

(2) For the purpose of this section, the term "person" means an individual, a group acting in concert, a corporation, a partnership, an association, a joint stock company, a trust, and any unincorporated organization or similar company.

(3) Without limitation on the generality of its meaning, the term "security" includes nontransferable subscription rights issued pursuant to a plan of conversion.

(b) *Prohibited transfers.* Prior to completion of a conversion, no person shall transfer or enter into any agreement or understanding to transfer, the legal or beneficial ownership of conversion subscription rights, or the underlying securities, to the account of another.

(c) *Prohibition of offers during conversion.* Prior to completion of a conversion, no person shall make any offer, or announcement of an offer or intent to make an offer, for any security of a converting association issued or to be issued in connection with such conversion.

(d) *Prohibition on offers to acquire and acquisitions of stock for 3 years following conversion.* No person for a period of 3 years following the date of the completion of the conversion shall offer to acquire or acquire the beneficial ownership of more than 10 percent of any class of an equity security of an association converted in accordance with the provisions of this part, without the prior written approval of the Federal Savings and Loan Insurance Corporation.

(e) *Exceptions.* (1) Paragraphs (b) and (c) shall not apply to a transfer, agreement or understanding to transfer, offer, or announcement of an offer or intent to make an offer which (i) pertains only to securities to be purchased pursuant to § 563b.3(d) (3) or (4); and (ii) has prior written approval of the Corporation.

(2) Paragraphs (c) and (d) of this section shall not apply to any offer with a view toward public resale made exclusively to the association or underwriters or selling group acting on its behalf.

(3) Unless made applicable by the Corporation by prior advice in writing, the prohibition contained in paragraph (d) of this section shall not apply to any offer or announcement of an offer which if consummated would result in acquisition by a person, together with all other acquisitions by such person of the same class of securities during the preceding 12-month period, of not more than 1 percent of the same class of securities.

(f) *Criteria for denial.* The Corporation shall not approve an application involving an offer for, an announcement thereof or an acquisition of any security of a converted association submitted under paragraph (d) of this section if it finds that such offer frustrates the purposes of the foregoing provisions of this part 563b, is manipulative or deceptive, subverts the fairness of the conversion, is likely to result in injury to the association, is not consistent with economical home financing, or is otherwise violative of law or regulation.

(g) *Penalty for willful violations.* For willful violation or assistance of any such violation of any provision of this section, any person who (1) has any connection with the management of a converting or converted association, including any director, officer, employee, attorney, or agent, or (2) controls more than 10 percent of the outstanding shares of any class of equity security or voting rights thereto of a converting or converted association, shall be subject to a civil penalty of not more than $500 (which penalty shall be cumulative to any other remedies) for each day that such violation continues, which penalty the Corporation may recover by suit or otherwise for its own use. The Corporation in its discretion may, at any time before collection of such penalty (whether before or after the bringing of any action or other legal proceedings, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process thereof), compromise or remit in whole or in part any such penalty.

FORM AC

[Facing Sheet]

FEDERAL HOME LOAN BANK BOARD, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, 1700 G STREET NW., WASHINGTON, D.C. 20552.

Application for Conversion

_____

(Exact name of applicant as specified in charter)

_____

(Street address of applicant)

_____

(City, State, and ZIP code)

Date of application: _____

GENERAL INSTRUCTIONS

A. Rule as to Use of Form AC

Form AC shall be used by any insured institution seeking Federal Home Loan Bank Board or Federal Savings and Loan Insurance Corporation approval of conversion from the mutual to the stock form of organization pursuant to part 563b of the rules and regulations for insurance of accounts.

B. Application of Rules and Regulations

Attention is directed to insurance regulation § 563b.8. That section contains general requirements regarding preparation and filing of this form. The definitions in insurance regulation § 563b.2 also should be noted.

Item 1. *Form of application.* Set forth an application for approval of the plan of conversion in the following form with the names and titles of the officers and directors signing the application indicated below their signatures:

The undersigned hereby makes application for approval to convert into a stock association, and submits herewith a statement of its proposed plan of conversion and other information and exhibits as required by part 563b of the rules and regulations for insurance of accounts of the Federal Savings and Loan Insurance Corporation.

In submitting this application the applicant understands and agrees that, if further examinations or appraisals, or both, are required by the Federal Home Loan Bank Board or the Federal Savings and Loan Insurance Corporation, they will be conducted by, or as approved by, the Board or the Corporation at the expense of the applicant; and applicant will pay the costs thereof as computed by the Board or the Corporation.

This application has been approved by at least two-thirds of the board of directors of the applicant. In accordance with § 563b.8(e)(4) of the rules and regulations for insurance of accounts, by the filing of this application, the applicant by its duly authorized representative, the undersigned officers and each member of the applicant's board of directors severally represent, except to the extent otherwise provided in said section, (1) that each such person has read this application; (2) that in the opinion of each such person, he has made such examination and investigation as is necessary to enable him to express an informed opinion that this application complies to the best of his knowledge an belief with the applicable requirements of part 563b of the rules and regulations for insurance of accounts and forms thereunder; and (3) that each such person holds such informed opinion.

Applicant: _____

By: _____

(Duly authorized representative)

Attest:

(Principal Executive Officer) _____

(Principal Financial Officer) _____

(Principal Accounting Officer) _____

(Director)* _____

(Director)* _____

(Director)* _____

(Director)* _____

(Director)* _____

* Signatures of at least two-thirds of the Board of Directors.

Item 2. *Plan of conversion.* Furnish the complete formal written plan adopted by the board of directors for conversion of the applicant to the stock form of organization. The terms of the plan submitted pursuant to this item will be a basis for the Corporation's approval and the plan as approved will be distributed as an attachment to the proxy statement and the offering circular.

Item 3. *Proxy statement and offering circular.* Furnish preliminary copies of the proxy statement and offering circular. The proxy statement and offering circular should be prepared in accordance with forms PS and OC, respectively.

Item 4. *Form of proxy.* Furnish preliminary copies of the form of proxy to be distributed to association members by the management.

Item 5. *Sequence and timing of the plan.* Set forth the expected chronolgoical order of the events connected with the plan of conversion beginning with the filing of this application through completion of the sale of all the capital stock under the plan. Indicate the expected timing of any requisite approvals by State authorities. Indicate the proposed timing of all aspects of the subscription offering. If there will be an underwritten public or direct community marketing of the applicant's securities as part of the plan of conversion, indicate the proposed timing of all aspects of such offering.

Item 6. *Record dates.* If the applicant's plan of conversion contains an eligibility record date substantially earlier than 90 days prior to the date of adoption of the plan of conversion by the board of directors, state the reason for the selection of such earlier date.

Indicate the circumstances that will require the use of a supplemental eligibility record date.

Item 7. *Savings account balances of personnel.* For each director and officer of the applicant whose total account balances, including the balances of each associate of the foregoing persons, were more than $5,000 as of the eligibility record date and which balances had increased by more than 25 percent during the 2 year period prior to that date, set forth in tabular form his total account balances as of (a) the eligibility record date and (b) each of the eight earnings distribution dates of the applicant immediately preceding such date.

Item 8. *Expenses incident to the conversion.* Provide in substantially the tabular form indicated below the estimated expense of the conversion to the applicant.

Legal	
Postage and mailing	
Printing	
Escrow or agent fees	
Underwriting fees	
Appraisal fees	
Transfer agent fees	
Auditing and accounting	
Proxy solicitation fees	
Advertising	
Other expenses	
Total	$

Instructions. 1. The applicant may exclude costs represented by salaries and wages of regular employees and officers, if a statement to that effect is made.

The cost of solicitation by specially engaged employees or paid solicitors under paragraph (b) of Item 3 of Form PS shall be stated under "Proxy Solicitation Fees" in this Item.

2. If the applicant has any category of expense exceeding $10,000 which is not specified in this item, such expense shall be itemized rather than including it under the category "Other Expenses."

3. If the solicitation is conducted other than by management of the applicant, the information required in this item shall be provided with respect to the cost of such solicitation.

Item 9. *Indemnification.* State the general effect of any charter provisions, bylaw, contract, arrangement, statute, or regulation to be in effect during or after the conversion under which any underwriter, appraiser, lawyer, accountant or expert, or director or officer of the applicant will be insured or indemnified in any manner against any liability which he may incur in his capacity as such.

Item 10. *Federally chartered stock associations—charter S association.* State whether the converting Federal association is applying to amend its charter and bylaws to read in the form of the charter and bylaws of a charter S association.

EXHIBITS

The following exhibits shall be attached to this form.

Exhibit 1.—*Resolution of board of directors.* Set forth a certified copy or copies of a resolution or resolutions of the board of directors (1) adopting the plan of conversion filed with this application; (2) authorizing the filing of this application; and (3) applying for continued insurance of accounts by the Federal Savings and Loan Insurance Corporation and continued membership in the appropriate Federal home loan bank. The action adopting the plan of conversion and authorizing the filing of this application must be approved by two-thirds of the board of directors.

Exhibit 2.—*Copies of documents, contracts, and agreements.* Furnish the following documents, contracts, and agreements: (a) Proposed certificates for capital stock and any other securities to be issued; (b) proposed order forms with respect to the subscription rights; (c) proposed charter and bylaws of the applicant to take effect upon conversion including, if applicable, the optional charter provision provided for in § 563b.3(i)(3); (d) any proposed stock option plan and form of stock option agreement; (e) any proposed management employment contracts; (f) any contract described in response to item 6(e) of form PS; (g) contracts or agreements with paid solicitors described in response to item 3(b) of form PS; (h) any material loan agreements relating to borrowings by the applicant other than from a Federal home loan bank and other than subordinated debt securities approved by the Corporation; (i) any appraisal agreement or proposed agreement, underwriting contracts or agreements among underwriters; (j) the agreement with the Corporation required by § 563b.3(i)(2); (k) any charter amendment filed for the purpose of converting a Federal mutual association to a Federal stock association; (l) any proposed contracts or agreements among members of a group regarding the purchase of unsubscribed shares pursuant to § 563b.3(d)(4); (m) any required undertakings or affidavits by officers or directors purchasing shares in the conversion that they are acting independently; (n) any documents referred to in the answer to item 9; (o) any trustee agreements or indentures; and (p) any agreements for the making of markets or the listing on exchanges of the stock of the converted insured institution. Documents, contracts, and agreements which are furnished in proposed form under this exhibit shall be furnished in final form immediately after the meeting of association members to consider the plan of conversion, except for documents which by their nature cannot be practically expected until a later time required by subdivisions (i) and (l) in which case they shall be furnished in substantially final form.

Exhibit 3.—*Opinion of counsel.* Furnish an opinion of counsel for the applicant regarding each of the following matters: (a) The legal sufficiency of the applicant's proposed certificates and order forms for capital stock and any other securities; (b) State law requirements applicable to the plan of conversion including citations to applicable State law and whether such requirements will be fulfilled by the plan; (c) the legal sufficiency of the applicant's bylaws; (d) the type and extent of each class of voting rights in the applicant after conversion, including any requirement of State law that savings account holders or borrowers have voting rights in the converted insured institution; (e) the legality and Federal income tax effect to the applicant of any proposed stock option plan described in response to item 12 of form PS; and (f) a certification that the proposed charter S and bylaws conform to part 552 of this subchapter or if not a statement to that effect. Matters listed in subdivisions (b), (c), and (d) of this exhibit only apply to an applicant which is converting to a State-chartered stock association.

Exhibit 4.—*Federal and State tax opinions and rulings.* (a) Furnish an opinion of the applicant's tax adviser or an Internal Revenue ruling as to the Federal income tax consequences of the plan of conversion to the applicant and to the various account holders who receive nontransferable subscription rights to purchase capital stock.

Instruction. The Corporation recommends that each applicant obtain a ruling from the Internal Revenue Service regarding the Federal income tax consequences of the plan of conversion. The Corporation may require that such a ruling be obtained if the applicant's plan of conversion is not substantially similar to plans of conversion which have received favorable rulings. The Corporation may also require that such a ruling be obtained if the applicant's plan of conversion contains novel provisions or there is otherwise a question as to the Federal income tax consequences of the plan.

(b) Furnish an opinion of the applicant's tax adviser or, if applicable, a ruling from the appropriate State taxing authority as to any tax consequences of the plan of conversion under the laws of the State in which the applicant will be chartered upon conversion. Such opinion should relate to the applicant and to eligible account holders.

Exhibit 5.—*Appraisal materials.* Furnish the materials required by § 563b.7 regarding appraisal of the applicant.

Exhibit 6.—*Notice to members.* Furnish the notices to the applicant's members required by § 563b.4 (a) and (b).

Exhibit 7.—*Other materials.* (a) If information required by an appropriate form is not given for the reasons specified in § 563b.8(j), furnish the statement required for each such omission by § 563b.8(j)(2).

(b) Furnish all consents required to be filed by § 563b.8 (p) and (q).

(c) If applicable, furnish the statement required by the instruction to item 5(e) of form PS regarding events which occurred within the last 10 years to directors of the applicant.

(d) If information required by item 15(h) of form PS relating to historical financial information is omitted, furnish the statement required by item 15(h)(1) of form PS.

(e) Furnish any powers of attorney employed pursuant to § 563b.8(e)(3).

(f) Furnish the cross-reference sheet referred to in § 563b.8(g).

(g) If the applicant wishes to request a waiver of compliance in accordance with § 563b.1(c), furnish the materials required by § 563b.1(c)(2).

FORM PS

[Facing Sheet]

FEDERAL HOME LOAN BANK BOARD, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, 1700 G STREET NW., WASHINGTON, D.C. 20552

Proxy Statement

_____

(Exact name of applicant as specified in charter)

_____

(Street address of applicant)

_____

(City, State, and ZIP code)

PROXY STATEMENT FORM

INDEX TO ITEMS

Item
1. Notice of meeting.
2. Revocability of proxy.
3. Persons making solicitation.
4. Voting rights and vote required for approval.
5. Directors and executive officers.
6. Remuneration and other transactions with management and others.
7. Business of the applicant.
8. Description of the applicant's plan of conversion.
9. Description of capital stock.
10. Capitalization.
11. Use of new capital.
12. Stock option plans.
13. New charter, bylaws, or other documents.
14. Other matters.
15. Financial statements.
16. Consents of experts and reports.
17. Attachments.

[FORM PS]

INFORMATION REQUIRED IN CONVERSION PROXY STATEMENT

Notes: 1. Except as otherwise specifically provided, where any item calls for information for a specified period in regard to directors, officers, or other persons holding specified positions or relationships, the information shall be given in regard to any person who held any of the specified positions or relationships at any time during the period. However, information need not be included for any portion of the period during which such person did not hold any such position

or relationship provided a statement to that effect is made.

2. The proxy statement shall include such information which the General Counsel or Director of the Securities Division of the Office of General Counsel by interpretative release or otherwise have deemed necessary to comply with items of this form PS.

Item 1. Notice of meeting. The cover page of the proxy statement shall give notice of the meeting of the association members called by the board of directors to act upon the conversion. The cover page shall include the date, time, and place of the meeting, a brief description of each matter to be acted upon at the meeting, the date of record for association members entitled to vote at the meeting, the date of the statement, and the full address, ZIP code, and telephone number of the applicant.

Item 2. Revocability of proxy. State that the person giving the proxy has the power to revoke it before the proxy is exercised at the meeting. If the right of revocation is subject to compliance with any formal procedure, briefly describe such procedure. Briefly describe any charter, by law, or applicable Federal or State law requirements otherwise restricting voting by proxy. State that the proxy is solicited for that meeting, and any adjournment thereof, and will not be used for any other meeting. (See also § 563b.5(d)(3).)

Item 3. Persons making the solicitation. (a) State whether the solicitation is made by the management of the applicant. Give the name of any director of the applicant who has informed the management in writing that he intends to oppose any action intended to be taken by the management and indicate the action which he intends to oppose.

(b) If the solicitation is to be made otherwise than by the use of the mails, describe the methods to be employed. If the solicitation is to be made by specially engaged employees or paid solicitors, state the material features of any contract or arrangement for such solicitation and identify the parties.

(c) If the solicitation is made otherwise than by the management of the applicant, so state and give the names of the persons by whom and on whose behalf it is made. Any such solicitation normally need not respond to items 5 through 17, but must include such information as to make such solicitations comply with § 563b.5(g)(1).

Item 4. Voting rights and vote required for approval. (a) Describe briefly the voting rights of each class of association members. State the approximate total number of votes entitled to be cast at the meeting, and the approximate number of votes to which each class is entitled.

(b) As part of the description give the date of record for association members entitled to vote at the meeting.

(c) As to each matter which will be submitted to a vote of association members, state the vote required for its approval.

Item 5. Directors and executive officers. (a) List the names and ages of all directors of the applicant, indicate all positions and offices held with the applicant by each such person, state his term of office as director and the period during which he has served as such, and briefly describe any arrangement or understanding between him and any other person pursuant to which he was selected as a director.

(b) List the names and ages of all executive officers of the applicant and indicate all positions and offices held with the applicant by each such person.

Instruction. The term "executive officer" means the president, vice president, secretary, treasurer, controller, principal accounting officer, any officer in charge of a principal lending or savings function, and any other officer or person who performs similar policymaking functions for the applicant.

(c) State the nature of any family relationship between any director or executive officer and any other director or executive officer.

Instruction. The term "family relationship" means any relationship, by blood, marriage or adoption, not more remote than first cousin.

(d) Give a brief account of the business experience during the past 5 years of each director and each executive officer, including his principal occupations and employments during that period and the name and principal business of any corporation or other organization in which such occupations and employments were carried on.

(e) Describe any of the following events which occurred during the past 10 years and which are material to an evaluation of the ability and integrity of any director of the applicant:

(1) A petition under the Bankruptcy Act of any State insolvency law was filed by or against, or a receiver, fiscal agent, or similar officer was appointed by a court for the business or property of, such person, or any partnership in which he was a general partner at or within 2 years before the time of such filing, or any corporation or business association of which he was an executive officer at or within 2 years before the time of such filing;

(2) Such person was convicted in a criminal proceeding or is the subject of a criminal proceeding which is presently pending (excluding proceedings for traffic violations and other minor offenses); or

(3) Such person was the subject of any order, judgment, or decree of any court of competent jurisdiction permanently or temporarily enjoining him from acting as an investment adviser, underwriter, broker, or dealer in securities, or as an affiliated person, director, or employee of any investment company, bank, or insurance company, or removing him from office and/or prohibiting him from further participation in any manner in the conduct of the affairs of an insured institution, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security, or was the subject of any order of a Federal or State authority barring or suspending, for more than 60 days, the right of such person to be engaged in any such activity, which order has not been reversed or suspended.

Instruction. If any event specified in paragraph (e) has occurred but information in regard thereto is omitted on the ground that it is not material, the applicant shall furnish, as supplemental information and not as a part of the statement the reasons for the omission of information in regard thereto.

(f) State whether control of the applicant has been exercised through the use of proxies and the nature of such control.

Item 6. Remuneration and other transactions with management and others. (See the note at the beginning of this form.)

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the applicant and its subsidiaries during the applicant's last fiscal year to the following persons for services in all capacities:

(1) Each director of the applicant whose aggregate direct remuneration exceeded $40,000, and each of the three highest paid officers of the applicant whose aggregate direct remuneration exceeded that amount, naming each such director and officer.

(2) All directors and officers of the applicant as a group, stating the number of persons in the group without naming them.

(A) Name of individual or number of persons in group	(B) Capacities in which remuneration was received	(C) Aggregate direct remuneration

Instructions. (1) The information is to be given on an accural basis if practicable. The tables required by this paragraph (a) and paragraph (b) below may be combined if the applicant so desires.

(2) Do not include remuneration paid to a partnership to which any director or officer was a partner, but see paragraph (e) below.

(b) Furnish the following information in substantially the tabular form indicated as to all annuity, pension, or retirement benefits proposed to be paid to the following persons in the event of retirement at their normal retirement dates pursuant to any existing plan provided or contributed to by the applicant or any of its subsidiaries:

(1) Each director or officer named in answer to paragraph (a)(1), naming each such person.

(2) All directors and officers of the applicant who are eligible for such benefits, as a group, stating the number of persons in the group without naming them.

(A) Name of individual or number of persons in group	(B) Amount set aside or accrued during applicant's last fiscal year	(C) Estimated annual benefits upon retirement

Instructions. (1) The term "plan" in this paragraph and in paragraph (c) includes all plans, contracts, authorizations, or arrangements, whether or not set forth in any formal document.

(2) Column (B) need not be answered with respect to payments computed on an actuarial basis under any plan which provides for fixed benefits in the event of retirement at a specified number of years of service. In such case, columns (A) and (C) need not be answered with respect to directors and officers as a group.

(3) The information called for by column (C) may be given in the form of a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

(4) In the case of any plan (other than those specified in instruction (2) where the amount set aside each year depends upon the amount of earnings of the applicant or its subsidiaries for such year or a prior year, or where it is otherwise impracticable to state the estimated benefits upon retirement, there shall be set forth, in lieu of the information called for by column (C), the aggregate amount set aside or accrued to date, unless it is impracticable to do so, in

which case there shall be stated the method of computing such benefits.

(c) Describe briefly all remuneration payments (other than payments reported in (a) or (b) of this Item) proposed to be made in the future, directly or indirectly, by the applicant or any of its subsidiaries pursuant to any existing plan or arrangement to (i) each director or officer named in answer to paragraph (a)(1), naming each such person, and (ii) all directors and officers of the applicant as a group without naming them.

Instruction. Information need not be included as to payments to be made for, or benefits to be received from, group life or accident insurance, group hospitalization or similar group payments or benefits. If, it is impracticable to state the amount of remuneration payments proposed to be made, the aggregate amount set aside or accrued to date in respect of such payments shall be stated, together with an explanation of the basis for future payments.

(d) State as to each of the following persons who was indebted to the applicant or its subsidiaries at any time during the last three years, (i) the largest aggregate amount of indebtedness outstanding at any time during such period; (ii) the nature of the indebtedness and of the transaction in which it was incurred, (iii) the amount thereof outstanding as of the latest practicable date, and (iv) the annual percentage rate paid or charged thereon (as computed under 12 CFR Part 226):

(1) Each director or officer of the applicant; and

(2) Each associate of any such director or officer.

Instructions. (1) Include the name of each person whose indebtedness is described and the nature of the relationship by reason of which the information is required to be given.

(2) This paragraph does not apply to amounts due a person for ordinary travel and expense advances and similar transactions.

(3) If the loans to such persons (a) are secured by a first lien on a single-family dwelling owned and occupied by a director of officer of the applicant at the time of making the loan and such loan at such time did not exceed the amount then specified in section 5(c) of the Home Owners' Loan Act of 1933, as amended, with respect to single-family dwellings if applicable or (b) are fully secured by a savings account, and if the lender is the applicant, such disclosure may consist of a statement, if such is the case, that the loans to such persons (i) were made in the ordinary course of business, (ii) were made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other persons, and (iii) did not involve more than normal risk of collectibility or present other unfavorable features.

(4) Computation of the annual percentage rate under paragraph (d)(iv) is to be done as though 12 CFR Part 226 was applicable to the transaction.

(e) Describe briefly any transactions during or since the applicant's last 3 fiscal years or any presently proposed transactions, to which the applicant or any of its subsidiaries or any borrower from the applicant or any of its subsidiaries was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the applicant, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) Any director or officer of the applicant;

(2) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any subsidiary of the applicant.

Instructions. 1. No information need be given in response to this Item 6(e) as to any remuneration or other transaction reported in response to Item 6 (a), (b), (c), or (d), or as to any transaction with respect to which information may be omitted pursuant to instructions relating to such Items.

2. No information need be given in answer to this Item 6(e) as to any transaction where—

(a) The transaction involves services as a bank depository of funds, transfer agent, registrar, or similar services;

(b) The amount involved in the transaction or a series of similar transactions, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments, does not exceed $40,000, or $5,000 in the case of transactions giving rise to expenses of the type indicated in item 8 of form AC; or

(c) The interest of the specified person arises solely from the ownership of savings accounts of the applicant and the specified person receives no extra or special benefit not shared on a pro rata basis by all savings account holders as a class.

3. It should be noted that this item calls for disclosure of indirect, as well as direct, material interests in transactions. A person who has a position or relationship with a firm, corporation, or other entity, which engages in a transaction with the applicant or its subsidiaries or with any borrower from the applicant or any of its subsidiaries may have an indirect interest in such transaction by reason or such position or relationship. However, a person shall be deemed not to have a material indirect interest in a transaction within the meaning of this item (e) where—

(a) The interest arises only (i) from such person's position as a director of another corporation or organization (other than a partnership) which is a party to the transaction, or (ii) from the direct or indirect ownership by such person and all other persons specified in subparagraphs (1) and (2) above, in the aggregate, or less than a 10 percent equity interest in another person (other than a partnership) which is a party to the transaction, or (iii) from both such position and ownership;

(b) The interest arises only from such person's position as a limited partner in a partnership in which he and all other persons specified in subparagraphs (1) and (2) above had an interest of less than 10 percent; or

(c) The interest of such person arises solely from the holding of an equity interest (including a limited partnership interest but excluding a general partnership interest) or a creditor interest in another person which is a party to the transaction with the applicant or any of its subsidiaries and the transaction is not material to such other person.

4. The amount of the interest of any specified person shall be computed without regard to the amount of the profit or loss involved in the transaction. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

5. In describing any transaction involving the purchase or sale of assets by or to the applicant, state the cost of the assets to the purchaser and, if acquired by the seller within 2 years prior to the transaction, the cost thereof to the seller.

6. The foregoing instructions specify certain transactions and interests as to which information may be omitted in answering paragraph (e) of this item. There may be situations where, although the foregoing instructions do not expressly authorize nondisclosure, the interest of a specified person in the particular transaction or series of transactions is not a material interest. In that case, information regarding such interest and transaction is not required to be disclosed in response to this item.

(f) Describe briefly any transactions during or since the applicant's last 3 fiscal years or any presently proposed transactions, to which any pension, retirement or similar plan provide by the applicant or any of its subsidiaries, was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the applicant, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) Any director or officer of the applicant;

(2) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any subsidiary of the applicant; or

(3) The applicant or any of its subsidiaries.

Instructions. 1. Instructions 2, 3, 4, and 5 to item 6(e) shall apply to this item 6(f).

2. Without limiting the general meaning of the term "transaction" there shall be included in answer to this item 6(f) any remuneration received or any loans received or outstanding during the period, or proposed to be received.

3. No information need be given in answer to this paragraph (f) with respect to—

(a) Payments to the plan, or payments to beneficiaries, pursuant to the terms of the plan;

(b) Payment of remuneration for services not in excess of 5 per cent of the aggregate remuneration received by the specified person during the applicant's last fiscal year from the applicant and its subsidiaries; or

(c) Any interest of the applicant or any of its subsidiaries which arises solely from its general interest in the success of the plan.

Item 7. Business of the applicant. (a) *Organization.* State the year in which the applicant was organized and whether its present charter was issued by the State or Federal Government. Describe briefly any previous conversion of the applicant.

(b) *Selected statement of financial condition and other items.* As the end of each of the periods covered by the statements of operations required by item 15(b)(1) and as of the date of the latest statement of financial condition required by item 15(a), set forth in tabular form the amounts of the following items: (1) Total assets, (2) real estate loans outstanding, (3) savings accounts, (4) advances from the Federal home loan bank, (5) other borrowed money, if material, (6) net worth and (7) number of offices indicating any which are less than full service. The applicant may use other substantially simi-

lar captions, and may include other items such as number of real estate loans outstanding and number of savings accounts.

(c) *Mergers and acquisitions.* Indicate in tabular form, any mergers, bulk purchase of assets and similar acquisitions which have occurred in the periods covered by statements of operations required by item 15(b). With respect to each such acquisition, give names of the association involved, its location, its total assets immediately prior to such acquisition, the number of offices acquired, the method of accounting for such acquisition, and any excess of cost over the net assets acquired (goodwill) included in the latest statement of financial condition. The information provided in this section should be referenced to any appropriate notes to the financial statements required by item 15.

(d) *Lending activities:* (1) Describe briefly applicable Federal and State restrictions on the lending activities of the applicant including applicable laws affecting mortgage loan interest rates. Describe the applicant's general policy concerning loan to value ratios. Describe briefly the applicant's customary methods of obtaining loan originations such as the use of loan consultants and approval of security properties and use of a loan committee, if any. Describe briefly the applicant's policies as to requiring title insurance and fire and casualty insurance on security properties.

(2) As of the end of the periods covered by the statements of operations required by item 15(b)(1) and as of the date of the latest statement of financial condition required by item 15(a), set forth in tabular form the amount and percentage of the loan portfolio of the applicant (i) by type of loan and (ii) by type of security.

Instructions. 1. For the classification required by subparagraph (2)(i), separate types of loans into real estate loans and loans for other purposes. Also, separate real estate loans into conventional loans and FHA-VA loans. and conventional loans shall be separated into loans for construction, loans on existing property and loans refinanced.

2. for the classification required by subparagraph (2)(ii), type of security shall be separated into residential and other types. Residential loans shall be separated into single-family dwellings, two-to-four family dwellings, and other dwelling units. Also, indicate any material classification of other loans such as mobile home loans, home improvement loans, home equipping loans, passbook loans, commercial or industrial loans, and undeveloped land loans.

(3) For each of the periods covered by the statements of operations required by item 15(b), set forth in tabular form the amount for each period of (i) loans originated, (ii) loans purchased, (iii) loans sold, and (iv) total net loan activity. Also describe briefly the applicant's total activity as of the date of the latest statement of financial condition required by item 15(a), and briefly indicate the applicant's general future intentions with repect to activities in secondary mortgage markets including transactions with the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, or mortgage bankers. If significant, indicate loan service fee income as a percentage of gross income for the year ended as of the latest statement of financial condition required by item 15(a).

Instructions. 1. For the classification required by subparagraph (3)(i), loans originated shall be separated into real estate loans, loans for other purposes, and total loans originated. Real estate loans shall be further separated into conventional loans and FHA-VA loans, and conventional loans shall be separated into loans for construction, loans on existing property, and loans refinanced.

2. For the classification required by subparagraph (3)(ii), loans purchased shall be separated into real estate loans, loans for other purposes, and total loans purchased. Real estate loans shall be further separated into conventional loans and FHA-VA loans.

3. For the classification required by subparagraph (3)(iii), loans sold shall be separated into whole loans, participation loans, and total loans sold.

4. For the classification required by subparagraph (3)(iv), total net loan activity shall be equal to total loans originated plus total loans purchased minus total loans sold.

(4) As to the lending area of the applicant, describe briefly (i) the lending area restrictions applicable to the applicant, (ii) the areas in which the applicant normally lends, and (iii) any material loan concentration areas of the applicant. Such descriptions may include a map illustrating one or more of these areas. Furnish an estimate of the housing vacancy rates in areas where the applicant's loan concentrations are located, if practicable.

(5) Describe briefly the general long term nature of investment in mortgage loans and the consequent effect upon the earnings spread of savings and loan associations. State the normal maturity of loans made by the applicant on the security of single-family dwellings and furnish an estimate as to the average length of time such loans are outstanding.

(6) As of the end of each of the periods covered by the statements of operations required by item 15(b)(1) and as of the date of the latest statement of financial condition required by item 15(a), set forth in tabular from, excluding origination fees, discounts and premiums on real estate loans originated, the following: (i) weighted average of return on loans originated and purchased during each period, (ii) weighted average rate of return on loans held at the end of each period, (iii) weighted average interest cost of savings at the end of each period, (iv) weighted average interest cost of Federal home loan bank advances and other borrowings during the period, (v) total weighted average interest cost of savings and borrowings for the period (the total of (iii) and (iv)), and (vi) the gross margin ((ii) minus (v)).

Instruction. As an example of the calculation of the weighted average rate, the following method should be used to calculate the weighted average interest rate on savings:

1. Determine the percentage of total savings represented by each type of savings instrument.

2. Multiply these percentages by the contractual interest rate the applicant is committed to pay on such instruments.

3. The resulting percentages are then totalled, giving the weighted rate.

(7) As of the end of each of the periods covered by the statements of operations required by item 15(b)(1) and as of the date of the latest statement of financial condition required by item 15(a), set forth in tabular form loan origination fees charged to borrowers expressed as a percentage of the total amount of loans originated and net income. In addition, fee income, broken down into its various components including but not limited to GNMA commitment fees, serving fees, loan commitment fees, should all be expressed as a percentage of both gross and net income.

(8) Describe briefly the applicant's method of loan origination fee and discount amortization and the total of such balances deferred by the applicant as of the date of the latest statement of financial condition required by item 15(a). Describe briefly the normally volatile nature of loan fee income.

(9) Describe briefly the regulatory classifications of scheduled items and the applicant's customary procedures regarding delinquent loans. As of the end of each of the periods covered by the statements of operations required by item 15(b)(1) and as of the date of the latest statement of financial condition required by item 15(a), set forth in tabular form the amounts and categories (slow loans, real estate owned, loans to facilitate, and others) of scheduled items and the ratio of such scheduled items to specified assets and to total assets. Where real estate owned is a significant portion of scheduled items, include a brief description of the major properties included therein and a statement as to the applicant's probable loss, if any, upon disposition of such properties.

(e) *Savings activities.* (1) As of the date of the latest statement of financial condition required by item 15(a), set forth in tabular form the amounts and percentages of savings accounts by categories of interest rate. As to certificates of deposit, indicate the term and minimum balances required for each. As of the date of the latest statement of financial condition required by item 15(a), set forth in tabular form the amounts of such certificates maturing by quarter during the 3 years following such date and the total maturing thereafter, the percentage of such amounts to total savings.

(2) Describe the applicant's methods of computing and paying interest for both passbook savings accounts and certificates of deposit. State that the maximum rate of interest which the applicant may pay is established by the Board. State that in the event of liquidation of the applicant after conversion, savings account holders will be entitled to full payment of their accounts prior to payment to shareholders. Also, indicate the percentage of total savings accounts which are from out-of-State sources, if such total is significant.

(f) *Insurance of accounts.* (1) Describe briefly insurance of accounts and the general regulatory authority of the Corporation.

(2) Describe briefly the Federal insurance reserve requirements, the results of failure to meet those requirements, and the applicant's Federal insurance reserve account position in relation to those requirements. Also describe the annual insurance premium payment and prepayment requirements.

(g) *Federal Home Loan Bank System.* (1) Describe briefly the Federal Home Loan Bank System and state that the applicant is a member. Such description shall include: (i) Limitations on borrowings, (ii) recent loan policies of the applicant's Federal home loan bank and current interest rates, and (iii) Federal home loan bank stock purchase requirements and the applicant's position with respect to those requirements.

(2) Describe briefly applicable liquidity requirements under section 5A of the Federal Home Loan Bank Act, as amended, the regulations thereunder, and State law. State the applicant's position with respect to those requirements.

(h) *State Savings and Loan Association Law.* If the applicant is converting to a State-chartered stock association, describe briefly applicable provisions of State law which have a material effect on the business of the applicant.

(i) *Federal State taxation.* Describe briefly the Federal income tax laws applicable to the applicant incuding: (1) Permissible bad debt reserves, (2) the applicant's position with respect to the maximum bad debt reserve limitations as of the date of the latest statement of financial condition required under item 15(a), (3) future increases in the effective income tax rate, (4) the date through which the applicant's Federal income tax returns have been audited by the Internal Revenue Service, and (5) the tax effect to the applicant of the payment of cash dividends on capital stock of the applicant after conversion. Also describe briefly the State taxation of the applicant.

(j) *Competition.* Describe the material sources of competition for savings and loan associations generally and indicate to the extent practicable the applicant's position in its principal lending and savings markets.

Instruction. In answering item 7(j) give to the extent known the association savings and mortgage product market shares by county in its geographic market. Also indicate its rank and any material changes or trends in its competitive standing.

(k) *Office and other material properties.* (1) Furnish the location of the applicant's home office and each existing and approved branch office and other office facilities (such as mobile or satellite offices). State the total net book value of all such offices as of the date of the latest statement of financial condition required by item 15(a). If any such office is leased, state the expiration dates of such leases.

(2) Describe briefly undeveloped land owned by the applicant, including location, net book value, and prospective use and holding period. If the applicant or a subsidiary owns or leases electronic date processing equipment principally for its own use, describe briefly such equipment indicating net book value if owned or the principal lease terms if leased.

(l) *Employees.* State the number of persons employed fulltime by the applicant including executive officers listed under item 5. State whether employees are represented by a collective bargaining group and whether the applicant's relations with its employees is satisfactory. Summarize briefly any loans, profit sharing, retirement, medical, hospitalization or other remuneration plans provided for employees not already included pursuant to item 6.

(m) *Service corporations.* Describe briefly the applicant's investment in any subsidiary and the major lines of business (including any joint ventures) of the subsidiary which are material to its operations.

(n) *Pending legal proceedings.* Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the applicant or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underly the proceeding, the relief sought and counsel's opinion as to the merits of the applicant's position in each such matter. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

(o) *Additional information.* The Corporation may, upon the request of the applicant, and where consistent with the protection of account holders and others, permit the omission of any of the information required by this Item or the furnishing in substitution therefor of appropriate information of comparable character. The Corporation may also require the furnishing of other information in addition to, or in substitution for, the information required by this Item in any case where such information is necessary or appropriate for an adequate description of the applicant's business done or intended to be done.

Item 8. Description of the plan of conversion. (a) A statement to the following effect shall be inserted in the proxy statement immediately preceding the information required by this Item: The Federal Home Loan Bank Board has given approval to the plan of conversion, subject to its approval by association members and the satisfaction of certain other conditions. However, such Board approval does not consititue a recommendation or endorsement of the plan by the Board.

(b) The proxy statement shall contain a description of the plan of conversion. Such description shall contain the information required by paragraphs (c) through (j) of this item and such additional information as may be necessary to accurately describe the material provisions of the plan.

(c) Briefly describe the effects of conversion from a mutual institution to a stock institution including the following information: (1) State that savings accounts of the applicant will not be affected by the conversion with respect to such matters as balances in the accounts and the extent of insurance of savings accounts by the Corporation; (2) state whether savings and borrowing members of the applicant will continue to have voting rights in the applicant after conversion, and describe any voting rights they will have; (3) state the present liquidation rights of account holders and describe the liquidation account to be established and maintained by the applicant, including the conditions under which such account will be paid, the interest of eligible account holders and supplemental eligible account holders in such account and the formula by which such account will be adjusted; (4) state that the rights and obligations of borrowers from the applicant will not be changed in any manner; (5) state that capital stock to be sold by the applicant will not be insured by the Corporation; (6) state that none of the assets of the applicant will be distributed in order to effect the conversion other than to pay expenses incident thereto; and (7) state briefly the reason why management is recommending the conversion, including any advantages to the community served by the applicant.

(d) With respect to the subscription offering, furnish the following information: (1) The formula to be used for determining the subscription rights of account holders to purchase shares pursuant to § 563b.3(c) (2), (4), and (5); (2) any minimum share purchase requirements pursuant to § 563b.3(d)(8); (3) any optional provisions included in the plan of conversion pursuant to § 563b.3(d) for the purchase of shares of capital stock including the purchase priorities, any limitation on total purchases, the total number of shares which may be purchased, and the formula for their allocation; (4) the allocation formulas to be used in the event that there is an oversubscription of shares at any time during the sale of stock under the plan of conversion; and (5) the use and timing of the order forms with respect to the subscription offering.

(e)(1) Set forth on a per share basis the estimated public offering price range of the shares of capital stock to be sold pursuant to the plan of conversion; (2) state that the public offering price will be the pro forma market value of such shares based on an independent valuation; (3) state that all of the shares are required to be sold; and (4) describe briefly the results of the appraisal of the association made by an independent appraiser for the purpose of determining the estimated price range.

(f) Discuss (1) the earnings per share on a pro forma basis of the capital stock to be sold as of the end of the most recent period covered by the statements of operation required by item 15(b)(1); and (2) the book value per share on a pro forma basis as of the date of the latest statement of financial condition required by item 15(a).

Instruction. Earnings and book value per share shall be furnished without giving effect to the estimated net proceeds from the sale of the capital stock, and then after giving effect to such proceeds with all assumptions used clearly stated.

(g) With respect to the subscription offering, state the proposed commencement and expiration dates of the subscription period and describe any provisions in the plan of conversion related to the timing of the subscription offering or extension of the subscription period. Also, state (1) that a maximum subscription price will be set forth in the offering circular used for the subscription offering; (2) that the actual subscription price will be the public offering price; (3) that the actual subscription price will not exceed the maximum subscription price shown on the order form; and (4) that any difference between the maximum and actual subscription prices will be refunded.

(h) Furnish the following information: (1) State that the converted insured institution will enter into an agreement with the Corporation in accordance with § 563b.3(i) and briefly describe the material terms of such agreement; (2) describe to the extent practicable the applicant's present intentions with respect to listing the capital stock on an exchange or otherwise providing a market for the purchase and sale of the capital stock in the future; (3) describe briefly the tax effect of the conversion both to the applicant and to the various classes of account holders receiving nontransferrable subscription rights to purchase capital stock in the conversion, and (4) state that the plan of conversion is attached as an exhibit to the proxy statement and should be consulted for further information.

(i)(1) State whether the plan of conversion provides for the capital stock not purchased in the subscription offering to be offered to the public through underwriters or directly by the converting institution. If such is the case, provide the information to the extent known required by item 6 of form OC and indicate the estimated timing

of the proposed offering. (2) State whether the plan of conversion provides for the purchase by any person or group of any insignificant residue of shares remaining at the conclusion of the subscription offering or the public offering.

(j) Furnish the following information in tabular form regarding proposed purchases of capital stock involving directors and officers of the applicant:

(1) State the total number of shares proposed to be purchased by all officers, directors and their associates as a group without naming them.

(2) As to each officer and director named in item 6(a)(1), name him, state his position, and the number of shares proposed to be purchased by him.

(3) As to any officer, director or their associate who proposes to purchase 1 percent or more of the total number of shares of capital stock of the applicant to be outstanding, name him, state his position, and the number of shares proposed to be purchased by him.

(4) With respect to the information required by (1), (2) and (3) above, indicate separately the number of shares proposed to be purchased in each offering category.

Item 9. Description of capital stock. (a) Furnish the following information concerning the capital stock of the applicant to be sold upon conversion:

(1) Outline briefly (i) dividend rights and restrictions; (ii) voting rights; (iii) liquidation rights; (iv) pre-emptive rights; (v) liability to further calls or to assessment by the applicant; and (vi) other material provisions.

(2) If the rights of holders of such capital stock may be modified otherwise than by a vote of a majority or more of the capital stock outstanding, voting as a class, so state and explain briefly.

(3) Outline briefly any restrictions on the repurchase or redemption of, and payment of dividends on, capital stock, or any part thereof, by the applicant.

Instructions. 1. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the capital stock will be materially limited or qualified by the rights of savings account holders or borrowers, include such information regarding such limitation of qualification as will enable investors to understand the rights evidenced by the capital stock.

(b) An undertaking should be included in the proxy statement that the applicant where practical will use its best efforts to encourage and assist a professional market maker in establishing and maintaining a market for the capital stock of the applicant.

(c) Outline briefly the trading market that is expected to exist for the capital stock following the conversion including the estimated number of market members and stockholders, and the anticipated success of the applicant in listing the stock.

Instructions. Any discussion of the listing of the applicant's stock should include the basic requirement that must be met for such listing.

Item 10. Capitalization. Set forth in substantially the tabular form indicated below the dollar amounts of the capitalization of the applicant:

	(A)	(B)	(C)
	Capitalization as of latest statement of condition date	Adjustments as a result of conversion	Pro-forma capitalization after giving effect to the conversion
1. Savings accounts	$	$	$
2. FHL bank advances			
3. Subordinated debt securities			
4. Other borrowings			
5. Capital stock			
6. Paid in capital			
7. Undivided profits			
8. Federal Insurance Reserve			
9. Other reserves			
10. Total			

Instructions. 1. With respect to capital stock, indicate in the table or in a footnote the total number of shares to be authorized, the par or stated value of such shares, and the number of shares to be sold as part of the conversion.

2. With respect to the funds to be received by the applicant from the sale of its capital stock, indicate in the table the estimated total amount of funds to be obtained and in a footnote state the price per share used in making such estimate. Such total amount and price per share shall be clearly identified as being estimates.

Item 11. *Use of new capital.* State the principal purposes for which the net proceeds to the applicant from the capital stock to be sold are intended to be invested or otherwise used, and the approximate amount intended for each such purpose.

Instruction. Details of proposed investments are not to be given. There need be furnished, for example, only a brief statement of any investment or other activity of the applicant which will be affected materially by availability of the proceeds. Examples of such activities may include expanded secondary market activities, larger scale lending projects, loan portfolio diversification, increased liquidity investments, repayment of debt, additional branch offices and other facilities, service corporation investments, and acquisitions.

Item 12. *Stock option plan.* If action is to be taken with respect to the granting to officers and employees of any stock options to purchase capital stock of the applicant to take effect after conversion, furnish the following information:

(a) State (1) the title and number of shares to be called for by such options; (2) the prices, expiration dates and other material conditions upon which the options may be exercised; (3) the consideration to be received by the applicant for the granting of the options and (4) the Federal income tax consequences of the issuance and exercise of such options to the recipient and to the applicant.

(b) State separately the amount of options to be received by the following persons, naming each such person: (1) Each director or officer named in answer to items 6(a); (2) each associate of such directors or officers; and (3) each other person who is to receive 5 percent or more of such options to be received by all directors and officers of the applicant as a group, without naming them.

(c) Furnish such information, in addition to that required by item 6, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit-sharing, pension, retirement, deferred compensation or other remuneration or incentive plans, now in effect or in effect within the past 5 years, for (i) each director or officer named in answer to item 6(a) who may participate in the stock option plan to be acted upon; (ii) all directors and officers of the applicant as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

Instructions. The term "plan" as used in paragraph (c) of this Item means any plan as defined in instruction 1 to item 6(b).

State whether the adoption of any stock option or purchase plan is contemplated following the completion of the conversion. If so, indicate the material terms of the proposed plan.

Item 13. *New charter, bylaws or other documents.* Describe briefly any material differences between the provisions of existing charter, bylaws and any similar documents of the applicant and those which will take effect after conversion, including, if applicable, the optional charter provision provided for in § 563b.3(i)(3).

Instruction. This Item requires only a brief summary of the provisions which are pertinent from both an investment standpoint and a voting standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions verbatim; only a succinct resume is required.

Item 14. *Other matters.* State that the applicant will register its capital stock under section 12(g) of the Securities Exchange Act of 1934, as amended, and that it will not deregister such stock for a period of 3 years. It should be noted that upon registration the proxy rules, insider trading reporting and restrictions, annual and periodic reporting and other requirements of that Act will be applicable.

Item 15. Financial statements. Notes: 1. The following instructions specify the statements of financial condition, the statement

of operations and statements of stockholders' equity required to be included in the proxy statement. Section 563c.1 governs the certification, form, and content of such financial statements including the basis of consolidation.

2. If the applicant has previously used an audit period in connection with its certified financial statements which does not coincide with its fiscal year, such audit period may be used in place of any fiscal year requirement provided it covers a full 12 months' operations and is used consistently.

3. To enable investors to understand and evaluate material periodic changes in the various items of the statement of operations a separately captioned section (entitled "Management's Discussion and Analysis of the Statement of Operation") immediately following such statement of operation should include a statement explaining: (1) Material changes from period to period in the amounts of the items of revenues and expenses, and (2) changes in accounting principles or practices or in the method of their application that have a material effect on net income as reported. The purpose of this statement is to provide investors with management's analysis of the financial data included in the statement of operation through a discussion of the causes of material changes in the items of the statement of operation and of disclosure of the dollar amount of each such change and the effect of each such change on the reported results for the applicable periods. This discussion is necessary to enable investors to compare periodic results of operations and to assess the source and probability of recurrence of earning (losses). The analysis should include a discussion of material facts, whether favorable or unfavorable, which, in the opinion of management, may make historical operation or earnings as reported in the statement of operations not indicative of current or future operations or earnings.

(a) In general, the discussion of material periodic changes should be limited to: (1) The latest interim period presented and the comparable interim period in the immediately preceding fiscal year; (2) the most recent fiscal year presented and the fiscal year immediately preceeding it; and (3) the second most recent fiscal year presented and the fiscal year immediately preceding it. There may be circumstances, however, under which an explanation of revenue or expense item changes between two or more of the earlier periods of the 5-year summary may be material to an understanding of the summary. Further, to better explain revenue and expense items changes for interim periods it may be necessary to give an analysis of changes between consecutive fiscal quarters.

(b) While it is not feasible to specify all subjects which should be covered in the discussion and analysis of the statement of operation, the following are examples which applicants should consider in making disclosure:

1. Material changes in the revenues generated by types of operation;

2. Material changes in the line items contained in the statement of operations;

3. Material changes in advertising, promotion, or other discretionary costs;

4. The acquisition or disposition of a material asset other than in the ordinary course of business;

5. Material and unusual charges or gains, including credits or charges associated with discontinuation of operations;

6. Material changes in assumptions underlying deferred costs and/or income and the plan for amortization of such costs or income;

7. Material changes in the associations categorized or nonproductive, slow loans, or scheduled items;

8. Material changes of any kind in the statements of condition and/or operations of a subsidiary; and

9. Material concentration of loans made to one or more borrowers.

(c) The textual analysis should be presented in a manner that will best communicate the significant elements necessary to a clear understanding by the investor of the financial results. Favorable as well as unfavorable trends and changes should be discussed. Tables and charts may be used where appropriate. A mechanistic approach to this analysis which uses boiler plate or mere notation of percentage change by classification or line item should be avoided.

(d) A discussion of a change in an item of revenue or expense generally is required when an item required to be set forth in the statement of operations or disclosed pursuant to § 563c.7 (a) through (v) increased or decreased by more than 10 percent as compared to the prior period (but only if such prior period is presented), and increased or decreased by more than 2 percent of the average net income or loss for the most recent 3 years presented. In calculating average net income, loss years should be excluded. If losses were incurred in each of the most recent years, the average loss shall be used for purposes of this test. Should the applicant be of the opinion that an explanation of a change is not necessary to an understanding of the statement of operations even though the change meets the foregoing standards, the applicant shall furnish the Corporation, as supplemental information, a written statement of the reasons for the ommission.

(e) Notwithstanding the fact that a change in an item of revenue or expense does not meet the standards set forth in paragraph (d) it should be discussed if the applicant believes an explanation of such a change is necessary to an understanding of the statement of operations.

(f) When the text of the proxy statement or offering circular contains a discussion of factors indicating a material change in operating results, whether favorable or unfavorable subsequent to the latest period included in the statement of operations, the management discussion and analysis should call attention to the change and refer to the place in the proxy statement or offering circular where it is discussed.

(a) *Statements of financial condition of the applicant.* (1) Furnish certified statements of financial condition as of the close of the applicant's latest fiscal year and as of the close of the preceding fiscal year. (2) If the latest statement furnished under (1) is in excess of 120 days from the date of filing of the application for conversion, or any amendment thereto, furnish an additional statement of financial condition as of a date within 120 days of such filing. This additional statement need not be certified

(b) *Statements of operations and statement of stockholders' equity.* Furnish in comparative columnar form statements of operations and statements of stockholders' equity of the applicant (1) for each of the 5 fiscal years preceding the date of the statement of financial condition as of the close of the applicant's latest fiscal year filed under paragraph (a) and (2) for the period, if any, between the close of the latest of such fiscal years and the date of the statement of financial condition filed under paragraph (a). Furnish a statement of operations for the period comparable to (b)(2) in the immediately preceding fiscal year. Statements for the 3 latest fiscal years under (b)(1) shall be certified.

Instructions. 1. Reflect information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanaton set forth elsewhere in the proxy statement. Include comparable data for any additional fiscal years necessary to keep the statements from being misleading. The statements shall reflect the retroactive adjustment of any material items affecting the comparability of the results.

2. In connection with capital stock sold pursuant to the plan of conversion, the statements shall reflect earnings that would have been applicable to such outstanding stock.

(c) *Statements of changes in financial position.* Furnish certified statements of changes in financial position (1) for each of the 3 fiscal years preceding the date of the latest statement of financial condition filed under paragraph (a) and (2) furnish a statement for the period if any, between the close of the latest of such fiscal years and the date of the latest statement of financial condition filed under paragraph (a). This additional statement need not be certified.

(d) *Ommission of applicant's statements in certain cases.* Notwithstanding paragraphs (a), (b), and (c), the individual financial statements of the applicant may be omitted if (1) the conditions specified in either of the following paragraphs are met, and (2) the Corporation is advised as to the reasons for such ommission.

(1) The applicant is primarily an operating company and all subsidiaries included in the consolidated financial statements filed are totally held subsidiaries; or

(2) The applicant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, constitute 85 percent or more of the total assets shown by the consolidated statement of financial condition filed and the applicant's total gross revenues for the period for which its statements of operations would be filed, exclusive of interest and dividends received from the consolidated subsidiaries, constitute 85 percent or more of the total gross revenue shown by the consolidated statements of operations filed.

(e) (1) *Consolidated statements.* Furnish consolidated statements for the same periods and as of the same dates as would be required for the applicant. These statements shall be certified as would be required for the applicant's statements. (Paragraphs (a), (b), and (c) above.)

(2) *Unconsolidated subsidiaries and other persons.* Subject to § 563c.1(q)(2) regarding group statements of unconsolidated subsidiaries, there shall be set forth for each majority-owned subsidiary of the applicant not consolidated the financial statements which would be required if the subsidiary were itself an applicant. Insofar as practicable, these financial statements shall be as of the

same dates or for the same periods as those of the applicant.

(3) *Fifty-percent-owned persons and other persons.* If the applicant owns directly or indirectly approximately 50 percent of the voting securities of any person and approximately 50 percent of the voting securities of such person is owned directly or indirectly by another single interest, or if the applicant takes up the equity in undistributed earnings of any other unconsolidated person, there shall be set forth for each such person the financial statements which would be required if it were an applicant, subject to § 563c.1(q)(2) regarding group statements. The statements set forth for each person shall identify the other single interest, or other interests in any person operated jointly.

(4) *Omission of statements required by paragraphs (2) and (3).* Not withstanding paragraphs (2) and (3), there may be omitted from the proxy statements all financial statement of any one or more unconsolidated subsidiaries or 50-percent-owned persons or other persons: (i) If all such subsidiaries and 50-percent-owned and other persons for which statements are so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary; or (ii) if the income from the subsidiary reported by the applicant does not exceed 10 percent of the consolidated net income for the latest fiscal year for which income statements are filed.

(f) *Special provisions*—(1) *Succession to other business.* (i) If during the period for which its statements of operations are required, the applicant has by merger, consolidation, or otherwise succeeded to one or more businesses, the additions, eliminations, and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the statements of financial condition set forth. In addition, statements of operations for each constituent business, or combined statements if appropriate, shall be set forth for such period prior to the succession as may be necessary when added to the time, if any, for which statements of operations after the succession are set forth to cover the equivalent of the period specified in paragraphs (a), (b), and (c) above.

(ii) If the applicant by merger, consolidation, or otherwise is about to succeed to one or more businesses, there shall be filed for the constituent businesses financial statements, combined, if appropriate, which would be required by these instructions. In addition, there shall be set forth a statement of financial condition of the applicant giving effect to the plan of succession. These statements of financial condition shall be set forth in such form, preferably columnar, as will show in related manner the statements of financial condition of the constituent business, the changes to be effected in the succession and the statement of financial condition of the applicant after giving effect to the plan of succession. By a footnote or otherwise, a brief explanation of the changes shall be given.

(iii) This subparagraph (1) shall not apply with respect to the applicant's succession to the business of any totally-held subsidiary, or to the acquistion of one or more businesses by purchase if such businesses, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

(2) *Acquisition of other businesses.* (i) There shall be set forth for any business directly or indirectly acquired by the applicant after the date of the statement of financial condition set forth pursuant to paragraph (a) and for any business to be directly or indirectly acquired by the applicant, the financial statements which would be required if such business were an applicant.

(ii) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control.

(iii) No financial statements need be set forth pursuant to this subparagraph (2), however, for any business acquired or to be acquired from a totally held subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate as a single subsidiary, would not consititute a significant subsidiary.

(g) *Filing of other statements in certain cases.* The Corporation may, upon the request of the applicant, and where consistent with the protection of account holders and others, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Corporation may also require the inclusion of other statement in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of account holders and others.

(h) *Historical financial information.*—(1) *Applicability of paragraph (h).* The information required by this paragraph (h) shall be included in the proxy statement if in the opinion of the applicant it is material to the understanding of its financial condition. If the applicant determines to omit the information required by this paragraph, it shall file with its application for conversion a statement briefly explaining such omission.

(2) *Scope of paragraph (h).* The information required by paragraph (h) shall be furnished for the 7-year period preceding the period for which statements of operations are set forth, as to the accounts of each person whose statement of financial condition is set forth. The information is to be given as to all of the accounts specified whether they are presently carried on the books or not. Paragraph (h) does not call for an audit, but only for a survey or review of the accounts specified. It should not be detailed beyond a point material to account holders and others.

(3) *Revaluation of property.* (i) If there were any material increases or decreases in investments, in property, plant and equipment, or in intangible assets, resulting from revaluing such assets, state (*a*) in what year or years such revaluations were made; (*b*) the amounts of such increases or decreases, and the accounts affected, including all related entries; and (*c*) if in connection with such revaluations any related adjustments were made in reserve accounts, state the accounts and amounts with explanations.

(ii) Information is not required as to adjustments made in the ordinary course of business, but only as to major revaluation made for the purpose of entering on the books current values, reproduction cost or any values other than original cost.

(iii) No information need be furnished with respect to any revaluation entry which was subsequently reversed or with respect to the reversal of a revaluation entry recorded prior to the period if a statement as to the reversal is made.

(4) *Other changes in surplus.* If there were any material increases or decreases in surplus, other than those resulting from transactions specified above, the closing of the profit and loss account or the declaration of payment of dividends, state (i) the year or years in which such increase or decreases were made; (ii) the nature and amounts thereof; and (iii) the accounts affected, including all material related entries. Paragraph (3)(iii) shall also apply here.

(5) *Predecessors.* The information shall be furnished, to the extent it is material, as to any predecessor of the applicant from the beginning of the period to that date of succession, not only as to the entries made respectively in the books of the predecessor or the successor, but also as to the changes effected in the transfer of the assets from the predecessor. However, no information need be furnished as to any one or more predecessors which, considered in the aggregate, would not constitute a significant predecessor.

(6) *Omission of certain information.* (i) No information need be furnished as to any subsidiary, whether consolidated or unconsolidated, for the period prior to the date on which the subsidiary became a majority-owned subsidiary of the applicant or of the predecessor for which information is required above.

(ii) No information need be furnished to any one or more unconsolidated subsidiaries for which separate financial statements are filed if all subsidiaries for which the information is so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

(iii) Only the information specified in paragraph (3) need be given as to any predecessor or any subsidiary thereof if immediately prior to the date of succession thereto by a person for which information is required, the predecessor or subsidiary was in insolvency proceedings.

Item 16. Consents of experts and reports. (a) The proxy statement shall briefly describe all consents of experts filed pursuant to section 563b.8(p).

(b) The statement shall contain a report of the independent public accountants who have certified the financial statements and other matters in the statement.

Instruction. The instruction to item 13 shall apply to paragraph (a) of this item.

Item 17. Attachments. There shall be attached to the proxy statement distributed to association members and others a copy of the applicant's plan of conversion as approved by the Corporation. There may also be attached to such statement a copy of any stock option plan described under item 12.

FORM OC

[Facing Sheet]

FEDERAL HOME LOAN BANK BOARD, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, 1700 G STREET NW., WASHINGTON, D.C. 20552

Offering Circular

(Exact name of applicant as specified in charter)

(Street address of applicant)

(City, State, and ZIP code)

OFFERING CIRCULAR FORM

Item 1. *Information required by and use of form OC.* The offering circular shall be dated as of the date of its issuance. The offering circular shall contain substantially the same information required to be included in the proxy statement of the applicant distributed to association members to vote upon the plan of conversion. Information of the type required to be included in the proxy statement may be omitted from the offering circular only to the extent that it is clearly inapplicable. The offering circular may be in "wrap around" form with the proxy statement attached.

Instruction 1. The term "offering circular" refers to both the offering circular for the subscription offering and the offering circular for the public offering through an underwriter or the direct community marketing by the converting insured institution of the unsubscribed shares, unless otherwise indicated.

2. The offering circular shall include such information which the General Counsel or Director of the Securities Division of the Office of General Counsel, by interpretive release or otherwise, has deemed necessary to comply with this form OC.

3. An offering circular for the subscription offering in "wraparound" form distributed to association members and other persons who have previously been furnished a copy of the proxy statement need not contain the proxy statement as an attachment provided such offering circular states that a copy of the proxy statement has previously been furnished to such persons and that an additional copy thereof will be furnished promptly upon request to the applicant (with the telephone number and mailing address of the applicant stated).

Item 2. *Additional current information required.* The final offering circular for the subscription offering, the preliminary offering circular for the public offering or the direct community marketing used during the subscription period and the final offering circular for the public offering or the direct community marketing shall as of their respective dates of issuance include the following additional current information to the extent that such information is not already included in the proxy statement:

(a) Information with respect to the vote of association members upon the plan of conversion and any other proposals considered at the meeting of members;

(b) Information with respect to any recent material developments in the business or affairs of the applicant;

(c) Information with respect to the trading market that is expected to exist for the capital stock following the conversion.

(d) Any other information necessary to make such offering circular current, including full financial statements of the applicant within 6 months prior to the date of issuance of such offering circular.

Item 3. *Statement required in offering circulars.* There shall be set forth on the outside cover page of every offering circular the following statement in capital letters printed in boldface roman type at least as large as 10-point modern type and at least two points leaded:

THESE SHARES HAVE NOT BEEN APPROVED OR DISAPPROVED BY THE FEDERAL HOME LOAN BANK BOARD OR FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION NOR HAS SUCH BOARD OR CORPORATION PASSED UPON THE ACCURACY OR ADEQUACY OF THIS OFFERING CIRCULAR. ANY REPRESENTATION TO THE CONTRARY IS UNLAWFUL.

Item 4. *Preliminary offering circular.* The outside front cover page of any preliminary offering circular shall bear, in red ink, the caption "Preliminary Offering Circular," the date of its issuance, and the following statement printed in type as large as that used generally in the body of such offering circular.

"This offering circular has been filed with the Federal Savings and Loan Insurance Corporation, but has not been authorized for use in final form. Information contained herein is subject to completion or amendment. The shares covered hereby may not be sold nor offers to buy be accepted prior to the time the offering circular is declared effective by the Federal Savings and Loan Insurance Corporation. This offering circular shall not constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of these shares in any State in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of any such State."

Item 5. *Information with respect to subscription offering.* The offering circular used for the subscription offering shall describe all material terms of the subscription offering to the extent that such description is not already in the proxy statement. Such terms include the expiration date, any subscription agent, method of exercising subscription rights, payment for shares, delivery of stock certificates for shares purchased, maximum subscription price, possible reduction of subscription price, relationship of subscription price to public offering price, requirement that all unsubscribed shares be sold, and any other material conditions of the subscription offering.

Item 6. *Information with respect to public offering or direct community marketing.* The offering circular for the subscription offering and the offering circular for the public offering or direct community marketing shall both describe the material terms of the plan or plans of distribution for all unsubscribed shares of capital stock not purchased by account holders or others pursuant to the subscription offering to the extent such description is not already in the proxy statement, including the following:

(a) If the shares are to be offered through underwriters, the outside front cover page of both offering circulars shall give the information called for by this paragraph. In the case of the offering circular for a public offering, such information shall be given in substantially the tabular form set forth below. In the case of the offering circular for the subscription offering, and the direct community marketing, such information may be given in narrative form. If the information is not known at the time of the subscription offering, so state and estimate.

	Price to public	Underwriting [1]	Proceeds to applicant
Per share	$	$	$
Total	$	$	$

[1] Underwriting discounts and commissions.

(b) The outside front cover page of the offering circular for the public offering or direct community marketing shall briefly summarize the results of the subscription offering including the number of shares sold to eligible account holders supplemental eligible account holders, voting members and others, the price at which the shares were sold, and the number of unsubscribed shares. Such offering circular may omit the description of the subscription offering required by item 5.

(c) If the unsubscribed shares are to be offered through underwriters, the offering circular for the public offerings shall state the names of the principal underwriters and the respective amount underwritten by each. The names of the principal underwriters other than the managing underwriters and the respective amounts to be underwritten may be omitted from the offering circular for the subscription offering. Both offering circulars shall identify each principal underwriter having a material relationship to the applicant and state the nature of the relationship. Both underwriting circulars shall state briefly the nature of the underwriters' obligation to take the unsubscribed shares.

(d) The offering circular for the public offering shall state briefly the discounts and commissions to be allowed or paid to dealers in connection with the sale of the unsubscribed shares. Such information may be omitted from the offering circular for the subscription offering.

(e) If the unsubscribed shares are to be offered through underwriters, the offering circular for the public offering shall identify any principal underwriter that intends to confirm sales to any accounts over which it exercises discretionary authority and include an estimate of the number of shares so intended to be confirmed. Such information may be omitted from the offering circular for the subscription offering.

Instructions. 1. Commissions include all cash, securities, contracts, or anything else of value, paid, to be set aside, disposed of, or understandings made with or for the benefit of any persons in which any underwriter or dealer is interested, in connection with the sale of the shares.

2. Only commissions paid by the applicant in cash are to be included in the table. Any other consideration to the underwriters shall be set forth following the table with a reference thereto in the second column of the table. Any finder's fees or similar payments shall be appropriately disclosed.

3. All that is required as to the nature of the underwriters' obligation is whether the underwriters are or will be committed to take and to pay for all of the shares if any are taken, or whether it is merely an agency or "best efforts" arrangement under which the underwriters are required to take and pay for only such shares as they may sell to the public. Conditions precedent to the underwriters' taking the shares, including customary "market outs," need not be described. If a "best efforts" arrangement is used, describe any standby commitments for shares not sold.

(f) If the unsubscribed shares are to be sold by the converting insured institution by direct community marketing, indicate the timing of the offering, the geographical area wherein the offering will be made, the method to be employed to market the shares including the frequency and nature of communications or contacts with potential purchases, any preferences that will be given any such geographical area or class of potential purchasers and the limitations on purchases by potential purchaser.

(Sec. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730; 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.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-29340 Filed 10-18-78; 8:45 am]

federal register

THURSDAY, OCTOBER 19, 1978
PART VI

DEPARTMENT OF TRANSPORTATION

Coast Guard

MARINE CASUALTIES AND CASUALTY REPORTING REQUIREMENTS

Proposed Rules

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 146 and 150]

[CGD 76-170A]

MARINE CASUALTIES

Proposed Rules

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to amend the casualty or accident report regulations for artificial islands and fixed structures on the Outer Continental Shelf and deepwater ports to include reports concerning diving casualties. In this issue of the FEDERAL REGISTER, at page 48724 (third column), the Coast Guard is proposing to amend the definition of marine casualty in 46 CFR 4.03-1 to include diving casualties. The proposals in this document are necessary in order to make a diving casualty reportable under all Coast Guard casualty reporting regulations.

DATE: Comments should be submitted to Commandant (G-CMC/81) (CGD 76-170A), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Capt. Alfred E. Hampton, Office of Merchant Marine Safety (G-MMI/83), Room 8305, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1455.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 76-170A), identify the specific section of the proposal to which each comment applies, and include sufficient detail to indicate the basis on which each comment is made. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER, if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

This proposal has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (43 FR 9582, March 8, 1978). A draft evaluation of the proposal has been prepared, and has been included in the public docket.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are Capt. Alfred E. Hampton, Project Manager, Office of Merchant Marine Safety, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, it is proposed that chapter I of title 33 of the Code of Federal Regulations be amended as follows:

PART 146—OPERATIONS

1. By adding a new § 146.01-20(a)(6) to read as follows:

§ 146.01-20 Casualty or accident report.

(a) * * *

(6) Loss of life or injury causing any person to require hospitalization for more than 24 hours, or to be incapacitated for a period in excess of 72 hours, as a result of diving using underwater breathing apparatus.

* * * * *

PART 150—OPERATIONS

2. By adding a new § 150.711(a)(6) to read as follows:

§ 150.711 Casualty or accident.

(a) * * *

(6) Loss of life or injury causing any person to require hospitalization for more than 24 hours, or to be incapacitated for a period in excess of 72 hours, as a result of diving using underwater breathing apparatus.

* * * * *

(Pub. L. 93-627, sec. 10, 88 Stat. 2137 (33 U.S.C. 1509); sec. 4(e)(1), 67 Stat. 462 (43 U.S.C. 1333(e)(1)); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(b) and (s)).)

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

Dated: October 12, 1978.

J. B. HAYES,
Admiral, U.S. Coast Guard,
Commandant.

[FR. Doc. 78-29483 Filed 10-18-78; 8:45 am]

[4910-14-M]

[46 CFR Parts 4, 35, 78, 97, 167, 185, 196]

[CGD 76-170]

CASUALTY REPORTING REQUIREMENTS

Proposed Rules

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to amend certain criteria in the casualty reporting regulations. Some of the present criteria are unrealistic and inadequate from a monetary viewpoint, and other are unclear as to the type of incident that must be reported. The proposed regulations should make the criteria more realistic in relation to today's economics, and increase the value of the reports as a basic tool in the marine safety program.

DATE: Comments must be received on or before December 4, 1978.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81) (CGD 76-170), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Massif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Capt. Alfred E. Hampton, Office of Merchant Marine Safety (G-MMI/83), Room 8305, Department of Transportation, Massif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1455.

SUPPLEMENTARY INFORMATION: Interested parties are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 76-170), identify the specific section of the proposal to which each comment applies, and include sufficient detail to indicate the basis on which each comment is made. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are Capt. Alfred E. Hampton, Project Manager, Office of Merchant Marine Safety, and Edward J. Gill, Jr., Project Attorney, Office of The Chief Counsel.

DISCUSSION OF THE PROPOSAL

The monetary damage criterion in the casualty reporting regulations has become unrealistic for reporting/investigation purposes due to the increase, through the years, in the cost of ship repair. Also, because of inflation, many insignificant incidents are now reportable.

It is necessary to improve the criteria relating to the number and types of significant casualties reported in order to increase the usefulness of the Coast Guard's data bank.

It is therefore proposed that the criteria for reporting be changed in order to more clearly indicate the type of incidents required to be reported. For example, the criterion governing equipment failures is being clarified so that significant equipment failures, which are not currently reportable, will be brought to the attention of the Coast Guard so that corrective action may be taken.

The proposed grounding criterion will eliminate the reporting of groundings that are done intentionally while making up tows, or otherwise dealing with tows, providing damage meeting the other criteria does not occur.

The reporting criteria for different classes of vessels will be amended as well as the general vessel reporting requirements. The affected sections are set out below.

It is proposed that the grounding criterion be included as a reportable casualty for small passenger vessels under 100 gross tons. The existing grounding criterion is not presently included for these vessels. All vessels, regardless of inspection status or size, should have the same casualty reporting criteria.

In addition to changes to the reporting requirements, it is proposed that the definition of a marine casualty be changed to include diving casualties. These would be reported under the loss of life/injury criteria.

This proposal has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (43 FR 9582, March 8, 1978). A draft evaluation of the proposal has been prepared, and has been included in the public docket.

In consideration of the foregoing, it is proposed that chapter I of title 46 of the Code of Federal Regulations be amended as follows:

1. By adding a new § 4.03-1(c) to read as follows:

§ 4.03-1 Marine casualty or accident.

* * * * *

(c) A marine casualty or accident also includes occurrences of loss of life or injury to any of a vessel's crew, passengers, or industrial personnel while diving with underwater breathing apparatus.

2. By revising § 4.05-1 to read as follows:

§ 4.05-1 Notice of marine casualty.

The owner, agent, master, or person in charge of a vessel involved in a marine casualty shall give notice, as soon as possible, to the nearest marine inspection office of the Coast Guard whenever the casualty involves any of the following:

(a) Actual physical damage to property in excess of $5,000.

(b) An intentional grounding that results in damage to the vessel, and all accidental groundings.

(c) Loss of main propulsion or primary steering, or the loss of an associated component or control system, the failure of which directly affects the maneuvering capabilities of the vessel.

(d) An occurrence affecting the seaworthiness or efficiency of a vessel such as fire, flooding, failure of a fixed fire protection system, or any failure of primary lifesaving equipment.

(e) A serious threat to life, property, or the environment because of the involvement of hazardous materials. This includes failure of hazardous cargo containers, and hazardous cargo transfer equipment.

(f) Loss of life.

(g) Injury causing any person to require hospitalization for more than 24 hours, or to be incapacitated for more than 72 hours, except injury to harbor workers not resulting in death and not resulting from any of the criteria in paragraphs (a) through (e) of this section.

§§ 35.15-1, 78.07-1, 97.07-1, 167.65-65, 196.07-1 [Amended]

§ 185.15-1 [Revised]

3. The following sections in title 46 will be revised to read the same as the proposed revision of § 4.05-1:

§ 35.15-1(a) (Tank Vessels).

§ 78.07-1(a) (Passenger Vessels).

§ 97.07-1(a) (Cargo and Miscellaneous Vessels).

§ 167.65-65(a) (Nautical School Ships).

§ 185.15-1 (Small Passenger Vessels Under 100 Gross Tons).

§ 196.07-1(a) (Oceanographic Research Vessels).

(Sec. 10, 18 Stat. 128 (33 U.S.C. 361); R.S. 4450, as amended (46 U.S.C. 239); R.S. 4405, as amended (46 U.S.C. 375); R.S. 4462, as amended (46 U.S.C. 416); sec. 17, 54 Stat. 166 (46 U.S.C. 526p); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)) 49 CFR 1.46(b).)

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

Dated: October 12, 1978.

J. B. HAYES,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc. 78-29484 Filed 10-18-78; 8:45 am]

Federal Register

THURSDAY, OCTOBER 19, 1978
PART VII

DEPARTMENT OF ENERGY

■

ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

Test Procedures for Water Heaters

[3128-01-M]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION [1]

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

Test Procedures for Water Heaters

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy hereby amends its test procedures for water heaters as they relate to determining the energy factor for water heaters. These test procedures are a part of the consumer product energy efficiency program established pursuant to the Energy Policy and Conservation Act, which requires that standard methods of testing be prescribed for covered consumer products.

EFFECTIVE DATE: November 20, 1978.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, Office of Conservation and Solar Applications, Room 2248, 20 Massachusetts Avenue NW., Washington, D.C. 20545, 202-376-4815.

Jim Merna, Media Relations, Federal Building, Room 3104, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9833.

William J. Dennison, Office of the General Counsel, Federal Building, Room 7148, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9750.

SUPPLEMENTARY INFORMATION:

A. 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 consumer products, pursuant to section 301 of the Department of Energy Organization Act (DOE Act) (Pub. L. 95-91). The energy conservation program for consumer products was established by FEA pursuant to title III, part B of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163). Section 323 (42 U.S.C. 6293) of the Act requires that standard methods of testing be prescribed for covered consumer products.

FEA proposed test procedures for water heaters by notice issued April 21, 1977 (42 FR 21576, Apr. 27, 1977), and a public hearing on the proposed test procedures was held on June 13, 1977. Final test procedures for water heaters were prescribed by FEA on September 27, 1977 (42 FR 54110, Oct. 4, 1977).

A subsequent review of the final test procedures for water heaters revealed an error in the derivation of the energy factor. The energy factor is intended to be a measure of efficiency equal to the ratio of the useful output of a water heater to the energy input of the water heater, i.e., the total energy consumed to provide the useful output. The useful output of a water heater is the energy content of the water actually delivered by the water heater on a daily basis. The energy input to a water heater is the total energy consumed by the water heater on a daily basis. In the promulgated test procedures, the useful output of a water heater (the numerator of the energy factor ratio) was erroneously expressed as a water heater's "daily water heating energy consumption." This term, which is correctly utilized in other parts of the test procedures, includes both the energy content of the water actually delivered by the water heater on a daily basis (the useful output) and any additional energy which is dissipated as a result of any inefficiency in the heat transfer process, and which does not contribute to the useful output. The result was that the water heater efficiency was overstated since part of the term in the numerator of the energy factor was not attributable to useful output.

Today's amendment specifies that the useful output (the numerator of the energy factor) shall be the "daily hot water energy consumption," a term defined by new section 4.6 of appendix E to include only the energy content of the water actually delivered by the water heater on a daily basis.

By notice issued March 27, 1978 (43 FR 13888, Apr. 3, 1978), DOE proposed to amend § 430.22(e)(2) and appendix E to subpart B of part 430. The intent of the proposed amendments was to specify the proper method of determining the energy factor for water heaters. Pending a resolution of this matter, DOE suspended the provisions of the final water heater test procedures dealing with the determination of the energy factor, by notice issued March 29, 1978 (FR 13865, Apr. 3, 1978). A public hearing on the proposed amendment was scheduled for May 16, 1978, but no requests for the presentation of oral statements were received.

B. Discussion of Comments

One written comment was received from an engineering consulting firm, which contended that despite the proposed changes, the DOE test procedures would still substantially overstate the energy consumption of water heaters. In support of this contention, the commenter referred to data previously submitted to DOE. This issue was reviewed at the time the notice prescribing final test procedures for water heaters (42 FR 54110, Oct. 4, 1977) was promulgated.

Based on available data, FEA determined that the test procedures did not overstate the energy consumption of water heaters. In connection with today's amendment, DOE has again reviewed this issue and finds no basis for changing the original FEA determination.

C. Regulations Prescribed

The effect of today's rulemaking is to amend the test procedures for water heaters by substituting in 10 CFR 430.22 a new paragraph (e)(2) for determination of the energy factor for water heaters and by adding to appendix E a new section 4.6 for calculation of the daily hot water energy consumption of water heaters.

DOE's suspension of 10 CFR 430.22(e)(2) (43 FR 13865, Apr. 3, 1978), terminates when today's amendments become effective.

As part of today's rulemaking DOE is also changing the name of 10 CFR Part 430 to "Energy Conservation Program for Consumer Products." DOE believes that this change will eliminate any possible confusion regarding the contents of 10 CFR Part 430.

In accordance with the proposed DOE plan for implementing Executive Order 12044, "Improving Government Regulations," DOE has determined that this final rule to amend the test procedures for water heaters is not a significant regulation.

In consideration of the foregoing, part 430 of chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective November 20, 1978.

Issued in Washington, D.C., October 13, 1978.

William P. Davis,
Deputy Director of Administration

1. Section 430.22 is amended by revising paragraph (e)(2) to read as follows:

(e) * * *

(2) The energy factor for water heaters shall be—

(i) For a gas or oil water heater, the quotient of the daily hot water energy consumption determined according to section 4.6 of appendix E of this sub-

[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 administered by the Office of Conservation and Solar Applications.

part divided by the average daily energy consumption as determined according to section 4.5.3 of appendix E of this subpart, the resulting quotient then being rounded off to the nearest 0.01; and

(ii) For an electric water heater, the quotient of the daily hot water energy consumption determined according to section 4.6 of appendix E of this subpart divided by the product of the average daily energy consumption as determined according to section 4.5.4 of appendix E of this subpart times 3,412 Btu per kilowatt-hour, the resulting quotient then being rounded off to the nearest 0.01.

2. Appendix E to subpart B of part 430 is amended by adding a new section 4.6, to read as follows:

4.6 *Daily hot water energy consumption.* Calculate the daily hot water energy consumption, C_t, the energy content of the nominal daily hot water usage, expressed in Btu per day and defined as:

$$C_t = k \times U \times \Delta T_s,$$

Where:

k is as defined in section 4.1.1; and
ΔT_s and U are as defined in section 4.3.

3. The name of part 430 is changed to "Energy Conservation Program For Consumer Products," as set forth above.

[FR Doc. 78-29535 Filed 10-18-78; 8:45 am]

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